

CHAPTER 5

HEALTH

5.01 SOLID WASTE REGULATIONS.

A. Definitions.

As used in this Chapter, the following terms will have the following meanings:

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

Brush: Trimmings from shrubs and trees, tree limbs less than 6 inches in diameter, and stalks from garden plants. Brush does not include stumps, root balls, or logs greater than 6 inches in diameter.

Bundle: A securely tied bail or stack of wood not to exceed dimensions of 12" x 18" x 12".

Collectible recyclables: Collectible recyclables shall include aluminum containers, corrugated paper and other container board, glass containers, magazines, newspaper, office paper, rigid plastic containers including those made of PETE and HDPE, steel containers, and bi-metal containers. The items listed as collectible recyclables in this subsection may be modified by the Director of Public Works in accordance with the effective date of Wisconsin law or applicable Wisconsin Department of Natural Resources regulations or variances therefrom. The Director of Public Works shall be responsible for informing the public of all acceptable collectible recyclables.

Collectable solid waste: Garbage, collectable recyclables, brush, yard waste, and refuse.

Commercial garbage: Waste resulting from the operation of business enterprises, including, but not limited to, offices, stores, taverns, service stations, restaurants, and similar businesses, excluding hazardous, toxic, noxious or offensive waste, brush, yard waste, refuse, or commercial debris.

Construction debris: All waste resulting from construction or reconstruction of any building, roadway, sidewalk, or sewer; also, any yard waste or brush generated by a service contractor.

Container board: Corrugated paperboard used in the manufacture of shipping containers and related products.

Disposable bag: A one-way disposable bag made of polyurethane, paper, or other plastic material with a securing twist tie, consisting of a minimum of two ply for paper and, a minimum of one and one-half mils thickness for plastic. Whenever the term "disposable bag" or "bag" is used in this Chapter, such words will mean disposable bag as herein described.

Foam polystyrene packaging: Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (a) It is designed for serving food or beverages.

- (b) It consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (c) It consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

Garbage: Miscellaneous waste material, excluding recyclables, including but not limited to discarded material resulting from handling, processing, storing, or consumption of food, and paper, metals, rubber, wood, cloth, and litter. Garbage shall specifically exclude hazardous, offensive, noxious or toxic wastes, refuse, construction debris, yard waste, and brush.

Garbage can: One 95 gallon cart. Such cart must be obtained from Village.

Hazardous and/or toxic waste: Waste materials or substances which, during normal storage and handling, may be a potential cause of harm, sickness, or death, such as explosives, petroleum products, metal or pharmaceutical materials, corrosive chemicals, poisonous or pathogenic substances, pesticides, chemicals, radioactive materials, toxic materials, and all other similar harmful substances, whether in solid, liquid or gaseous form.

Health officer: Brown County Health Department.

HDPE: High density polyethylene, labeled by the SPI code #2.

Infectious Waste: Solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease.

LDPE: Low density polyethylene, labeled by the SPI code #4.

Magazines: Magazines and other materials printed on similar paper.

Major appliance: A residential or a commercial: air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier and water heater. Major appliances are considered "refuse" for purposes of this Chapter.

Manufacturing garbage: Waste resulting from manufacturing, processes or operations, excluding hazardous, offensive, toxic or noxious wastes, refuse, yard waste, brush, and construction debris.

Medical waste: Any container, package or material that contains infectious waste, or that is from a treatment area and is mixed with infectious waste.

Multiple-family dwelling: A property containing five or more residential units, including those which are occupied seasonally.

Newspaper: A newspaper and other materials printed on newsprint.

Non-residential facilities and properties: Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

Noxious and/or offensive waste: Those wastes that are unwholesome, have an unpleasant smell, or are otherwise noxious and/or offensive, such as manure, filth, slop, carcasses, carrion meat, fish, entrails, hides and hide scrapings, paint, kerosene, oil or greasy substances, and objects that may cause injury to any person or animal, or damage to vehicles, such as barbed wire, briar thorns, and similar materials.

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.

Other resins or multiple resins: Plastic resins labeled by the SPI code #7.

Patron: Any person producing any type of waste material covered by the regulations of this Chapter. In the case of a firm or corporation, the word "patron" will be construed to mean the principal agent, officer or employee responsible for the firm or corporation.

