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**SUBCHAPTER I - STREET REGULATIONS**

**6.01 NEWSPAPER BOX/MAILBOX PLACEMENT.**

(1) **Mailboxes.** No support for a mailbox shall be located within two (2) feet of the pavement when there is no shoulder.

(a) Mailbox supports shall be placed such that the face of the mailbox is even with the edge of gravel shoulder in rural areas and even with the back of curb on urbanized roadways.

(b) The bottom of the mail box shall be no greater than forty-eight (48) inches nor less than forty-two (42) inches above the traveled pavement surface of the road.

(c) The use of supports such as heavy metal posts, concrete posts, miscellaneous items of farm equipment, and milk cans filled with concrete, is prohibited and considered a detriment to public safety.

(d) Mail boxes should be located, where practical, on the far side of the driveway and should be placed to avoid blind spots or the

creation of poor sight distances.

(2) **Newspaper Boxes.** All newspaper boxes within the Village limits shall be attached, or placed as close as practical to, residential and commercial mailboxes specified and utilized by the United States Postal Service. It is intended by this section that:

(a) mailboxes shall be attached to the pole and/or other edifice utilized for placement of the United States Postal Service mailboxes;

(b) no newspaper boxes shall exist or be placed on the side of Village Roads opposite from the side whereon United States Postal Service mailboxes are placed.

**6.02 DRIVEWAYS.**

(1) No driveway shall be constructed in the Village unless a driveway permit is first obtained from the Building Inspector for said construction. The driveway permit shall be obtained by the contractor or person performing the work with respect to any driveway. The fee for said driveway permit

shall be as adopted from time to time by resolution of the Board.

(a) No more than two (2) driveways shall be approved for any parcel or property zoned (RS) Residential Sewered or (RR) Rural Residential, unless said parcel has sufficient square footage and frontage to be divided under current zoning regulation.

(b) (AG) Agricultural or (EA) Exclusive Agricultural residences are subject to section 6.02 (1) (a) excepting field entrances used to gain access for field maintenance, planting, harvesting, or other ag related efforts.

(2) No driveway shall exceed the following width at the right of way in an area having curb & gutter or at the point directly over the culvert or flowline in an area having ditches. Tapers and radii implemented to match the road edge shall conform to the details supplied at the time application is made.

(a) *Single Family Residential.* Not less than twelve (12) feet nor more than twenty-four (24) feet.

(b) *Duplex.* Shall be considered as two (2) single family residential units with no consideration for additional width. Two (2) or more contiguous width driveways will not be considered.

(c) *Nonresidential Uses*

1. One-way Driveway. Not less than twelve (12) feet wide or more than twenty-four (24) feet wide.

2. Two-way driveway. Serving twenty (20) or fewer parking spaces or one (1) loading berth (one (1) lane out and one (1) lane in). Not less than twenty-two (22) feet wide or more than twenty-five (25) feet wide.

3. Two-way driveway. Two (2) lanes out and one (1) lane in without a median. Not less than twenty-four (24) feet wide or more than thirty-eight (38) feet wide.

4. Two-way driveway. Two (2) lanes out and one (1) lane in with a median, serving more than twenty (20) parking

spaces or two (2) or more loading berths. Not less than twenty-four (24) feet wide or more than forty-four (44) feet wide.

(d) *Planned Commercial Developments.* (PCD) shall comply with the special consideration received under the direction of the Planning Commission and Board.

(e) *Pre-existing noncompliant driveways.* Pre-existing noncompliant driveways may be given special consideration within the parameters of section 6.02 (2) (c) where a Planned Commercial District overlay does not exist.

**(3) Corner Lots.**

(a) On a corner lot, no driveway shall be closer than thirty (30) feet to the point of curvature or forty-two (42) feet from the two intersecting property lines on all local streets.

(b) On a corner lot, no driveway shall be closer than fifty (50) feet to the point of curvature or sixty-two (62) feet from the intersection of the two intersecting property lines on all collector streets.

(4) In areas where there is not curb and gutter, concrete driveways will not be allowed on the village right-of-way. In areas where there is not curb and gutter, the property owner may install a concrete driveway, but only up to the Village right-of-way. The property owner shall install only blacktop from the street through the Village right-of-way.

(5) Where curb and gutter is present with or without storm sewer, concrete driveways shall be constructed. Where a culvert is required, reinforcement will be utilized within the right-of-way to minimize heaving and cracking.

(6) Where a culvert is required by the Department of Public Works on a Village street, the minimum size shall be fifteen (15) inches. The Director of Public Works or Engineer may grant twelve (12) inch culvert under special consideration.

(a) All culverts must conform to village

approved engineered ditch grades.

(b) All culverts within the village right-of-way shall be galvanized corrugated metal.

(c) Metal end section shall be required. (apron end section)

(d) Finished grade shall not exceed a slope of 3:1 from the edge of the traveled portion of the driveway to the end of the culvert end section. Traveled portion of the driveway is defined as gravel, asphalt, concrete, etc. This shall include any decorative and/or landscape features constructed within the village right-of-way.

