

CHAPTER 11
HEALTH AND SANITATION

- 11.01 Regulation of Nuisance-Type Businesses
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11.01 REGULATION OF NUISANCE-TYPE BUSINESSES. (1) **PERMIT REQUIRED.** No person shall conduct within the Town any business which has a tendency to create a public nuisance, except upon a permit issued by the Town Board and subject to such conditions as the Board may impose.

(2) **DEFINITION.** A business which has a tendency to create a public nuisance is one which, unless properly regulated, may create conditions creating a public nuisance, as defined in sec. 10.02 of this Code.

11.02 HOLDING TANK PERMITS. (1) **PERMIT REQUIRED.** No holding tank may be installed in the Town until a permit is obtained from the Town Board. Application for a permit may be obtained from the Town Clerk upon payment of the fee prescribed in the Town Fee Schedule. However, no Town permit shall be issued until the applicant has obtained a County holding tank permit from the Ozaukee County Department of Planning, Resources and Land Management.

(2) **RESTRICTIONS.** (a) *Residences.* A permit may be issued to the owner of an existing residence or new residence to be constructed on a lot or parcel of record prior to January 21, 1978. However, no permit shall be granted until a certified statement is submitted to the Town Board by a registered sanitarian that the lot or parcel does not qualify for an on-site alternate sanitary system, other than a holding tank, under State law and administrative rules.

(b) *New Commercial, Industrial or Public Buildings.* A holding tank permit may be issued by the Town Board only when the State Department of Commerce and the Ozaukee County Department of Planning, Resources and Land Management have not approved any other on-site sanitary system.

11.02 RECYCLING REGULATIONS. (1) **PURPOSE.** The purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in §287.11, Wis. Stats., and Wis. Adm. Code NR 544.

(2) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this section to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this section imposes greater restrictions, the provisions of this section shall apply.

(3) **INTERPRETATION.** In their interpretation and application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where provision of this section is required by Wisconsin Statutes or by a standard in Wis. Adm. Code NR 544, and where a provision of this section is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Adm. Code NR 544 standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.

(4) **APPLICABILITY.** The requirements of this section apply to all persons within the Town.

(5) **ADMINISTRATION.** The provisions of this section shall be administered by the Town Board.

(6) DEFINITIONS. The terms used herein shall be defined as follows:

(a) *Bi-metal Container*. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(b) *Container Board*. Corrugated paperboard used in the manufacture of shipping containers and related products.

(c) *HDPE*. High density polyethylene plastic containers marked by the SPI code No. 2.

(d) *LDPE*. Low density polyethylene plastic containers marked by the SPI code No. 4.

(e) *Magazines*. Magazines and other materials printed on similar paper.

(f) *Major Appliance*. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, residential or commercial furnaces, boilers, dehumidifiers, water heaters and microwave ovens from which the capacitor has been removed.

(g) *Mixed or Other Plastic Resin Types*. Plastic containers marked by the SPI code No. 7.

(h) *Multiple-family Dwelling*. A property containing 5 or more residential units, including those which are occupied seasonally.

(i) *Newspaper*. A newspaper and other materials printed on news print.

(j) *Nonresidential Facilities and Properties*. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(k) *Office Paper*. High grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(l) *Person*. Any individual, corporation, partnership, association, local governmental unit, as defined in §66.0131(1)(a), Wis. Stats., State agency or authority or Federal Agency.

(m) *PETE*. Polyethylene terephthalate plastic containers marked by the SPI code No. 1.

(n) *Postconsumer Waste*. Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in §144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste as defined in §144.44(7)(a)l., Wis. Stats.

(o) *PP*. Polypropylene plastic containers marked by the SPI code No. 5.

(p) *PS*. Polystyrene plastic containers marked by the SPI code No. 6.

(q) *PVC*. Polyvinyl chloride plastic containers marked by the SPI code No. 3.

(r) *Recyclable Materials*. Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

(t) *Solid Waste*. The meaning specified in §144.01(15), Wis. Stats.

(u) *Solid Waste Facility*. The meaning specified in §144.43(5), Wis. Stats.

(v) *Solid Waste Treatment*. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

(w) *Waste Tire*. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

(x) *Yard Waste*. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(7) SEPARATION OF RECYCLABLE MATERIALS. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Glass containers
- (i) Magazines or other materials printed on similar paper
- (j) Newspapers or other materials printed on news print
- (k) Office paper
- (l) Plastic containers made of PETE #1 and LDPE #2.
- (m) Steel containers
- (n) Waste tires

(8) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sub. (7) above do not apply to the following:

(a) Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in sub. (7) above from solid waste in as pure a form as is technically feasible.

(b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(c) A recyclable material specified in sub. (7) above for which a variance or exemption has been granted by the Department of Natural Resources under §§159.07(7)(d) or 159.11(2m), Wis. Stats., or Wis. Adm. Code NR 544.14.

