

## CHAPTER 9.00 HEALTH AND SANITATION

- 9.01 Definitions
- 9.02 Board of Health
- 9.03 Health Officer
- 9.04 Milk and Milk Products
- 9.05 Keeping of Animals and Fowl
- 9.06 Control of Weeds and Grasses
- 9.07 Trash Containers
- 9.08 Collection of Garbage, Rubbish, and Waste Material
- 9.09
- 9.10 Recycling
- 9.11 Storage of Junk, Etc., Regulated
- 9.12 Penalty

### 9.01 DEFINITIONS (#06-07)

- 1) "*Bi-metal container*" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
- 2) "*Container board*" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 3) "*Foam polystyrene packaging*" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - (a) Is designed for serving food or beverages.
  - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- 4) "*HDPE*" means high-density polyethylene, labeled by the SPI code #2.
- 5) "*Garbage*" means discarded materials resulting from the handling, processing, storage, and consumption of food.
- 6) "*LDPE*" means low density polyethylene, labeled by the SPI code #4.
- 7) "*Magazines*" means magazines and other materials printed on similar paper.
- 8) "*Major appliance*" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
  - (a) The Recycling Law banned the following major appliances from landfills and incinerators: a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer,

microwave oven, oven, refrigerator or stove. 1993 Wis. Act 245 (SB 678) makes two changes to that list of major appliances:

- (1) Microwaves may now be disposed of in a landfill after the capacitor has been removed.
  - (2) Residential and commercial furnaces, boilers, dehumidifiers, and water heaters are added to the list of major appliances, which must be separated for recycling.
- 9) "*Multiple-family dwelling*" means a property containing 5 or more residential units, including those which are occupied seasonally.
  - 10) "*Newspaper*" means a newspaper and other materials printed on newsprint.
  - 11) "*Non-residential facilities and properties*" means commercial, retail, industrial, institutional and governmental facilities and properties. It includes any locations at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as, but not limited to, fairs, festivals, sport venues, conferences, and exhibits.
  - 12) "*Office paper*" means high-grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
  - 13) "*Other resins or multiple resins*" means plastic resins labeled by the SPI code #7.
  - 14) "*Person*" includes any individual, corporation, partnership, association, local government unit, as defined in s. 287.01(5m), Wis. Stats, state agency or authority or federal agency.
  - 15) "*PETE*" means polyethylene terephthalate, labeled by the SPI code #1.
  - 16) "*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.
  - 17) "*Post-consumer waste*" means 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, or high volume industrial waste, as defined in s. 289.01(17), Wis. Stats.
  - 18) "*PP*" means polypropylene, labeled by the SPI code #5.
  - 19) "*PS*" means polystyrene, labeled by the SPI code #6.
  - 20) "*PVC*" means polyvinyl chloride, labeled by the SPI code #3.
  - 21) "*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.

- 22) *"Refuse"* means all matters produced from industrial or community life, subject to decomposition, not defined as sewage.
- 23) *"Solid waste"* has the meaning specified in s. 289.01(33), Wis. Stats. ("Solid Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, or source material, as defined in s. 254.31(10), special nuclear material, as defined in s. 254.31(11), or by-product material, as defined in s. 254.31(1).
- 24) *"Solid waste facility"* has the meaning specified in s. 289.01(35), Wis. Stats.
- 25) *"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.
- 26) *"Waste tire"* means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 27) *"Yard waste"* means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

## **9.02 BOARD OF HEALTH**

- A. DUTIES. The Village Board shall be responsible for the general administration of health and sanitation laws and regulations in the Village, to 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 Board of Health and the ordinances of the Village.
- B. ORDERS. The Board shall take such measures and make such rule and regulations as shall be 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 paper, and after publication shall have the force and effect of ordinances, including the penalty for violation.

## **9.03 HEALTH OFFICER.**

- A. DUTIES. The Health Officer, under the supervision of the District State Health Officer shall:
  1. Make an annual sanitary survey and maintain continuous sanitary supervision over the territory.

2. Make annual sanitary inspection of all school buildings, restaurants, grocery stores, meat markets and places of public assemblage and report thereon to those responsible for the maintenance thereof.
  3. Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
  4. Enforce the health laws, rules, and regulations of the State Board of Health, the State, and the Village, including the laws relating to contagious diseases contained in Ch. 143, Wis. Stats.
  5. Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
  6. Keep and deliver to the Health Officer successor a record of all official acts performed as Health Officer.
  7. Make an annual report to the State Board of Health and to the Village Board and such other reports as they may request.
- B. RIGHT OF THE HEALTH OFFICER TO ENTER PREMISES. The Health Officer shall have the right to enter and examine any public premises or any place where meat, fish, poultry, game, milk, bakery goods, or other foodstuffs are stored, prepared, or dispensed for public consumption and to inspect or examine any vehicle transporting such foodstuffs for the purpose of enforcing the provisions of this chapter.
- C. ABATEMENT OF HEALTH NUISANCES. The Health Officer together with the Board shall have the power to abate health nuisances in accordance with Section 146.14, Wis. Stats. which is hereby adopted by reference and made a part of this Chapter as if fully set forth herein.