(e) If alteration is deemed necessary by the Village, it shall be done at the owner's expense.

### **6.03 ROAD CONSTRUCTION IN NEW SUBDIVISIONS.**

(1) The developer or person requesting road construction must submit to the Board an application in writing and an approved final plat or certified survey for lands to be serviced by any street or frontage or by any public utility. Any and all improvements will be accomplished as dictated by a development agreement heretofore set forth as a requirement of any development or improvements therein.

**6.04 STORM DRAINAGE AND GRADING PLAN.** In order to insure positive drainage from all lots within each proposed block so that no surface water will pond within the block, the sub-divider shall submit, at the time of final plat review, a drainage plan for each block within the proposed subdivision. This drainage plan shall include the final grade elevations to be maintained on all lot lines either common or otherwise, along with the lowest wall elevation on any wall of a future structure.

(1) Should the approved drainage plan require grading or the installation of storm sewer drainage facilities within any block or blocks, the sub-divider shall cause such

grading or other improvements to be installed at his expense as provided in the development agreement.

(2) In order to insure compliance with the approved drainage plan, a covenant shall be included on the face of the final plat referring to the drainage plan and requiring compliance therewith.

**6.05 APPEAL TO BOARD.** In case any applicant for a permit under this chapter shall be aggrieved by any action in connection with the issuance of a permit, or the refund of a deposit, or in connection with the application of this Chapter, he shall have a right to appeal to the Board by filing notice of appeal containing his Post Office address within ten (10) days after such action, and outlining the nature of his grievance and specifying the remedy requested. The Board, after filing of appeal, shall hear the appeal within thirty (30) days of said filing.

**6.06 ROAD NAMES.** In accordance with Wisconsin State Statutes, which requires the assignment of names for each road under the Village's jurisdiction, the road names as shown on the plat are hereby assigned, and all future roads will be named when accepted by the Village.

### **6.07 NOXIOUS WEEDS AND LAWN MAINTENANCE.**

(1) **Noxious Weeds.** Pursuant to Wis. Stats. §66.0407, it shall be the duty of every owner, occupant, agent or person in charge of any lot or parcel of land within the Rural Residential (RR), Residential Sewered (RS), Public Lands (PL), all Business (B, NB, and PCD), Highway Business (HB), I-1 & I-2 (Industrial) Zoning Classifications of the Village to destroy noxious weeds growing in open spaces of platted lands upon their premises or on the area adjacent to the sidewalk or streets upon which the premises

abut. Open spaces are defined as spaces where trees and shrubs are not present. The following are considered noxious weeds: Canada thistle, leafy spurge, ragweed, English charlock (wild mustard), garlic mustard, burdock, poison ivy, oxalis, field bindweed (commonly known as creeping Jenny), quack or quitch grass, field dodder, Indian mustard, sow thistle, purple loosestrife.

(a) The destruction of said thistles or weeds shall be made at all times before the same go to seed or at such time as the Weed Commissioner shall order.

(b) Neglect or failure on the part of the owner or occupant to obey the provisions of this section or to comply with the orders of the Weed Commissioner within the time stated on any notice he may serve, shall be deemed a violation of this section and said Weed Commissioner shall proceed to cut down or otherwise destroy such thistles, trees or other noxious weeds.

(c) Annually, the Village shall appoint a Weed Commissioner who shall keep an account of such expense and make a report of the same to the clerk who shall enter the amount therein charged to each lot or parcel of land in the next subsequent tax roll as a special tax against said lot or parcel of land and the same shall be collected in all respects like other village taxes upon real estate.

(d) Lands exempt from these regulations include Wetlands as designated by Brown County mapping or other official wetland delineation and Environmentally Sensitive Areas (ESA).

**(2) Lawn Maintenance.** It shall be the duty of every owner, occupant, agent or person in charge of any lot or parcel of land within the Residential Sewered (RS), Rural Residential (RR), all Business (B, NB, and PCD), Highway Business (HB), I-1 & I-2 (Industrial) Zoning Classifications of the Village to not allow, permit, or maintain the

growth of grass and weeds, or combination thereof, or any unsightly growth, to a height of over ten (10) inches. Trees and shrubs are exempt.

(a) For those areas residentially zoned and larger than one (1) acre, provisions of this code shall apply to the areas of the lot or parcel cultivated with turf grass. For the purposes of this code, turf grass is defined as grasses which are spreading or stoloniferous in nature, which endures regular mowing to form a dense growth of leaf blades and root.

(b) Neglect or failure on the part of the owner, occupant, agent or person in charge to obey the provisions of this section or to comply with the orders of the Weed Commissioner within the stated time on any notice he may serve, shall be deemed a violation of this section and said Weed Commissioner shall proceed to cut down and remove or cause to be cut down and removed all such growths described in section (a) above.