Person: Any individual, corporation, partnership, association, local governmental unit as defined in s. 287.01(5m), Wis. Stats., state agency or authority, or federal agency.

PETE: Polyethelyn terephthalate, labeled by the SPI code #1.

Plastic container: An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

Postconsumer waste: Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in s. 287.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, and high-volume industrial waste as defined in s. 287.01(7), Wis. Stats.

PP: Polypropylene, labeled by the SPI code #5.

PS: Polystyrene, labeled by the SPI code #6.

PVC: Polyvinyl chloride, labeled by the SPI code #3.

Recyclable materials: Lead acid batteries, major appliances, waste oil, yard waste, and collectable recyclables as defined herein.

Recycling carts: Two (2) 65 gallon carts authorized for use in disposing collectable recyclables. Such carts must be obtained from the Village to be utilized for collectable recyclables under this Chapter.

Refuse: Miscellaneous waste material of such size as is not normally collected with garbage, including but not limited to major appliances, furniture, plumbing fixtures, and logs greater than 6 inches in diameter.

Sharps: Any needle or other device used for the administering and/or transfer of any medicine, drug, solution or substance for the medical treatment of any disease or condition of any human or

animal; and any scalpel, knife, tool or appliance used for the treatment, correction or modification of any disease, condition or physical state of any human or animal; where exposure to such thing in an uncontained or unprotected state could subject a human or animal to a needle stick, cut, laceration or other type wound, or to contact with any blood or other bodily fluid of another, or any bacteria, virus, or any other infectious, toxic or hazardous substance.

Sharps container: A red container for sharps, of a type of construction that will reasonably resist penetration of sharps, and which has been generally approved for such a medical use; and which is labeled as containing sharps, and if appropriate, infectious waste and/or biohazard substances.

Solid waste: Garbage, recyclables, brush, yard waste, refuse, construction debris, hazardous, and toxic, offensive or noxious wastes as defined herein.

Solid waste facility: Has the meaning specified in s. 289.01(35), Wis. Stats.

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.

Waste tire: A tire that is no longer suitable for its original purpose because of wear, damage or defect.

Yard waste: All materials originating in the yard and garden which are capable of natural decomposition, including leaves, grass clippings and other vegetation, exclusive of: brush as described herein, stumps, root balls, and logs greater than 6 inches in diameter.

B. Collection Limits and Frequency.

(1) Residential Source.

Normal accumulation of garbage from a residential source shall be collected by the Village once each week. Normal accumulations of collectable recyclables from residential sources shall be collected **weekly. Paper products one week - co-mingled another week.** The maximum combined volume of the garbage and collectable recyclables placed for collection on one day shall be 160 gallons from each residential building that contains not more than four residential dwelling units.

(2) Commercial or Manufacturing Sources.

Normal accumulations of garbage from commercial or manufacturing concerns shall be collected once each week. The maximum volume of garbage placed for collection on one day shall not exceed 95 gallons for each such concern.

(3) Brush.

All brush will be collected on 2nd and 3rd full week of each month, except during spring and fall clean-up.

(4) Yard Waste.

Yard waste will be collected curbside during spring and fall collection periods designated by the Department of Public Works. No bags or reusable containers may be used. Yard waste may not be disposed of with garbage or collectable recyclables during normal weekly pickup or with refuse or brush. Persons transporting yard waste shall be responsible to cover or otherwise contain yard waste in a manner so as to prevent scattering or dumping of yard waste in transport. **No green grass will be collected.**

(5) Construction Debris.

Construction debris shall not be picked up by the Public Works Department. It shall be the responsibility of the owner and/or contractor to dispose of construction debris as provided by law.

C. Storage of Solid Waste Between Collections.

(1) Owner-Occupant Storage Responsibility.

The owner and/or occupant of a premise shall be responsible for the proper and sanitary storage of all collectable solid waste accumulated at the premises until collection. The owner and/or occupant shall be responsible for the proper sanitary storage of all other solid waste material, and for its disposal according to law.

(2) Storage/Location of Collectable Solid Waste.

No owner or occupant of any building shall place or store any refuse cart or any paper recycling cart or any commingled recycling cart in front of any building, or on any corner lot along the side of a building facing the abutting street, except when done for lawful collection in compliance with this code.

