

CHAPTER 11

PUBLIC HEALTH AND WELFARE

- 11.01 Board of Health
- 11.02 Health Officer; Duties & Powers
- 11.03 Rules and Regulations
- 11.04 Health Nuisances, Abatement of
- 11.05 Communicable Diseases
- 11.06 Regulation of Nuisance Type Businesses
- 11.07 Compulsory Connection to Sewer and Water
- 11.08 Recycling
- 11.09 Reserved
- 11.10 Penalty

11.01 **BOARD OF HEALTH.** The Village Board shall constitute the Board of Health of the Village.

(1) DUTIES. The Board of Health shall assume the general administration of health and sanitation laws and regulations in the Village, supervise the work of the Health Officer and attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Department of Health and Social Services and the ordinances of the Village.

(2) POWERS. The Board may take such measures and make such rules and regulations as are necessary and effectual for the preservation and promotion of the public health in the Village. All orders and regulations of the Board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinance, including penalty for violation.

11.02 **HEALTH OFFICER: DUTIES AND POWERS.**

(1) The Health Officer for the Village is designated as the Manitowoc County Health Officer, under the supervision of the District State Health Officer; in addition the Police Chief may convey with the Health Officer and enforce applicable ordinances; they shall

(a) Maintain continuous sanitary supervision over the territory.

(b) Promote the spread of information as to the cause, nature and prevention of prevalent diseases and the preservation and improvement of health.

(c) Enforce the health laws, rules and regulations of the State Department of Health and Social Services, the State and the Village, including laws relating to contagious diseases contained in Chapter 251, Wisconsin Statutes.

(d) Keep and deliver to position successor records of all official acts.

(e) Make required reports to the State Department of Health and Social Services and to the Village Board, and any other such agency reports as they may be requested.

(2) MATERIALS AND SUPPLIES. The Health Officer may procure at the expense of the Village materials which may be required for official duties, other than those furnished by the State Department of Health and Social Services.

11.03 **RULES AND REGULATIONS.** The Health Officer and the Board of Health may make reasonable and general rules for the enforcement of the chapter, for the prevention of health nuisances and for the protection for the public health and welfare and when appropriate, require the issuance of licenses and permits. All such requirements when approved by the Village Board shall have the same effect as ordinances and any person violating any such regulations or any lawful order of the Board shall be subject to a penalty as provided in §25.04 of this Municipal Code.

11.04 **HEALTH NUISANCES, ABATEMENT OF.** The Health Officer or the Board of Health may abate health nuisances in accordance with § 823.03, Wis. Stats., which is adopted by reference and made a part of this chapter as if fully set forth herein.

11.05 **COMMUNICABLE DISEASES.** Chapter 252, Wis. Stats. and Chapter 45, Wis. Administrative Code, are adopted by reference and made a part of the chapter and the Health Officer shall enforce the provisions thereof.

11.06 **REGULATION OF NUISANCE TYPE BUSINESSES.**

(1) STATUTORY AUTHORIZATION. This section is enacted pursuant to §66.0415(1), Wis. Stats.

(2) PERMIT REQUIRED. No person shall conduct within the Village limits any business which has a tendency to create a public nuisance, except upon permit issued by the Health Officer and subject to such conditions as may be imposed.

(3) DEFINITION. A “business which has a tendency to create a public nuisance” is one which, unless properly regulated, may create a public nuisance as defined in §10.02 of the Municipal Code.

11.07 **COMPULSORY CONNECTION TO SEWER AND WATER.** See §13.01 of this Municipal Code.

11.08 **RECYCLING.** (Rep & rect. 3/7/94 revised 4/14/14)

(1) PURPOSE. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

(2) STATUTORY AUTHORITY. This ordinance is adopted as authorized under § 287.09(3)(b), Wis. Stats., and which is adopted by reference and made a part of this chapter as if fully set forth herein.