(c) The Weed Commissioner shall keep an account of such expense and make a report to the Clerk who shall enter the amount therein charged to each lot or parcel of land in the next subsequent tax roll as a special tax against said lot or parcel of land and the same shall be collected in all respects like other village taxes upon real estate.

**6.08 SNOW AND ICE REMOVAL.** The owner/occupant of any property that abuts a public sidewalk shall be responsible for the removal of snow, ice and debris from said sidewalk. Sidewalks shall be clear of snow, ice or debris within twenty-four (24) hours of snowfall. If such snow, ice or debris is not removed, the Village shall cause said removal and that cost shall be assessed to the abutting property pursuant to the current state statutes.

**6.09 ILLEGAL DEPOSIT OF SNOW OR OTHER SUBSTANCES.** Property owners or commercial snow removal operators are hereby prohibited from the placing, depositing, plowing onto, or otherwise putting snow or other substance onto the traveled portion of a public or private roadway or other property which endangers the safety of persons traveling such roadway or property. Village or county employees while engaging in snow removal operations or acting in the performance of their position are exempt from this section.

**SUBCHAPTER II - SOLID WASTE DISPOSAL AND RECYCLING**

**6.20 SOLID WASTE DISPOSAL AND RECYCLING.**

**(1) Purpose.** The purpose of this Section is to effectively and efficiently manage the solid waste and recycling generation and collection by and of the Village.

**(2) Administration.** The provisions of this section shall be administered by the Board of the Village or its designee.

**(3) Effective Date.** These provisions pursuant to NR 544 Wis. Adm. Code shall take effect on June 1, 2012.

**(4) Definitions.** For the purpose of this ordinance:

(a) "Bi-metal container" means a container for carbonated malt beverages that is 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) "Green box" recyclable material facility means recyclable containers placed by the Village, its agents, or its contractors to be used by the service recipients in the Village for the temporary collection of recyclable material.

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

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

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

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

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

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

(k) "Non-residential facilities and properties" means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwelling.

(l) "Office paper" means high grade printing and writing 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.

(m) "Other resins or multiple resins" mean plastic resins labeled by the SPI code #7.

(n) "Persons" includes any individual, corporation, partnership, association, local government unit (as defined in current state statutes, state agency or authority or federal agency.

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

(p) "Plastic container" means a rigid plastic container including those made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and any other resin or multiple resins (#7).

(q) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined by current state statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in the current state statutes.

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

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

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

(u) "Recycling contract" shall refer to the Cooperative Agreement with rural municipalities to provide curbside or drop-off recycling center collection of commingled or source separated household recyclables and a materials recovery facility by and between Brown County, State of Wisconsin and the Village dated February 7, 1994.

(v) "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, or any other material so designated by the Village or Brown County

Port and Solid Waste, or Wisconsin Department of Natural Resources.

(w) "Residential Equivalent Unit (REU)" means a residential living space required to house one family regardless of family size. For example, a duplex would consist of two (2) residential equivalent units.

(x) "Solid waste" has the meaning specified in Wis. Stats. §289.01(33) or their successor provisions.

(y) "Solid waste facility" has the meaning specified in Wis. Stats. §289.01(35) or their successor provisions.

(z) "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.

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

(bb) "Yard waste" means leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

#### **(5) Separation of Recyclable**

**Materials.** Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines

- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires.
- (p) Electronics.

The Board reserves the right to designate by order in writing; additional solid waste as recyclable materials to be separated by occupants and to be collected by the Village or its contractor and to designate, after a variance has been obtained by the Board from the DNR under NR 287.11(2m) or its successor provision, currently separated and collected recyclable materials as no longer recyclable material to be separated and/or to be collected by the Village or by its contractors in the Village and to add or delete any of these materials or waste from any recyclable material collection services provided for or contracted by the Village. The Board shall provide written notice to known occupants affected by these changes and to any contractor of this written order. Upon any designation notice to known occupants forwarded by first class mail, the Village or its contractor may reject any recyclable material waste or material determined to no longer be collected by the Village or by its contractor. The Board shall direct whether these recyclable materials not to be collected shall be separated from post-consumer waste and how they shall be managed by any occupant of the Village.

**(6) Separation Requirements**

**Exempted.** The separation requirements of Section 6.20 (5) do not apply to any occupants of the Village regarding the following:

- (a) Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility

licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 6.20 (5) from solid waste in as pure a form as is technically feasible.

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

(c) A recyclable material of these occupants specified in Section 6.20 (5) E through N for which a variance has been granted to the Village by the Wisconsin Department of Natural Resources under Wis. Stats. §159.11(2m), or NR 544.14 Wis. Adm. Code or their successor provisions.

(d) A recyclable material for which the Village has obtained the above variances from the DNR under Wis. Stats. §159.11(2m) or its successor provision, and the Board does not require separation of this recyclable material from post-consumer waste.