D. Preparation of Garbage and Collectible Solid Waste for Collection.

(1) Location of Containers for Collection.

(a) Residential.

Residential garbage and collectible recyclables from buildings containing not more than four residential dwelling units will be prepared and placed for collection. Placement location: containers shall be placed on the driveway apron or on the grassy area immediately adjacent to the curb. Containers shall be placed with the opening facing the street or curb.

(b) Multi-family.

Residential garbage and collectible recyclables from buildings containing not more than four residential dwelling units will be prepared and placed for

collection. Placement location: containers shall be placed on the driveway apron or on the grassy area immediately adjacent to the curb. Containers shall be placed with the opening facing the street or curb.

(c) Location of Containers in Winter.

During winter months, garbage and/or collectable recyclables shall be placed in the driveway apron or on an area adjacent to the curb line, which has been shoveled free of snow. In cases where the Public Works Director determines that collection would be best facilitated by allowing property owners to place garbage at some other accessible points, this provision of the ordinance may be waived by the Village.

(2) Placement of Garbage for Collection Generally.

All garbage placed curbside for collection shall be in carts approved of under this section. Reusable carts which do not constitute approved carts shall not be placed for collection and shall not be emptied by Village personnel.

(a) Residential Garbage.

Residential garbage must be placed in cart. Before placing any garbage in the cart for collection, each patron shall first wrap it in paper or secure in a plastic garbage bag. It shall be the responsibility of each patron to keep the garbage relatively free from rainwater and snow until collection.

(b) Commercial and Manufacturing Garbage.

Commercial and manufacturing garbage shall be placed in a cart. Before placing any garbage in the cart for collection, each patron shall first wrap it in paper or secure in a plastic garbage bag. It shall be the responsibility of each patron to keep the garbage relatively free from rainwater and snow until collection.

(c) Enclosures (Commercial).

The Director of Public Works shall have the authority to order that any exterior storage area for garbage, recyclables, or refuse be enclosed in a structure if, in his or her determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance or a detriment to public health or safety. In determining whether an exterior storage structure shall be required under this section, the Director of Public Works shall take into account the location of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive. All structures ordered under this section shall be at least three-sided and constructed of materials sufficiently opaque to ensure that the

waste is impervious to view from the exterior of the sides. The walls of the structure shall be of a height which is at least one foot taller than the garbage or refuse receptacle, but not over six feet high, and shall be painted or otherwise finished or coated.

(3) Collection of Recyclables.

Collectable recyclables shall be separated from garbage and other collectable solid waste and placed for collection in conformity with this subsection.

(a) Residential Collectable Recyclables.

Occupants of residences containing not more than four dwelling units and occupants of condominiums shall, separate collectable recyclables from garbage and other solid waste, and shall keep the collectable recyclables clean and free of contaminants, oil, grease, and other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in carts provided by the Village, paper in green carts, glass, **cans, plastics** in blue cart, and shall be placed curbside for collection as provided at section (1) above.

(b) Multi-family Dwellings and Non-Residential Facilities and Properties.

Owners or designated agents of multi-family dwellings, and of non-residential facilities and properties, shall be responsible to:

- (1) Provide adequate separate containers for recyclable materials;
- (2) Notify tenants in writing at the time of renting or leasing the dwelling or facility, and at least semi-annually thereafter, about the established recycling programs;
- (3) Provide for the collection of materials separated from the solid waste, and the delivery of the materials to a recycling material facility;
- (4) Notify tenants of the reasons to reduce and recycle solid waste, which materials will be collected, how to prepare the materials in order to meet the processing requirements, the collection methods or sites, the locations and hours of operation, and a contact person or company, including the name, address, and telephone number.

The requirements of subsections (1), (2), (3), and (4), above, will not apply to the owners or designated agents of multiple family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources, and is a facility which recovers collectable recyclables from solid waste in as pure a form as is technically feasible.

(c) Collection Time.

All garbage, collectable recyclables, and other collectable solid waste shall be placed for collection as required by this Chapter by 7:00 a.m. on the designated collection day.

(d) Preparation Time.

All garbage, collectable recyclables, and other collectable solid waste, when placed in front of a property pursuant to this Chapter, shall not be so placed prior to 6:00 p.m. the day before the collection day for the garbage, collectable solid waste, and collectable recyclables. Any garbage cart, solid waste, or other item which is not collected in accordance with applicable provisions of this Chapter shall be removed from curbside not later than midnight the day of collection.

