

TITLE 6

Health and Sanitation

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CHAPTER 1

Health and Sanitation

- § 6-1-1 Health Nuisances; Abatement of
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SEC. 6-1-1 HEALTH NUISANCES; ABATEMENT OF.

- (a) DEFINED. A health nuisance is any source of filth or cause of sickness.
- (b) DUTY TO ABATE. The Village Board shall abate health nuisances pursuant to Sec. 146.14, Wis. Stats., which is adopted by reference and made a part of this section.

State Law Reference: Section 146.14, Wis. Stats.

SEC. 6-1-2 KEEPING OF LIVESTOCK.

- (a) SANITARY REQUIREMENTS. All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors.
- (b) ANIMALS EXCLUDED FROM FOOD HANDLING ESTABLISHMENTS. No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

SEC. 6-1-3 DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own, any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

SEC. 6-1-4 DESTRUCTION OF NOXIOUS WEEDS.

- (a) The Village Clerk shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of five (5) days' period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Section 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply with such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (c) As provided for in Sec. 66.96(2), Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which if allowed to pollinate would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and Section 6-1-6, shall include but not be limited to the following:

- Cirsium Arvense (Canada Thistle)
- Ambrosia artemisiifolia (Common ragweed)
- Ambrosia trifida (Great ragweed)
- Euphorbia esula (leafy spurge)
- Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
- Tragopogon dubius (Goat's Beard)
- Rhus radicans (Poison ivy)
- Cirsium vulgare (Bull thistle)
- Pastinaca sativa (Wild parsnip)
- Arctium minus (Burdock)
- Xanthium strumarium (Cocklebur)
- Amaranthus retroflexus (Pigweed)
- Chenopodium album (Common lambsquarter)
- Rumex crispus (Curled dock)
- Cannabis sativa (Hemp)
- Plantago lanceolata (English plantain)

Noxious grasses, as defined in this Section and in Section 6-1-6 shall include but not be limited to the following:

- Agrostis alba (Redtop)
- Dactylis glomerata (Orchard)
- Phleum pratensis (Timothy)
- Poa pratensis (Kentucky blue)

Sorghum halepense (Johnson)
Setaria (Foxtail)

State Law Reference: Section 66.96, Wis. Stats.

SEC. 6-1-5 REGULATION OF NATURAL LAWNS.

- (a) NATURAL LAWNS DEFINED. Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural Lawns are the noxious grasses and weeds identified in Section 6-1-4 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- (b) NATURAL LAWN MANAGEMENT PLAN DEFINED.
- (1) Natural Lawn Management Plan is used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
 - (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawn shall not be permitted within ten (10) feet of the abutting property owners property unless waived in writing by the abutting property owner on the side so affected. Such waiver to be affixed to the Lawn Management Plan.
 - (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime

between May 1 and November 1. Property owners who receive notification from the Village between November 2 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) APPLICATION PROCESS.

(1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-five (\$25.00) Dollars non-refundable filing fee will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one (51%) percent or more of the neighboring property owners, the Clerk shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.

(2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one (51%) percent of the neighboring property owners provide written objections, the Village Clerk shall issue permission to install a natural lawn.

(d) APPLICATION FOR APPEAL. The property owner may appeal the Clerk's decision to deny the natural lawn permit request to the Weed Committee at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Weed Committee shall be final and binding.

(e) SAFETY PRECAUTIONS FOR NATURAL GRASS AREAS.

(1) When in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard, due to weather and/or other conditions the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.

(2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawn thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand (\$300,000.00) Dollars.

(f) REVOCATION OF AN APPROVED NATURAL LAWN MANAGEMENT PLAN PERMIT. The Clerk, upon the recommendation of the Village President shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in

the approved Natural Lawn Management Plan permit or any requirements set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Weed Committee. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Weed Committee shall make a recommendation to the Village Board. The decision rendered by the Village Board shall be final and binding.

(g) PUBLIC NUISANCE DEFINED -- ABATEMENT AFTER NOTICE.

- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Clerk shall enter those charges onto the tax roll as a special tax as provided by State Statute.
- (3) The failure of the Clerk to record such claim or to mail such notice or the failure of the owner to receive such notice, shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this Section.

(h) PENALTY.

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
- (2) In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

SEC. 6-1-6 REGULATION OF LENGTH OF LAWN AND GRASSES.

- (a) PURPOSE. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Bear Creek.
- (b) PUBLIC NUISANCE DECLARED. The Village Board finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Village. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 6-1-5 above.

- (c) NUISANCES PROHIBITED. No person, firm or corporation shall permit any public nuisance as defined in subsection (b) above to remain on any premises owned or controlled by him within the Village.
- (d) INSPECTION. The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in subsection (b) above exists.
- (e) ABATEMENT OF NUISANCE.
 - (1) If the inspecting officer shall determine with reasonable certainty that any public nuisance as defined in subsection (b) above exists, he shall immediately report such existence to the Village Board who shall, if it determines that such nuisance exists, cause notice to be served that the Village Board proposes to have the lot grass or lawn cut so as to conform with this Section and that a hearing will be held before the Village Board for the purpose of ordering such mowing.
 - (2) The notice shall be served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land, or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
 - (3) At the hearing, the owner may appear in person or by his attorney and may present witnesses in his behalf.
 - (4) After the hearing the Village Board shall make its determination in writing specifying its findings of fact and conclusions. If it determines that a public nuisance does exist, it shall order the inspecting officer to mail or serve the owner of the property, if he can be found, or upon the occupant thereof a written notice to abate the nuisance within five (5) days of the service of the notice.
- (f) VILAGE'S OPTION TO ABATE NUISANCE. In any case where the owner, occupant or person in charge of the property shall fail to cut their lawn, grass or weeds as set forth above, then and in that event, the Village may elect to cut said lawn, grass or weeds as follow:
 - (1) Written notice shall be personally served, delivered or mailed informing said person of his or her failure to abate the nuisance, the Village's intention to abate the same, and the potential costs thereof, no less than twenty-four (24) hours prior to the Village's cutting of the lawn, grass or weeds.
 - (2) The Village shall cut or cause to be cut all grass and weeds from the subject's property, and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a statement to the Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Section 66.615(3)(f), Wisconsin Statutes.

SEC. 6-1-7 REGULATION OF SMOKING.

- (a) DEFINITIONS. In this Section:
 - (1) "Educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

- (2) "Inpatient health care facility" has the meaning provided under Sec. 140.86(1), Wis. Stats., except that it does include community-based residential facilities as defined under Sec. 50.01(1), Wis. Stats.
 - (3) "Office" means any area that serves as a place of work at which the principal activities consist of professional, clerical or administrative services.
 - (4) "Person in charge" means the person who ultimately controls, governs or directs the activities aboard a public conveyance or within a place where smoking is regulated under this Section, regardless of the person's status as owner or lessee.
 - (5) "Public conveyance" means mass transit vehicles as defined by Sec. 340.01(28Q), Wis. Stats., and school buses as defined by Sec. 340.01(56), Wis. Stats.
 - (6) "Restaurant" means an establishment defined in Sec. 50.50(3), Wis. Stats., with a seating capacity of more than fifty (50) persons.
 - (7) "Retail establishment" means any store or shop in which retail sales is the principal business conducted, except a tavern operating under a "Class B" intoxicating liquor license or Class "B" fermented malt beverage license, and except bowling alleys.
 - (8) "Smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- (b) REGULATION OF SMOKING.
- (1) Except as provided in Subsection (c), no person may smoke in the following places:
 - a. Public conveyances.
 - b. Educational facilities.
 - c. Inpatient health care facilities.
 - d. Indoor movie theaters.
 - e. Offices.
 - f. Passenger elevators.
 - g. Restaurants.
 - h. Retail establishments.
 - i. Public waiting rooms.
 - j. Any enclosed, indoor area of a state, county, city, village or town building.
 - (2) The prohibition in Subsection (b)(1) above applies only to enclosed, indoor areas.
- (c) EXCEPTIONS. The regulation of smoking in Subsection (b) does not apply to the following places:
- (1) Areas designated smoking areas under Subsection (d).
 - (2) Offices occupied exclusively by smokers.
 - (3) Entire rooms or halls used for private functions, if the arrangements for the function are under the control of the sponsor of the function.
 - (4) Restaurants holding a "Class B" intoxicating liquor or Class "B" fermented malt beverage license if the sale of intoxicating liquors or fermented malt beverages or both accounts for more than fifty (50%) of the restaurant's receipts.
 - (5) Offices that are privately owned and occupied.
 - (6) Any area of a facility used principally to manufacture or assemble goods, products or merchandise for sale.
 - (7) Prisons, secured correctional facilities, secure detention facilities, jails and lockup facilities.