**(7) Care Of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 6.20(5) 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.

(a) No person may place or deposit any recyclable material, household hazardous waste, medical waste, agricultural pesticide, or any other waste for collection by the Village or its contractor in violation of Section 6.20 (18).. Recyclable materials separated for recyclable material collection shall be stored by all persons in a manner which protects them from wind, rain, and other inclement weather conditions.

(b) No person may place for recyclable material collection in the Village, by the

Village, its contractors or by permitted collector, any separated recyclable materials that are unmarketable or contaminated or that are placed and stored for collection in a manner that will cause the material to be declared unmarketable or to be declared contaminated by the Village, its contractor, or by any permittee of the Village, that when placed or deposited for recyclable material collection will create a public nuisance or that will create litter conditions in the Village.

**(8) Management of Lead Acid Batteries, Major Appliances, Waste Tires, Waste Oil, Electronics, and Yard Waste.**

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties, except as otherwise directed by order of the Board shall manage lead acid batteries, major appliances, waste oil, waste tires, and yard waste as follows:

(a) Lead acid batteries shall not be collected by the Village at the curbside, but shall be disposed of by the person or owner at a processing facility equipped to recycle in compliance with state laws.

(b) Waste oil, filters, and absorbent shall not be collected by the Village at curbside, but may be disposed of by person or owner at the Municipal Services Center.

(c) Waste tires shall not be collected at curbside, but shall be disposed of properly by the person or owner at a processing facility equipped to recycle in compliance with current state laws.

(d) Major appliances shall not be collected by the Village at curbside, but shall be disposed of by person or owner at a processing facility equipped to recycle in compliance with current state laws.

(e) Yard waste shall not be collected by the Village at curbside, but may be disposed of by person or owner at the Village Yard Waste Site. This site is limited to Suamico

residential use only. Commercial dumping is prohibited.

(f) Electronics shall not be collected by the village at curbside, but may be disposed of by person or owner at the Municipal Services Center, if available, or with an electronic recycler registered with E-Cycle Wisconsin.

**(9) Preparation and Collection of Recyclable & Solid Waste Materials.** The Village shall provide solid waste collection to all residential properties up to and including four (4) dwelling units, per lot of record.

(a) Recyclables shall be collected by the Village for all residential properties up to and including four (4) dwelling units, per lot of record, provided such waste is properly separated, handled, prepared, contained stored and located in conformance with this chapter and the rules and regulations established and publicized by the Public Works Director. Roadside recycling is mandatory and residents are required to comply when they are served by a recycling route.

1. Recycling Waste Collection shall be provided once every two weeks to each household for one container furnished by the Village or its contractor.

2. Recycling waste shall be placed out for collection separate from, but next to other solid waste on the regular refuse collection day. Solid waste and recyclable containers shall be placed a minimum of four(4) feet apart.

(b) All non-residential business establishments and multiple family dwelling units shall be responsible for the disposal of solid waste and recyclable materials in accordance with Section 6.20 of the Village Code. The Village shall not provide these services for any business establishment including commercial, industrial, manufacturing or other facilities of a similar type; multiple family dwelling units (defined

as a dwelling that has more than a four family dwelling unit per lot of record); non-profit organization or other organization. Those business establishments that also have a dwelling unit attached to the building will not be provided with solid waste or recyclable pick-up service from the village, as such establishments will be considered non-residential unit in accordance with this Section.

(c) Except as otherwise provided by order of the Board, occupants of single family and two (2) to three (4) unit residences shall do the following for the proper preparation and proper recyclable material collection of the separated materials specified in Section 6.20 (5) E through N:

(d) All recyclables (except paper recyclables shall be rinsed and all shall be free of certifiable substances).

(e) All other solid waste not restricted by this Section shall be placed in the approved trash container supplied by the Village or its contractor for the explicit purpose of garbage collection.

(f) Solid waste shall not be placed into trash container in an unconfined manner but must be contained within a bag of sufficient structural integrity and containment value as to not allow dispersion by wind, accident, or during the collection process prior to placement in the trash container. Under no circumstance are materials to be placed in a loose manner.

**(10) Right to Reject Materials.**

(a) The Village or its contractor has the right to reject and leave at the curb or roadside, recyclable or solid waste material where these recyclable materials are not prepared according to the specifications of this section as noted in Section 6.20 (9) of this section.

(b) *Right to collect materials.* No person, unless the persons are exempt under Section 6.20 (6) or unless the persons are provided written permission from the Board,

may collect for the Village, including any contractor of the Village, any recyclable or solid waste materials if:

1. the recyclable or solid waste materials are not completely and properly separated from other wastes or other materials.

2. the recyclable or solid waste materials are not placed for collection in the proper containers.

3. the recyclable or solid waste materials are contaminated with other wastes or residuals, including those wastes and materials noted in Section 6.20 (18).

4. the recyclable or solid waste materials are commingled contrary to Section 6.20 (9).