E. Preparation of Brush, Refuse, and Yard Waste.

(1) Brush.

Brush shall be placed in stacks aligned **parallel** to the curb (butt end to **face the same line of traffic**) and shall not obstruct the street, gutter or sidewalk. In areas where there are no sidewalks, brush shall be placed in stacks aligned perpendicular to and within four feet of the curb line, in such a manner as to not interfere with the flow of water in the gutters. Brush cut by contractors will not be collected by the Village.

(2) Wooden Boxes and Lumber.

Bulky material, such as wooden boxes and lumber, shall be broken up so it can be reasonably handled and loaded by an end loader into the collection truck.

(3) Refuse.

Refuse shall be placed at the curbside in such a manner so as to provide the greatest ease of loading and collection into a truck. All refuse shall be free of jagged or sharp edges, protruding nails and screws, and any other hazardous condition.

(4) Preparation of Yard Waste.

Yard waste shall be placed neatly in piles within 6 feet of the curb line and in such a manner as not to interfere with the flow of water through the gutters or to obstruct the sidewalk or street.

F. Disposal of Lead Batteries, Waste Oil, and Used Tires.

The owner and/or occupant of any premises shall be responsible for the proper disposal of lead batteries, waste oil, and used tires as follows:

- (1) Lead acid batteries shall be taken to a retailer of lead acid batteries for disposal.

- (2) Waste oil shall be disposed of at a state approved disposal site.
- (3) Waste tires shall be returned to a tire retailer or taken to the Brown County landfill.

G. Authority to Direct the Disposal of Solid Waste.

(1) Disposal at the Direction of the Public Works Director.

All solid waste, whether collected by the Village pursuant to this Chapter or collected privately, shall be disposed of as directed by the Public Works Director or as otherwise provided by law. Solid waste shall not be buried on any premises within the Village and no person shall burn solid waste outdoors at any time within the Village limits.

(2) Solid Waste on Public Streets.

It shall be unlawful for any patron or person to deposit, throw, place, or leave any solid waste in, on or upon any street, court, lane, alley, business, public enclosure, vacant lot, house, yard, body of water, or any other place except those places provided in this Chapter for collection purposes. No person shall remove any solid waste from private premises without the consent of the occupant, owner, or lessee of the premises, and no person shall remove any solid waste which has been set out for collection unless authorized to do so.

(3) Disruption of Collectable Solid Waste Placed for Collection Unlawful.

Except upon the direction of the Public Works Director, no person shall upset or open any cart, or upset or remove the cover of any cart, placed in the manner provided for by this Chapter for solid waste collection, or otherwise remove the contents of any such receptacle, in, on or upon any street, alley, or other public place.

(4) Prohibitions on Disposable Recyclable Materials Separated for Recycling.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any collectable recyclables which have been separated for recycling.

H. Disposal of Certain Solid Wastes.

(1) Disposal of Animal Offal and Other Offensive Wastes.

Animal offal and other offensive waste, including dead animals, the droppings from pets, manure, and night soil, may not be placed for collection by the municipal collection service. It is the responsibility of the owner of such animals to dispose of the waste in a sanitary manner.

(2) Dead Animals.

The owner and/or custodian of dead dogs, cats, and other animals shall contact the Village for information concerning handling and disposal.

(3) Cinders and Ashes.

Cinders, ashes, and any smoldering embers shall not be placed for collection.

(4) Disposal of Infectious Material.

The removal of apparel, bedding, infectious waste, medical waste, or other refuse from homes or places where highly infectious or contagious diseases have prevailed shall be performed only under the supervision and direction of the County Health Officer. Such waste shall not be placed curbside for collection with normal garbage or collectable recyclables.

(5) Hazardous and/or Toxic Waste.

Placing or depositing any hazardous or toxic waste, including, without limitation, explosive materials such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, gasoline, or other similar material, in any disposable bag, garbage can, recyclable box or bundle for collection is prohibited.

(6) Disposal of Sharps.

Sharps shall be handled as infectious material and shall not be placed curbside for collection with normal garbage or collectible recyclables. Sharps shall be placed in a sealed sharps container and taken by the owner or custodian to a registered sharps collection station for disposal.