(d) DESIGNATION OF SMOKING AREAS.

- (1) A person in charge or his or her agent may designate smoking areas in the places where smoking is regulated under Subsection (b) unless a fire marshal, law, ordinance or resolution prohibits smoking. Entire rooms and buildings may be designated smoking areas.
- (2) If an entire room is designated a smoking area, the person in charge or his or her agent shall post notice of the designation conspicuously on or near all entrances to the room normally used by the public. If an entire building is designated a smoking area, notice of the designation shall be posted on or near all entrances of the building normally used by the public, but posting notice of the designation on or near entrances to rooms within the building is not required.
- (3) The person in charge or his or her agent shall utilize, if possible, existing physical barriers and ventilation systems when designating smoking areas. This paragraph requires no new construction of physical barriers or ventilation systems in any building.
- (4) This Section requires the posting of signs only in areas where smoking is permitted.

(e) RESPONSIBILITIES. The person in charge or his or agent shall:

- (1) Post signs identifying designated smoking areas; and
- (2) Arrange seating to accommodate non-smokers if smoking areas are adjacent to non-smoking areas.

(f) PENALTIES.

- (1) Any person in charge or his or her agent who wilfully fails to comply with Subsection (e) shall forfeit not more than Twenty-five (\$25.00) Dollars.
- (2) Sections 101.02(13)(a) and 939.61(1), Wis. Stats., do not apply to this Section.
- (3) A violation of this Section does not constitute negligence as a matter of law.

(g) INJUNCTION.

State or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this Section.

State Law Reference: Section 101.123, Wis. Stats.

CHAPTER 2

Pollution Abatement

- § 6-2-1 Clean-Up of Spilled or Accidentally Discharged Wastes
- § 6-2-2 Storage of Polluting Substances

SEC. 6-2-1 CLEAN-UP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES.

- (a) **CLEAN-UP REQUIRED.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing the pollution to the lakes and streams under the jurisdiction of the Village.
- (b) **NOTIFICATION.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Village Marshal so that assistance can be given by the proper agency.
- (c) **FINANCIAL LIABILITY.** The party or parties responsible for the release, escape or discharge of wastes may be held financially liable for the cost of any clean-up or attempted clean-up deemed necessary or desirable and undertaken by the Village, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.

SEC. 6-2-2 STORAGE OF POLLUTING SUBSTANCES.

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the Village.

CHAPTER 3

Refuse Disposal and Collection

- § 6-3-1 Title; Collection Service; Brush Collection
- § 6-3-2 Declaration of Policy
- § 6-3-3 Definitions
- § 6-3-4 Refuse Storage Areas
- § 6-3-5 Approved Waste and Refuse Containers
- § 6-3-6 Collection of Refuse
- § 6-3-7 Prohibited Activities and Non-Collectable Materials
- § 6-3-8 Garbage Accumulation; When a Nuisance
- § 6-3-9 Refuse From Outside the Municipality