5. the recyclable or solid waste materials are not of a marketable quality or are not placed for collection in a marketable or appropriate condition.

6. the recyclable materials or solid waste are not generated from the proper sources within the Village.

7. the person, who placed the recyclable or solid waste materials for collection, is not eligible to receive collection service from the Village or its contractor.

8. the recyclable or solid waste materials are not placed for collection on the proper dates or times or locations.

9. the recyclable or solid waste materials are not currently authorized for collection by the Village or its contractor.

(c) Upon rejection of any of these materials or waste, the person authorized to reject the recyclable or solid waste materials for the Village or its contractor shall provide to the occupant the reasons for the rejection of these materials or waste either in writing or orally. The contractor or any other person authorized or permitted to operate any curbside or roadside recyclable material collection service for the Village or to operate any "green box" recyclable material collection facility for the Village shall

provide to the Village, on a monthly basis, a list of names, in writing, of occupants or other persons, if known, whose recyclable or solid waste materials were rejected for collection and the reason(s) for such rejection.

(d) No person may place or deposit for recyclable or solid waste material collection by the Village or its contractor, unless the person is exempt under Section 6.20 (6) or unless provided written permission by the Board, any recyclable or solid waste materials where the recyclable or solid waste materials have not been properly separated from the waste or other materials as required by order of the Board, as required by this NR 544 Wis. Adm. Code, or its successor chapter, or as required by this section and where the recyclable or solid waste materials have not been properly contained in the bags, bins, or other containers as required by order of the Board or by this section.

**(11) 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 Section 6.20 (5) E through N and to supply a means for disposal of other solid waste.:

1. Provide adequate, separate, containers for the recyclable and solid waste 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 recyclable material collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
4. Provide for the solid waste material collection of all other materials generated by the tenants.

5. 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 Section 6.20 (11) (a) 1. do 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 certified by the Wisconsin Department of Natural Resources index NR 544.16, Wis. Adm. Code that recovers for recycling the materials specified in Section 6.20 (5) E through N from solid waste in as pure a form as is technically feasible.

**(12) 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 Section 6.20 (5) E through N and to supply a means for disposal of other solid waste.:

1. Provide adequate, separate, containers for the recyclable and solid waste 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 recyclable material collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
4. Provide for the solid waste material collection of all other materials generated by the tenants.
5. Provide users, tenants and occupants the 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 Section 6.20 (12) (a) 1. do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility certified by the Wisconsin Department of Natural Resources under NR 544.16, Wis. Adm. Code that recovers for recycling the materials specified in Section 6.20 (5) E through N from solid waste in as pure a form as is technically feasible.

**(13) Prohibitions of Disposal of Recyclable or Solid Waste Materials Separated for Recycling.** No persons may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the recyclable materials specified in Section 6.20 (5) E through N which have been separated in the Village for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**(14) Permitting.**

(a) No person may engage in the use operation or business of collecting solid waste or recyclable material for consideration within the Village without being licensed or permitted by the DNR under NR 502.06 Wis. Adm. Code or its successor provision.

(b) No person may engage in the use, operation or the business of collecting solid waste, hazardous waste, recyclable material or other material noted in Section 6.20 (18) for consideration within the Village without being permitted by the Village pursuant to this section. This required Village permit provision shall include any persons contracted by the Village to provide for

recyclable material collection services for the Village and for its occupants.

**(15) Anti-Scavenging or Unlawful Removal of Solid Waste Materials.** No person, unless under contract with the Village, unless under permit by the Board, or unless provided written permission by the Board, may collect or remove any recyclable material that has been deposited or placed for material collection.

**(16) Recyclable Material/Solid Waste From Outside the Village.** No person, unless provided written permission by the Board, may deposit or place for recyclable or solid waste material collection by the Village or its contractor at any location in the Village, any recyclable materials, wastes, or other materials, where these materials, wastes, or other materials have been generated from sources outside the Village.

This provision shall not apply to any recyclable or solid waste material properly placed on public or private land by any person in any Village authorized recyclable or solid waste material containers established for and permitted by the Board for general public deposit of recyclable or solid waste material.

**(17) No Dumping of Recyclable or Solid Waste Materials.**

(a) No person, unless provided written permission by the Board, may litter, dispose, discharge, or dump any recyclable or solid waste material in any road, highway, road right-of-way, waters, street, alley, or other public land or location, within the Village unless it is deposited or placed properly for collection in the proper bags, bins, receptacles or containers in the proper manner, date, time, and location specified in this ordinance or as authorized and specified by the Board.

(b) No person, unless provided permission by the owner or occupant of the land, shall litter, dispose, discharge or dump

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any recyclable or solid waste material on private land.

(c) No person shall litter or permit any recyclable or solid waste material to be thrown from a vehicle operated by that person in the Village.