(7) Questions Concerning Disposal.

When any patron is in doubt as to proper preparation, handling, and disposal of any type of solid waste, he/she shall contact the Public Works Director for information concerning handling and disposal.

I. Special Regulations.

(1) Accumulation of Waste.

In the event that the owner, occupant, or lessee of any premises shall neglect or refuse to clean up and/or remove from the premises any solid waste as defined herein when ordered to do so by the Health Officer, he, she or it shall be liable for the penalty provided for violation of this code. Should the accumulation occur on any street, alley, or public thoroughfare, the waste may be collected by the Public Works Director or his/her designee, and the entire cost thereof assessed against the abutting property.

(2) Enforcement of Maximum Volume Limits.

All new commercial and/or manufacturing units may receive municipal solid waste collection under the provisions of this Chapter if their waste volumes are below the maximum allowable for collection as provided herein. If it is determined at any time that the patron exceeds the maximum volume limit for four consecutive weeks, the Public Works

Director may issue a written notice providing that municipal collection services will be terminated at the end of sixty days from the date of the notice.

(3) Failure to Comply.

The Public Works Director may refuse to furnish collection service to any person, firm or corporation not complying or refusing to comply with this Chapter, the rules and regulations made by the Village Board, or any other orders of the Public Works Director or Health Officer for the collection or disposal of solid wastes.

(4) Prosecution.

When services for the collection of solid waste have been withdrawn by the Public Works Director from any person, firm or corporation for failure to comply with such rules and regulations, resulting in the accumulation of garbage or other solid wastes on his, her or its premises, which is offensive or a public nuisance, that person, firm or corporation may be prosecuted under any ordinance of the Village regulating the same.

J. Enforcement Provisions Pertaining to Recyclables.

(1) Enforcement by Department of Public Works.

For the purpose of ascertaining compliance with the provisions of this ordinance in regard to recyclables, any authorized officer, employee, or representative of the Department of Public Works may inspect recyclable materials separated for recycling, recycling collection sites and facilities, collection vehicles, collection areas of multiple family dwellings, and non-residential facilities and properties. Any records relating to recycling activities may be kept confidential if necessary to protect proprietary information. No person, firm or corporation shall refuse access to any authorized officer, employee, or authorized representative of the Department of Public Works who requests access for purposes of inspection and who presents appropriate credentials. No person, firm or corporation shall obstruct, hamper, or interfere with any such inspection.

(2) Enforcement Not Exclusive.

The issuance of a citation for a violation of this ordinance shall not preclude proceeding under any other ordinance or law relating to the same matter. Proceeding under any other ordinance or law relating to the same matter shall not preclude the issuance of a citation under this ordinance. Each 24-hour period of violation, disobedience, omission, neglect, or refusal to obey this ordinance or any order made in accordance herewith, shall be deemed a separate offense.

K. Intent of Ordinance.

Any ordinance in conflict herewith is hereby repealed to the extent that the same is in conflict. This ordinance establishes minimum requirements and shall not be deemed as a limitation or

repeal of any other power granted by the Wisconsin Statutes. It is the intent of the Village Board where any requirements of this ordinance may be inconsistent or conflicting with more restrictive requirements of state law, that the more restrictive requirements or interpretations shall apply. Where a provision of this ordinance is required by the Wisconsin Statutes or by a standard in Chapter NR 544, Wis. Adm. Code, or wherever this ordinance is unclear, the provisions hereof shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards which were in effect on the date of adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

5.02 MOBILE HOMES.

- A. A "mobile home" means any coach, cabin, trailer, mobile home, house car or other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle. The fact that any such vehicle or structure is rendered immobile by the removal of its wheels, the erection of a foundation thereunder, or any other similar alteration shall not operate to exclude it from this definition.
- B. Except as provided in this chapter, no person shall park any mobile home on any street, alley, highway or village road, or other public place, or on any privately owned tract of land within the Village of Allouez.
- C. Emergency or temporary stopping or parking of a mobile home is permitted on any street, alley, highway or village road for not longer than 24 hours, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or village road.
- D. The owner of a mobile home is permitted to park or store such trailer on his own property if it is not used for dwelling or sleeping purposes or in conjunction with a business involving the sale of mobile homes.