(3) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance 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 ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

(4) INTERPRETATION. In their interpretation and application, the provisions of this ordinance 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 ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

(5) SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(6) APPLICABILITY. The requirements of this ordinance apply to all persons within the boundary limits of the Village of Valders.

(7) ADMINISTRATION. The provisions of this ordinance shall be administered by the Village Department of Public Works.

(8) DEFINITIONS. For the purpose of this ordinance:

(a) "Bi-metal container" means a container for carbonated or malt beverages which are made primarily of a combination of steel and aluminum.

(b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(c) "Foam Polystyrene Packaging" means packaging made primarily from foam polystyrene that satisfies one of the following Criteria:

1. Is designed for serving food or beverages.
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(d) "HDPE" means high density polyethylene, labeled by the SPI code # 2.

(e) "LDPE" means low density polyethylene, labeled by the SPI code # 4.

(f) "Magazines" means magazines and other materials printed on similar paper.

(g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

(h) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

(i) "Newspaper" means a newspaper and other materials printed on newsprint.

(j) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.

(k) "Office paper" means 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. 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) "Other resins or multiple resins" means plastic resins labeled by the SPI code # 7.

(m) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in § 66.299(1) (a), Wis. Stats., state agency or authority or federal agency.

(n) "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.

(o) "Plastic container" means 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.

(p) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17)., Wis. Stats.

(q) "PP" means polypropylene, labeled by the SPI code # 5.

(r) "PS" means polystyrene, labeled by the SPI code # 6.

(s) "PVC" means polyvinyl chloride, labeled by the SPI code # 3.

(t) "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; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

(u) "Scrap Metal" means larger items made of metal that can be recycled but not otherwise defined in this section.

(v) "Solid waste" has the meaning specified in § 289.01(33), Wis. Stats.

(w) "Solid waste facility" has the meaning specified in § 289.01(35), Wis. Stats.

(x) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

(y) "Waste oil" means any oil after use or which is contaminated through storage or handling before that oil is recycled.

(z) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(aa) "Yard waste" means leaves, grass clippings, yard and garden foliage, debris and brush and branches, 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.

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

- (a) Lead acid batteries
- (b) Major appliances
- (c) Electronics
- (d) Waste oil
- (e) Oil filters
- (f) Yard waste
- (g) Aluminum containers
- (h) Bi-metal containers
- (i) Corrugated paper or other container board
- (j) Glass containers
- (k) Magazines
- (l) Newspaper
- (m) Office paper
- (n) Rigid plastic containers made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6) and mixed or other plastic resin types
- (o) Foam polystyrene packaging
- (p) Steel containers
- (q) Waste tires
- (r) Scrap Metals

(10) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of subsection (9) do not apply to the following:

(a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential 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 subsection (9) from solid waste in as pure a form as is technically feasible.

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

(c) A recyclable material specified in subsection (9) for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Administrative Code.

(11) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with subsection (9) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable 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.

(12) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, ELECTRONIC DEVICES, WASTE OIL, OIL FILTERS AND YARD WASTE. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, electronic devices, waste oil, oil filters, and yard waste as follows:

(a) Lead acid batteries shall be brought to the recycle center and placed in designated area only. Lead acid batteries may also be bought back to battery supplier/retailer for a new battery purchase credit.

(b) Major appliances shall be brought to the recycle center and placed in designated area only. For safety reasons, locks and catches shall be removed from all appliances. Applicable disposal fees shall be paid to the attendant.

(c) Electronic Devices shall be brought to the recycle center and placed in designated area only. Beginning 9/1/2010, no person may dispose of in a solid waste disposal facility or place in a container the contents of which will be disposed of in a solid waste disposal facility any electronic devices as defined in § 287.07 & 287.17, Wis. Stats. Not limited to but includes items such as: televisions, digital or cassette video recorders or players, facsimile machine, computers and monitors, telephones with electronic displays, etc. Applicable disposal fees shall be paid to the attendant.

(d) Waste oil shall be placed in the "Used Oil" barrel only at the recycle center.