(d) This provision shall not apply to any recyclable or solid waste material, clean and not contaminated, placed on public land or private land in the Village by any person in any authorized recyclable or solid waste material containers established for and permitted by the Board for general public deposit of recyclable or solid waste material.

**(18) Non-Collectable Materials.**

(a) No person, unless provided written permission by the Board, may deposit or place any recyclable or solid waste material for collection by the Village or by its contractor, or recycling location in the Village, any of the following recyclable materials, wastes, residuals, and other materials, such as:

1. hazardous waste, including household hazardous wastes.
2. toxic wastes.
3. free liquid in any containers, including paints and solvents.
4. pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the Board for separation and for recyclable material collection.
5. medical wastes.
6. asbestos.
7. sludge wastes.
8. industrial or commercial wastes from any industrial or commercial facility or operation.
9. waste from pollution control equipment.
10. residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes.

11. ash waste.
12. hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos.
13. bio-medical wastes.
14. septage (human or otherwise) wastes.
15. animal fecal wastes.
16. dead animals.
17. brush or trees.
18. wood treated with chemical preservatives.
19. explosive material.
20. contaminated recyclable material as determined by the Board or its contractor.
21. concrete and asphalt debris.

(b) No person may, in any recyclable or solid waste material collection, knowingly collect for the Village any of the above noted wastes, materials, contaminated recyclable materials and any other recyclable materials which are not of marketable quality or which are placed for recyclable material collection in an unmarketable condition, unless provided written permission by the Board. This prohibition shall apply to any contractor for the Village.

**(19) Reporting Requirements.**

(a) Any person permitted by or contracted by the Village to collect for consideration, any recyclable material for the Village or other persons in the Village shall be required as a provision of the contract or as a condition of the Village recyclable collection permit to maintain appropriate records for the Village and to report in writing to the Clerk at least annually by February 28 of each year sufficient and accurate information and data related to the amount, weight and type of recyclable material, waste and other material collected by the contractor or by the permittee in the Village for the Village or for any occupants in the Village in the previous year. The information and data to be

provided shall be sufficient in detail to allow the Village to meet the recyclable material collection, compliance and data requirements established for the Village in NR 544 Wis. Adm. Code or its successor chapter. The annual report may, at a minimum, specifically require from the contractor or permittee:

1. the amount, weight and type of recyclable material, waste and other material collected in the Village for the Village or for other occupants in the Village.

2. the amount, weight and type of recyclable material processed or marketed for the Village or for other persons and the amount, weight and type of recyclable material for the Village or for other occupants in the Village rejected for processing or marketing. This shall include weight slips.

3. the amount, weight, type and final disposal or treatment location for any recyclable material, contaminated recyclable material, waste or other material collected in the Village for the Village or for other occupants which was later disposed of or treated in any solid waste disposal facility or solid waste treatment facility.

(b) Failure by any contractor of the Village or any person with a Village recyclable material collection permit to file the above noted information, data and reports with the Clerk in an accurate and timely manner, shall be cause for the Board to seek enforcement or penalties, to revoke any permit and/or terminate any contract with the contractor or permittee.

**(20) Ownership of Material and Equipment.**

(a) Any recyclable or solid waste material, waste or other material not rejected by the Village, its employees, agents or by any of its contractors in its recyclable or solid waste material collection at any Village recyclable material collection facility or curbside collection point, unless

previously rejected by the Village, its employees, its agents or by any of its contractors, shall become the property of the Village, unless the Village has a contract to the contrary with the contractors.

(b) The recyclable material, waste, or other material deposited for collection at any curbside or roadside collection location, shall, upon its collection by any contractor of the Village, become the property of the contractor unless the Village has a contract to the contrary with the contractor.

(c) Each residential equivalent user shall be assigned one container for recycling, and one trash container for garbage. The cost of the trash and recycling containers will be set from time to time by resolution of the Board or as incorporated into the fee structure for solid waste and recycling management and pick-up.

(d) Additional trash carts are not allowed, however residents may request the largest cart size offered.

(e) Replacement and repairs for normal wear and tear to the trash containers shall be the responsibility of the Village. The Village reserves the right to charge the resident for repairs or replacement in cases of loss, negligence, and/or abuse. All containers which are the property of the village or its contractor are to remain at the residence to which they have been assigned upon transfer of real estate.

**(21) Recyclable and Solid Waste Material Collection Schedule.** The Board may establish the dates and times of authorized placement and collection for waste materials, or other materials where these materials or wastes are to be collected in the Village, by the Village, by any contractor of the Village or by any permitted collector of the Village. The Clerk shall publish a notice in the official newspaper and also provide written notice by 1st class mail to every known occupant in the Village of the collection schedule.

**(22) Specified Containers, Specified Locations, Times and Dates For Collection.**

(a) No person, unless provided written permission by the Board, may deposit or place for collection, at curbside or roadside, any material that exceeds any requirement as set forth in the vendor contract and/or any contractor requirements.