5.03 PARKING BOATS, TRAILERS AND MOBILE HOMES.

- A. No person shall park or store any boat, trailer, motor home, or mobile home in the front or side yard of any premises for a period of time exceeding thirty (30) days, except that in cases where the location of permanent structures on a lot prohibit or obstruct access to the rear of such lot, the owner or tenant shall be permitted to store a boat, trailer, motor home, or mobile home which does not exceed 20 feet in length, for a period of time not to exceed 90 days in one calendar year, beginning January 1st and ending December 31st.
- B. No person, firm or corporation shall park, or allow or permit to be parked, stopped, or left standing, any boat or other water craft, trailer of any type or size, or any machinery or equipment which is designed to be towed behind a motor vehicle, regardless

of whether or not it is properly hitched, coupled or secured to a motor vehicle, upon a Village street, alley or public way.

- (1) This section is not applicable to trailers, machinery and equipment of construction contractors who are then engaged in private or public improvements to real estate which is in close proximity to where such trailers, machinery and/or equipment are parked, stopped, or standing, and such trailers, machinery and equipment are then being used in the construction of such improvements, and the presence of the same is properly made known to travelers upon the street, alley or public way by lighted warning lights, reflectors and/or barriers of suitable size and brilliance, and which have been placed in a suitable location.
- (2) This section is not applicable to boats, water craft and trailers which are temporarily stopped, standing or parked for the purpose of being, and while actually engaged in being, loaded or unloaded providing the boat, water craft or trailer is then hitched, coupled or secured to a motor vehicle which is then currently licensed to be operated on a public highway and the vehicle is then attended by a person who is then licensed to operate the vehicle.
- (3) This section is not applicable to machinery and equipment which is temporarily stopped, standing or parked for the purpose:
 - (a) of being hitched, coupled or secured, or being unhitched, uncoupled or unsecured, to or from a motor vehicle which is then currently licensed to be operated on a public highway and is present on such street, alley or public way, and is then attended by a person who is then licensed to operate the vehicle; and
 - (b) of being delivered to the adjoining premises for storage or use, or removed from the adjoining premises.

5.04 STORAGE OF PERSONALTY.

- A. The unsheltered accumulation or storage of wrecked, or partially dismantled, or otherwise non-operating or unlicensed motor vehicles, and of any other vehicles, machinery, implements, equipment, any parts thereof, and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, hereinafter collectively described as "said personalty", within the Village of Allouez is declared to be a nuisance and dangerous to the public health, safety and well being.
- B. The owner, owners, tenants, lessees and occupants of any lot upon which such accumulation or storage is made, and also the owner, owners, and lessees of said personalty involved in such storage, all of whom are hereinafter referred to collectively as "owners", shall jointly and severally abate the nuisance by promptly moving said personalty into completely enclosed buildings authorized to be used for such storage purposes, if the same can be found within

the village, or otherwise by moving said personalty to a location outside the village.

- C. Whenever the owners fail to abate the nuisance, the village shall move said personalty to a location of its selection, and the expense therefore shall be billed to the owners, jointly and severally, which bill shall be recoverable in a suit at law. When said personalty has been removed and placed in storage by the village, said personalty shall be sold by the village after the lapse of such time as is provided by Section 66.28, Wisconsin Statutes, or any other applicable provision of law. If the proceeds of such sale are insufficient to pay the costs of abatement, the owners shall be jointly and severally liable to the village for the balance of the costs to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to the owners or deposited with the Village Clerk-Treasurer for their use.
- D. Any owner who allows the nuisance described in this section to exist, or fails to abate the nuisance, shall upon conviction thereof be subject to a penalty of not less than \$25.00 nor more than \$200.00 for each offense, together with the costs of prosecution, and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

5.05 UNLAWFUL DISPOSAL OF WASTE MATERIALS.

The unlawful disposal of waste material is a public nuisance and is prohibited within the Village of Allouez. The unlawful disposal of waste shall include but not be limited to the following acts:

- A. Throwing, depositing or discarding any type of debris or waste material from a motor vehicle.
- B. Throwing, depositing, discarding or abandoning any type of debris or waste material in or upon any public or private property, except in a garbage can or refuse container. This provision shall not apply to persons engaged in construction or other activity authorized under a building permit on the lot or parcel of land for which the building permit was issued.
- C. Causing or allowing any debris or waste material to escape or leave the lot or parcel of land for which a building permit was issued during the construction or other activity authorized by such building permit.
- D. Throwing, depositing or placing any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, yard trash, concrete, earthen fill, garbage, container, litter or other debris in any ditch, stream, river, or retention basin that regularly or periodically carries surface water runoff. Any person who throws, deposits or places, or who causes, allows or permits another to throw, deposit or place, any of the above shall remove it or shall cause it to be removed therefrom immediately.