(e) Oil Filters shall be brought to the recycle center and placed in designated area only. Beginning 1/1/11, no person may dispose of a used oil automotive engine oil filter in a solid waste disposal facility as defined in §287.07(4m) (b), Wis. Stats.

(f) Yard Waste shall be shall be dropped off at the Village Compost site. Grass clippings, leaves and other garden foliage materials shall be separated from other refuse and placed in designated piles at the site. Brush and Branches shall be separated from other yard foliage and placed in designated piles at the site.

(13) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Village 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 subsection (9) and brought to the recycle center and placed in designated areas:

(a) Aluminum containers shall be separated, flattened and placed in designated area.

(b) Bi-metal containers, steel containers and glass containers shall be separated from refuse, rinsed, caps and covers removed and flattened when applicable and placed together in the co-mingle dumpster. (Glass shall have any metal strips and covers removed. Acceptable glass types include clear, brown and green. No contaminants such as ceramics, window glass, broken glass, mirrors or light bulbs are allowed.)

(c) Plastic containers made of PETE #1 and HDPE #2, including but not limited to soda bottles, milk jugs, soap bottles, shall be rinsed and co-mingled together with the items in (b) "bi-metal, steel and glass containers" and placed in the co-mingle dumpster.

(d) Plastic containers made of Foam polystyrene, PVD #3, LDPE #4, PP #5, PS #6 and #7 are temporarily exempt from separation from disposal at solid waste facilities as defined in §287.07(h).

(e) Corrugated paper or other container board, Magazines, Newspapers, and Office Paper shall be bagged, boxed, tied or bundled securely and placed into the mixed paper walk in dumpster.

(f) Shredded office paper shall be accepted but shall be bagged.

(g) Scrap Metal items, such as but not limited to: cabinets, lawn furniture and other various large bi-metal items shall be placed in the Scrap Metal dumpster under the direction of the center attendant.

(h) Waste Tires shall be separated from all other refuse. Absolutely no Waste Tires are accepted at the recycle center. Disposal of Waste Tires is the sole responsibility of the individual or business.

(14) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in subsection (9):

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

(b) The requirements specified in subsection (14) (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in subsection (9) from solid waste in as pure a form as is technically feasible.

(15) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in subsection (9):

1. Provide adequate, separate containers for the recyclable materials.
2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

4. Notify users, tenants and occupants of reasons to reduce and recycle which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in subsection (15) (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in subsection (9) from solid waste in as pure a form as is technically feasible.

(16) PROHIBITIONS ON DISPOSAL OF 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 of the materials specified in subsection (9) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(17) NONDISPOSABLE MATERIALS. It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses and medical wastes.

(18) GARBAGE/RECYCLABLES FROM OUTSIDE OF MUNICIPALITY. It shall be unlawful to bring refuse and recyclables for disposal from outside the corporate boundary limits of Valders into the Village unless authorized by an agreement with the Village.

(19) RIGHT TO REJECT MATERIALS. The Village has the right to reject any recyclable material that is not prepared according to the specifications in this ordinance or in the educational material provided by the Village. Materials may also be left at the curb if not separated from solid waste, placed in proper container, or are not designated recyclable materials for collection. The Village also has the right to refuse to pick up any solid waste if it contains recyclable containers and materials.

(20) ENFORCEMENT

(a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Valders may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village of Valders 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 ordinance may be issued a citation by Valders Police Department 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 ordinance 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 ordinance may be assessed as follows:

1. Any person who violates subsection (16) may be required to forfeit a \$50 deposit plus fees for a first violation, \$200 deposit plus fees for a second violation, and not more than \$2000 deposit plus fees for a third or subsequent violation.

2. Any person who violates a provision of this ordinance, except subsection (16), may be required to forfeit not less than a \$10 deposit plus fees nor more than a \$1000 deposit plus fees for each violation.

11.09 **RESERVED.**

11.10 **PENALTY.** Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulations shall be subject to a penalty as provided in §25.04 of this Municipal Code.