(b) No person may place for collection any eligible material or collection receptacle at any collection point prior to thirty-six (36) hours in advance of the scheduled collection time. Materials placed after 6 a.m. of the scheduled pickup day are not guaranteed collection. Ineligible materials and receptacles must be removed from plain view prior to thirty-six (36) hours after collection occurs unless granted a special provision by the Village. Such special provision will be specific to the occupant and is not transferable.

(c) No person shall place a trash container within four (4) feet of a recycling container, street sign, fire number, mailbox, or any other permanent or non-permanent object. If feasible, a trash container is to be placed on one side of the driveway and the recyclable container on the other side of the driveway. Containers shall be placed no greater than four (4) feet from the edge of the pavement and in no instance shall placement be on the traveled road surface.

**(23) Regulations; Notice to Occupants.** The Board may establish any orders, permits, rules and regulations necessary to administer and enforce this ordinance and to provide a proper, safe and efficient recyclables and solid waste collection program for the Village. The Board shall provide to the known occupants receiving recyclable and solid waste material collection services by the Village or its contractors a written notice of these orders, permits, rules and regulations by first class mail to the last known address,

annually on or before January 1 of each year along with, at a minimum, the following information:

(a) the type, amount, times and dates for the recyclable material collection services and the eligibility requirements for collection by the Village or its contractor, if any.

(b) the name, address and phone number of the person to receive complaints or concerns for the Village related to recyclable material collection services and facilities.

(c) the specific requirements for proper placement, proper separation and proper containment of recyclable material.

(d) the specific wastes and materials not to be placed for collection and the reasons for possible refusal by the Village or its contractor not to collect certain recyclable materials, wastes and materials.

(e) the maximum amount in weight or volume of recyclable materials to be placed for collection per scheduled collection period.

(f) any other information deemed relevant to the occupants by the Board, including any possible penalties for violation of this ordinance.

**(24) General Regulatory Provisions.** No person in the Village may:

(a) Continue to place for recyclable material collection at any location in the Village any unauthorized recyclable materials, wastes, or other materials after receipt of written warning notice by certified mail or personal service from the Board or its designee, that the specific recyclable materials, wastes, or other materials will not be collected by the Village, its contractor, and/or any permitted collector and the person therefore may not continue to place for recyclable material collection in the Village these unauthorized wastes or materials.

(b) Place, discharge, litter or deposit in the Village for collection, storage, treatment,

processing, or disposal any recyclable materials, any wastes or other materials at any temporarily closed or permanently closed "green box" recyclable material collection facility or other closed recycled material or waste storage, treatment, processing or disposal facility. This provision shall include any placement, littering, discharge, or deposit by any person on any public or private land in the Village of any recyclable materials, wastes or other materials where the materials or wastes were not authorized for placement by the owner or occupant of the land where the materials or wastes were placed.

(c) Place for solid waste, hazardous waste or other material collection in the Village by the Village, its contractor, permittee collector or any other person any recyclable material, where the person is not exempt under Section 6.2(6), where these recyclable materials should have been properly separated and where these recyclable materials should have been placed for only recyclable material collection as required under NR 544 Wis. Adm. Code or its successor chapter or as required under this section.

**(25) Fees and Volume Based Rates.**

The Board may establish fee charges for occupants of the Village for the payment of recyclable and solid waste material collection services. Fees may be assessed on a per occupant basis or Residential Equivalent Unit (REU), with or without differential rates for seasonal or full-time occupant services.

(a) Annually the fee, as established by resolution of the Board, shall be collected by placing a special charge on the tax roll for the coming year.

(b) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**(26) Sharps.**

(a) *Purpose.* The purpose of this sharps section of the municipal code is to outline

those "sharps" materials which are prohibited from entering the solid waste and recycling stream and to outline the disposal methods of "home generated" sharps in the Village consistent with Ch. NR 526, Wis. Adm. Code, Wisconsin's Medical Waste Regulations.

*(b) Definitions:*

1. "Home Generator of Infectious Waste" means a person who generates infectious waste through self-administration of medication or who receives injected medication at home from other members of the household or from employees of a home care or hospice program under section NR 500.03(102), Wis. Adm. Code.

2. "Infectious Waste" means 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 under Wisconsin Statutes.

3. "Sharps" means household sharps, specifically hypodermic needles, syringes with needles attached, scalpel blades and lancets as specified in section NR 526.05 (1)(a) and section NR 500.03 (209), Wis. Adm. Code.

4. "Sharps Collection Station" means any clinic, hospital or pharmacy which has registered with the Department of Natural Resources. The sharps collection stations will distribute one (1) gallon sharps collection containers and education materials to household sharps users. The sharps collection stations will accept full sharps collection containers for disposal.

5. "Solid Waste" means any garbage, refuse, sludge from a waste water treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semi-liquid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural

operations, and from community activities, but does not include solids or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permit under Wisconsin Statutes, or source, special nuclear or by-product material as defined under Wisconsin Statutes.