(9) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sub. (7) above shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including, but not limited to, household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

(10) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

(a) Lead acid batteries shall be:

1. Taken back to retailer or wholesaler, or
2. Delivered to the Town Recycling Center. See the Town Fee Schedule on file in the office of the Town Clerk.
3. Delivered to the Ozaukee County Hazardous Waste Site.

(b) Major appliances, except appliances containing freon, may be delivered to the Town Recycling Center. See the Town Fee Schedule on file in the office of the Town Clerk.

(c) Waste oil shall be delivered to the Ozaukee County oil collection facility at W4074 C.T.H. Z, Waubeka, WI., or the Ozaukee County Hazardous Waste Site.

(d) Hazardous waste shall be delivered to the Ozaukee County Hazardous Waste Site.

(e) Yard waste shall be delivered to the Town Recycling Center and deposited as directed by Recycling Center personnel.

(11) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Town Board, occupants of single-family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in sub. (7)(e) through (n) above:

(a) Aluminum, bi-metal, glass and steel containers shall be rinsed free of product residue, separated and placed separately in designated receptacles at the Town Recycling Center during the days and hours of operation.

(b) Corrugated paper (cardboard) or other container board shall be separated in separate bundles and shall be free of debris, flattened, stacked and tied and shall be placed in the designated receptacles at the Town Recycling Center during the days and hours of operation.

(c) Magazines or other materials printed on similar paper shall be separated from other materials and placed in the designated receptacle at the Town Recycling Center during the days and hours of operation.

(d) Newspapers or other materials printed on news print shall be separated from other materials and placed in the designated receptacle at the Town Recycling Center during the days and hours of operation.

(e) Plastic containers made of PETE #1 and LDPE #2 shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle at the Town Recycling Center during the days and hours of operation.

(f) Waste tires may be delivered to the Town Recycling Center. See Town Fee Schedule on file in the office of the Town Clerk.

(12) PREPARATION AND COLLECTION OF NONRECYCLABLE MATERIALS.

(a) Nonrecyclable materials, including garbage, shall be enclosed in clear plastic bags imprinted "Town of Fredonia" and delivered to the Town Recycling Center and placed in the designated container. Said plastic bags are available for purchase at the Recycling Center. See the Town Fee Schedule on file in the office of the Town Clerk.

(b) Ashes shall be placed in the plastic bags referred to in sub. (12) above and delivered to the Town Recycling Center during designated times and placed in the designated container.

(13) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS. Owners or designated agents of multiple-family dwellings shall notify tenants in writing at the time of renting or leasing the dwelling about the established recycling program for recycling the materials specified in sub. (7)(e) through (n) above:

(14) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES. (a) Owners or designated agents of nonresidential facilities and properties shall notify tenants in writing at the time of renting or leasing the dwelling about the established recycling program for recycling the materials specified in sub. (7)(e) through (n) above:

(15) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in sub. (7)(e) through (n) above which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(16) PROHIBITED CONDUCT. It shall be unlawful for any person:

(a) To place any garbage or other waste or recyclable materials along road sides or along any other public lands within the Town except at the Town Recycling Center site.

(b) To place any garbage or other waste or recyclable materials at the Town Recycling Center site during any times other than the posted hours for which the site is declared by the Town Board to be open for use by the public.

(c) To fail to obey any directives or requests of the Town Recycling Center attendants regarding the place or manner of depositing garbage or any other materials upon and in the Town Recycling Center for refusal to pay any required fees.

(d) To bring into the Town from any location from outside the Town any recyclable or nonrecyclable materials or hazardous wastes for the purposes of depositing or placement of these materials or wastes at the Town Recycling Center.

(16) ENFORCEMENT. (a) Any authorized officer, employe or representative of the Town may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple—family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities which shall be kept confidential when necessary to protect proprietary information ascertaining compliance with the provisions of this section. No person may refuse access to any authorized officer, employe or authorized representative of the Town who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(b) Any person who violates a provision of this section may be issued a citation by authorized Town officials to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other section of this Code or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(c) Penalties for violating this section may be assessed consistent with §159.97, Wis. Stats., as follows:

1. Any person who violates sub. (15) above may be required to forfeit \$50 for a first violation, \$200 for a second violation and not more than \$2,000 for a third or subsequent violation.

2. Any person who violates a provision of this section, except sub. (14) above, may be required to forfeit not less than \$50 nor more than \$1,000 for each violation.

(17) RESPONSIBILITIES OF WASTE HAULERS. All waste haulers doing business in the Town shall file an annual report with the Town Clerk on or before February 1 which includes the tonnage of all recyclables, broken down by types of recyclables, collected in the Town for the previous year.

11.05 PENALTY. Any person who shall be found guilty of violation of any of the provisions of this chapter shall be required to pay a forfeiture of not less than \$25 nor more than \$200 together with the costs of prosecution and, in default of the payment of such forfeiture, shall be imprisoned in the County Jail until such forfeiture and all costs, including subsequent costs, have been paid, but not for a period exceeding 30 days.