SEC. 6-3-1 TITLE; COLLECTION SERVICE

- (a) TITLE. This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Bear Creek, Wisconsin, hereinafter referred to as Ordinance or Chapter.
- (b) GARBAGE AND REFUSE COLLECTION SERVICE. All garbage and refuse collection service shall be provided by Village personnel, or at the Board's option by private firms under contract with the Village providing such services or by Village personnel, except only residential solid waste, as defined below, shall be collected.
- (c) Non-Residential solid waste. Any garbage, waste or refuse other than residential solid waste shall be collected, transported and deposited at the landfill by the person or entity which generates such waste. However, if a non-manufacturing business generates waste which is of the same nature and amount as the waste of a residential unit, as defined herein, this waste may be collected by the Village or its private collection service.

SEC. 6-3-2 DECLARATION OF POLICY.

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

SEC. 6-3-3 DEFINITIONS.

For the purposes of this Chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

- (a) AGRICULTURAL ESTABLISHMENT -- An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
- (b) BULKY WASTE -- Utens whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- (c) COLLECTION -- The act of removing solid waste from the storage area at the source of generation.
- (d) CURB -- The back edge of curb and gutter along a paved street or where one would be if street was paved and had curb and gutter.
- (e) DEMOLITION WASTES -- That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing, sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, insulation and any other materials resulting from the demolition of buildings and improvements.
- (f) DISPOSAL -- The orderly process of discarding useless or unwanted material.

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- (g) DNR -- The Wisconsin Department of Natural Resources.
- (h) DUMP -- A land site where solid waste is disposed of in a manner that does not protect the environment.
- (i) DWELLING UNIT -- A place of habitation occupied by a normal single family unit of a combination of persons who may be considered as equivalent to a single family unit for the purposes of this Chapter.
- (j) GARBAGE -- Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.
- (k) HAZARDOUS WASTE -- Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
- (l) INDUSTRIAL WASTE -- Means waste material, except garbage, rubbish, and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (m) LITTER -- Solid waste scattered about in a careless manner, usually rubbish.
- (n) PERSON -- Individuals, firms, corporations, and associations, and includes the plural as well as the singular.
- (o) PRIVATE COLLECTION SERVICES -- Collection services provided by a person licensed to do same by the DNR.
- (p) RECYCLEABLE WASTE -- Means waste material that can be remanufactured into usable products, and shall include by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.
- (q) REFUSE -- Includes all waste material, except garbage, rubbish and industrial waste, and shall by way of enumeration but not by way of limitation include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, garden debris.
- (r) RESIDENTIAL SOLID WASTE -- All solid waste that normally originates in a residential environment from residential dwelling units.
- (s) RESIDENTIAL UNIT -- A single family home, duplex, townhouse, condominium or a building with three (3) or less dwelling units.
- (t) RUBBISH -- Includes combustible and non-combustible waste material, except garbage, refuse and industrial waste, that is incidental to the operation of a building and shall include by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboard, sweepings.
- (u) SCAVENGING -- The uncontrolled removal of materials at any point in solid waste management.
- (v) SOLID WASTE -- Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- (w) STORAGE -- The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (x) STORAGE AREAS -- Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

SEC. 6-3-4 REFUSE STORAGE AREAS.

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be

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responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provision of this and other Village ordinances.

SEC. 6-3-5 APPROVED WASTE AND REFUSE CONTAINERS.

- (a) GENERAL CONTAINER STANDARDS. Suitable containers of a type approved by the Village shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- (b) APPROVED CONTAINERS. Approved residential solid waste containers shall consist of metal or plastic containers with tight fitting covers and suitable handles, commonly referred to as garbage cans, or plastic garbage bags which are closed by means of a tie. Approved containers shall be maximum thirty (30) gallon size. Container including contents shall not exceed in weight that which one person can safely lift (fifty (50) pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing. Each unit will be allowed to dispose of rubbish (not garbage) in small cardboard boxes (no more than nine (9) cubic feet in volume) provided the contents therein are covered and secured, as well as newspapers and magazines, as long as they are tied into bundles a maximum of ten (10) inches high. Should bundles, cardboard boxes and/or contents, because of weather conditions become wet and soaked, they will not be collected, but must be stored by the owner in an approved container for collection on the next collection day. Cardboard boxes will be considered disposable and will not be emptied and returned to the curb.
- (c) DEFECTIVE CONTAINERS. All garbage cans incapable of continuing to meet the definition of an approved container because of damage, loss of handles, or other factors, shall be tagged by the collection crew. The collection crew will also leave notification of the defects on the premises. Where garbage cans from several residential units are placed for collection at the same location, the garbage cans shall be identified with the address number so ownership can be determined.
- (d) ILLEGAL CONTAINERS. Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight.