6. "Sterilization" means a process by which all forms of microbial life, including spores, viruses and fungi, are destroyed under NR 500.03(223), Wis. Adm. Code.

*(c) Certain Sharps Disposal Methods Prohibited.*

1. Contaminated, unused, or disinfected sharps which may include hypodermic needles, syringes with needles, scalpel blades, lancets, broken glass vials, broken plastic vials, and laboratory slides shall not be placed curbside for collection with normal refuse or placed with recyclables and no person may deposit sharps in the solid waste or recycling streams.

2. Business and Agricultural sharps generators may not use the Brown County Household Sharps Collection Program.

*(d) Required Disposal Methods.*

1. Home generators shall package discarded sharps properly to reduce the risk to the people who will be treating and handling those sharps. Ch. NR 526 of the Wis. Adm. Code provides for the safe, convenient collection of sharps by enabling hospitals, pharmacies, municipalities, and others to collect sharps from people, such as diabetics, who generate small amounts of needles, syringes and other sharps and such disposal complies with these regulations.

2. Brown County's Household Sharps Collection Program has established "sharps collection stations" to service household generators of sharps with a need to dispose of home generated sharps and such disposal complies with these regulations.

3. Business and agricultural sharps generators shall deposit and dispose of

sharps in accordance with applicable state regulations set forth in Ch. NR 526, Wis. Adm. Code.

*(e) Enforcement and Penalty.* As provided in Section 6.98 (3).

*(f) Inspection.* For the purpose of ascertaining compliance with the provisions of NR 540 Wis. Adm. Code or its successor chapter and compliance with this ordinance, any authorized officer, employee, or representative of the Village, may pursuant to Wis. Stats. §16.15 and Ch. 287 or its successor chapters and pursuant to NR 540 Wis. Adm. Code or its successor provisions, inspect recyclable and solid waste materials in the Village separated for recycling, inspect post-consumer waste in the Village intended for disposal, inspect any recyclable material collection locations and any other collection facilities and collection vehicles in the Village, including any collection areas for single family, two (2) to four(4) residential dwelling units, multiple family dwelling units and non-residential facilities and properties that are controlled by any occupants, any contractor of the Village, any permittee collector, or any other person participating in any recycling activity in the Village, any solid waste disposal facilities and solid waste treatment facilities and, in addition, inspect any records relating to recyclable materials activities of any occupants, any contractor for the Village, any permitted collectors or other persons in the Village. These records shall be kept confidential by the Board when necessary to protect proprietary information.

*(g)* No persons who have permits issued under this section for recyclable and solid waste material collection may refuse access to any records or property controlled by that person related to these recyclable materials activities in the Village, to any authorized officer, employee or authorized representative of the Village who requests access to the records or property for

purposes of this inspection, and who presents appropriate credentials. In addition, no persons with these permits may obstruct, hamper, or interfere with any such authorized inspection.

(h) Occupants of the Village and any person with permits issued by the Village providing recyclable and solid waste material collection services in the Village shall cooperate fully with the Board or its designees in any inspection of their facilities or properties. The Board or its designees shall provide to occupants or other persons twenty-four (24) hour oral or written notice prior to inspection of the records, facilities, or properties unless the Board, by order, declares that inspections with less or no notice are necessary to insure compliance by the occupants or these persons.

#### **6.99 PENALTY, SEVERABILITY, AND ENFORCEMENT.**

(1) **Penalty.** Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) and not more than two thousand five hundred dollars

(\$2,500.00) per violation. Failure or refusal to pay forfeiture may result in imprisonment for a period of not more than ninety (90) days for each offense. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(2) **Severability.** If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

(3) **Enforcement.** Enforcement of this chapter shall be the responsibility of the Board or its designee, and/or Police Department.

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Chapter 6

*Chapter 6*

*Ordinance 2009-15 Amending Section 6*

*Adopted 6-15-09*

*Ordinance 2009-23 Amending Section 6.20(17)(a) of the Municipal Code to Add Demolition  
Debris to Prohibited Materials for Solid Waste Collection*

*Adopted 10-5-09*

*Ordinance 2010-07 Amending 6.20 (4) and 6.01, deleting 6.07 and removing 7.17 and making it  
6.07, removing 11.34 (18) and making it 6.08, removing 11.34 (19) and making it 6.09*

*Adopted 2-1-10*

*Ordinance 2010-09 Amending Chapter 6 of the Municipal Code Relating to Revising Section  
6.08 Snow and Ice Removal and 6.09 Illegal Deposit of Snow and or Other Substances*

*Adopted 3-15-10*

*Ordinance 2012-03 Amending Chapter 6 of the Municipal Code*

*Adopted 6-18-12*

*Ordinance 2014-07 Amending Chapter 6.20(8)(e) Yard Waste*

*Adopted 3-17-14*

*Ordinance 2016-02 Amending Chapter 6.02 Driveways*

*Adopted 2-1-16*