5.06 BURNING TRASH.

The burning of trash, rubbish, refuse, garbage, leaves and other waste materials outdoors is a public nuisance and is prohibited within the

limits of the Village of Allouez except by permission of the village. Any person who causes a fire for such purposes, maintains the same, or allows the same to occur on his, or village, premises shall be in violation of this section.

5.07 SOUND AMPLIFIERS.

The use of sound amplifiers outside buildings within the Village of Allouez is prohibited without a permit to do so from the village. A sound amplifier shall not be operated before 9:00 a.m. or after 9:00 p.m. or in the vicinity of churches while services are being conducted, or near schools that are in session. The village may order a reduction in the volume of an amplifier on complaint being made by a citizen, or when such loud speaker is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.

5.09 NO WAKE AREAS ON THE FOX RIVER. (See map on page 5-27)

- A. All nautical traffic on the Fox River as it passes through the Village of Allouez shall travel at no wake speed while on the following areas of the Fox River:

From the northwest Allouez village limits on the east side of the Fox River, to the Fox River Valley Railroad bridge which runs perpendicular to South Monroe Avenue and Riverside Drive and which crosses the Fox River immediately south of Marine Street in the Village of Allouez.

- B. "No wake speed" means the slowest possible speed at which steerage can be maintained.
- C. Control buoys or signs may be placed so that nautical traffic is alerted to the no wake speed areas designated above.
- D. The penalty for violation of any provision of this section shall be as provided in Section 5.15 of this ordinance.

5.10 CONTROL OF NOXIOUS WEEDS AND OTHER UNSIGHTLY GROWTH

- A. Definitions.

- (1) The following are noxious weeds:

"Canada" or other thistles, chicorium itybus (commonly called "chicory"), ambrosia artemis laipolia (commonly called "ragweed"), lactuca scariola (commonly called "prickly lettuce"), hordeum jubatum (commonly called "squirrel tail"), lappa officinalis (commonly called "burdock"), white or ox-eyed daisies, snapdragon or toad flax, cockle-burr, sow thistle, sour dock and yellow dick, wild mustard, wild parsnip, quitch grass, known also as quack grass or leafy spurge, field blind weed (commonly called "creeping jenny"), cuscuta sp. (commonly called "dod der"), brassica juncea (commonly called "Indian mustard"), plantage lanceolate (commonly called "buckhorn"), rapnanus

raphanistrum (commonly called "wild radish"), and barbarea vulgaris (commonly called "yellow rocket").

(2) Destroy.

"Destroy" means the complete killing of weeds or the killing of weed plants over the surface and ground by the use of chemicals, cutting, tillage, croppage system or a combination of these at such time and in such manner as will effectively prevent such plants from maturing to the bloom and flower stage.

B. Noxious Weeds to be Destroyed.

(1) Every person shall destroy all noxious weeds on all lands the person owns, occupies or controls. The person having immediate charge of any public lands shall destroy all noxious weeds on such lands.

(2) If the owner fails to destroy such weeds, the Weed Commissioner shall destroy or cause such weeds to be destroyed in the manner deemed to be the most economical. The cost of destroying the weeds shall be charged and assessed in the manner provided by Section 66.0407, Wisconsin Statutes.

C. Unsightly Growth.

(1) To Be Controlled.

(a) The owner, occupant or person in control of any lot, with the exception of a lot in the wetlands or a lot being used for agricultural purposes, shall not allow, permit or maintain the growth of grass, hay, brambles, brush, reeds, rushes, cattails or any combination thereof, or any unsightly growth, to a height of over seven (7) inches.

(b) The Weed Commissioner shall cut down and remove or cause to be cut down and removed all such growths as described in subparagraph (a) above and shall charge the cost thereof in the manner provided by Section 66.98, Wisconsin Statutes.

(2) Declared a Public Nuisance.