SEC. 6-3-6 COLLECTION OF REFUSE.

- (a) PLACEMENT FOR COLLECTION. Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. During winter months, solid waste shall not be placed on top of the snow bank, nor shall it be placed in the roadway. The owner shall either shovel

out an area behind the curb in which to place his wastes or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.

- (b) **RESTRICTION ON TIME OF PLACEMENT.** All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above only after 6:00 p.m. of the evenings prior to the regular collection time the following day. All receptacles and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.

SEC. 6-3-7 PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.

- (a) **DEAD ANIMALS.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this section shall not apply to animal parts from food preparation for human consumption.
- (b) **UNDRAINED FOOD WASTES.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- (c) **ASHES.** It shall be unlawful to place ashes for collection.
- (d) **IMPROPER PLACEMENT.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within this municipality contrary to the provisions of this Chapter.
- (e) **COMPLIANCE WITH CHAPTER.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate, or dispose of any solid waste within the boundaries of this locality contrary to the provisions of this Chapter.
- (f) **IMPROPER TRANSPORTATION.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- (g) **INTERFERENCE WITH AUTHORIZED COLLECTOR.** No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with any authorized garbage collector in the discharge of his duties.
- (h) **SCAVENGING.** It shall be unlawful for any person to scavenge any solid waste placed for collection.
- (i) **PRIVATE DUMPS.** It shall be unlawful for any person to use or operate a dump.
- (j) **BURNING OF WASTE.** It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.
- (k) **FEEDING OF FOOD WASTE TO ANIMALS.** It shall be unlawful for any person to engage in the feeding of food waste to animals for commercial purposes.

Refuse Disposal and Collection

- (l) NON-COLLECTABLE MATERIALS. It shall be unlawful for any person to place for collection or deposit at the landfill any of the following wastes:
 - (1) hazardous waste,
 - (2) toxic wastes,
 - (3) chemicals,
 - (4) explosives or ammunition,
 - (5) drain or waste oil or flammable liquids,
 - (6) large quantities of paint,
 - (7) tires,
 - (8) batteries.
- (m) ANIMAL OR HUMAN WASTES. It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as "kitty litter" may be placed for collection if animal wastes are removed prior to disposal.
- (n) HOSPITAL WASTES. It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- (o) BUILDING WASTE. All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor. No license required if done by owner, contractor or builder.
- (p) DEMOLITION WASTE. All demolition waste shall be separated and the components shall be deposited at designated locations at the landfill.

SEC. 6-3-8 GARBAGE ACCUMULATION: WHEN A NUISANCE.

The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

SEC. 6-3-9 REFUSE FROM OUTSIDE THE MUNICIPALITY.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, or otherwise, any waste or refuse not generated within the corporate limits of the Village of Bear Creek.

SEC. 6-3-10 PENALTIES.

- (a) Any person violating Section 6-3-7 (1) or 6-3-9 shall be subject to a forfeiture of not less than \$50.00 nor more than \$200.00 plus Court costs. A second or subsequent violation shall subject the violating person to a forfeiture of not less than \$200.00 nor more than \$500.00 plus Court costs.
- (b) In addition to the foregoing penalties, any person violating any provision of Title 6, Chapter 3 shall be responsible for payment of any expenses incurred by the Village to correct the problem caused by said person.