The permitting of such growth as enumerated in paragraph C (1) above, by blighting residential areas, permitting breeding areas for obnoxious insects and concealing vermin and filthy deposits, is declared to be a public nuisance.

5.11 LICENSING OF PRIVATE HAULERS OF RECYCLABLES.

A. Hauler Licensing.

No person, firm or corporation shall engage in the business of hauling recyclables within the Village without first being licensed by the Wisconsin Department of Natural Resources ("DNR") under the provisions of section NR 502.06, Wis. Adm. Code.

B. Processing Facilities.

A hauler operating in the Village shall not transport any recyclables for processing to a processing facility unless that facility has been approved in writing by the Village and, by January 1, 1995, the facility has self-certified with the DNR under section NR 544.16, Wis. Adm. Code.

C. Mixed Recyclables.

A hauler shall not compact glass with paper either during collection or during transport of recyclables to a processing facility or market, and shall maintain the materials in a marketable condition.

D. Right to Reject Materials.

A hauler has the right to reject or leave at the premises any recyclable material that is not prepared according to the specifications of Section 5.01 or as set forth in educational materials provided by the hauler to his, her or its service recipients, or if it is not separated from solid waste, placed in a proper container, or is not designated as recyclable material for collection. A hauler has the right to refuse to pick up any solid waste if it contains recyclable containers and/or material. In every such case, the hauler or attendant shall notify in writing the generator of the materials of the reasons for rejecting the items. The hauler shall keep a list of all such occurrences and provide a copy of it to the Village not less often than semi-annually.

E. Hauler Licensing.

Each hauler who collects solid waste or recyclables in the Village for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Village.

F. Reporting Requirements.

Every recycling hauler and/or processor operating in the Village is required to maintain records and report in writing to the Public Works Director not less often than semi-annually. Reports shall include but not be limited to: the amount of solid waste and recyclables collected in and transported from the Village; the amount of solid waste and recyclables from the Village which have been processed and/or marketed, by item type; and the final disposal location of solid waste and recyclable material. A failure to timely report shall be cause for the Village to revoke any license or permit, and to sever any contract it has with the hauler and/or processor.

G. Private Collector's License.

No person, firm or corporation, except employees of the Village who are then employed in the regular course of their employment, shall collect or transport solid waste or recyclable materials in the Village without first obtaining a license from the Village. Each license shall bear a number corresponding to the license plate issued to, and which shall be prominently displayed on the

vehicle used by, such licensee in his, her or its business. Such license shall be available only to the person, firm or corporation in whose name it is issued, and shall not be used by any person, firm or corporation other than the original licensee. Any licensee who shall allow or permit his, her or its license to be used by any other person, firm or corporation, and any person, firm or corporation who shall used a license granted to any other person, firm or corporation shall be in violation of this ordinance. Such a license shall be issued by the Village Clerk-Treasurer upon written application, the approval of the Public Works Director, and the payment of the license fee as set forth in Section 8.14.

H. Transportation Nuisance.

No person, firm or corporation shall transport any solid waste or recyclable material in any vehicle unless the vehicle is operated and constructed in such a manner that its contents shall not blow, scatter, leak, or spill in, on or upon any street or alley, or otherwise create a nuisance.

5.12 OUTDOOR HEATING DEVICES.

- A. The installation, operation and maintenance of any solid fuel-fired outdoor heating device is prohibited in the Village. A solid fuel-fired outdoor heating device is defined as any equipment, device or apparatus or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

5.15 PENALTY.

- A. Any person, firm or corporation violating any provision of this Chapter, except Section 5.03 B., upon conviction, shall forfeit not less than \$25.00 nor more than \$200.00, and pay the costs of prosecution; or, in the event of failure to pay such forfeiture and costs within the time set by the Court, any such person shall be committed to the Brown County Jail until such forfeiture and costs are paid, but every such commitment shall be for a definite term which shall not exceed 90 days. Each act of violation shall constitute a separate offense.
- B. Any person, firm or corporation convicted of a violation of Section 5.03 B. of this Code, shall forfeit a sum of \$50.00 plus costs for each calendar day in which a violation occurs, plus court costs and any other costs of prosecution. This remedy shall be in addition to and shall not be exclusive of, any and all other remedies of the Village under this or any other Chapter of this Code or as may otherwise be permitted by law.