**9.04 MILK AND MILK PRODUCTS.** No person shall sell, offer or expose for sale any milk or milk product other than Grade pasteurized milk or milk products as those terms are defined in the Wisconsin Administrative Code, issued by the State Department of Agriculture.

**9.05 KEEPING OF ANIMALS AND FOWL.**

No animals or fowl, except domesticated pets, shall be kept within the Village, except in areas used for agricultural purposes. The commercial raising of all animals and fowl is prohibited except when permitted as a Conditional Use or Planned Unit development Use Amendment. The keeping of exotic pets that might generate a neighborhood disturbance or possibly devalue property will require a Conditional use Permit or Planned Unit Development Use Amendment. (03-09)

**9.06 CONTROL OF WEEDS AND GRASSES.**

- A. **Mowing Required.** No person owning property within the Village shall permit any weeds or grasses to grow to a height of over one foot or pollinate upon the owned premises without a conditional use permit. It shall be the duty of every property owner to mow or cause to be mowed upon the owned premises, all grasses or weeds exceeding one foot in height, unless exempted by a conditional use permit.

- B. Mowing By Village. It shall be the duty of the Village to enforce this section and if any person shall fail to comply herewith, the Village shall, after 5 days written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the Village Clerk. Such charge shall be billed to the property owner or spread on the tax roll as a special tax to be collected in the same manner as other taxes. The fees for mowing by the Village shall be set by policy and/or Resolution.

#### 9.07 TRASH CONTAINERS.

- A. In order for the Village to collect the solid waste from any building housing more than **two (2)** (#09-09) families, the following requirements will be enforced as prescribed:
1. The Village will provide a maximum of one (1) **ninety-six (96) gallon container for each unit** ~~two (2) yard dumpster at no extra cost~~ **and the trash collection will be part of the Village of Jackson collection contract** (#09-09) to the property containing the eligible building. **The eligible building will be determined during the approval process of a conditional use permit or PUD Plan approval. The property owner, shall purchase the container from the Village, at the current price set by resolution.** (#09-09) If additional containers are needed for the property, **or the property does not have an eligible building,** (#09-09) then the property shall contract directly with their own Waste Hauler.
  2. **All** ~~The~~ (#09-09) containers shall be placed in a containment area shielded by landscaping or fence. The solid waste container containment area shall be so constructed that it can be readily and easily used with the waste collection equipment used by the contracted Waste Hauler. Solid waste containers shall be maintained by the property owner, (keeping the container in good repair, including the lids, wheels, and handles). Property Owners of non-conforming or damaged trash containers shall be notified in writing of any such conditions.
  3. Refuse and waste collection shall cease in 30 days if alterations or repairs are not implemented.
- B. The Village will collect garbage from commercial and industrial users in the Village; however, the pickup will be limited to ~~one (1) two (2) yard dumpster or~~ one (1) **ninety-six (96)** ~~(90)~~ (#09-09) gallon container, provided by the Village.
1. All of the conditions and requirements for trash containers used for residential purposes shall be applicable to commercial and industrial users.
  2. All of the restrictions with respect to the collection of garbage as set forth in (A) through (F) of Section 9.08 are applicable to commercial and industrial collection.

#### 9.08 COLLECTION OF GARBAGE, RUBBISH, RECYCLING, (#09-09) AND WASTE MATERIAL.

**This section is the requirement for eligible buildings that are covered by the Village of Jackson's Waste and Recycling Collection contract.** (#09-09)

- A. Garbage shall be drained ~~and wrapped~~ or placed in a **plastic bag before placing in the ninety-six (96) gallon** ~~proper~~ (#09-09) container. Garbage not placed in **the trash** ~~proper~~ container will not be collected. Disposable diapers and animal waste shall be wrapped in plastic bags. ~~No refuse placed in cardboard boxes will be collected.~~ **Ashes, sawdust, construction dust, vacuum cleaner dust, or similar material shall be double bagged, sealed, and placed in the trash container.** Newspaper, magazines, cardboard, office paper, books, envelopes, and any junk mail shall be bundled together in a paper bag or bundled with string, **and placed in the recycling container.** ~~Cardboard must be no longer than 24 inches x 24 inches.~~ **Cardboard or paper contaminated by oil, grease, or food shall be placed in the trash container, and unstained pizza/food boxes are recyclable and can be disposed in the recycling container. Bulk waste, such as furniture, rolled carpeting, fixtures, small TV's, microwaves, lumber, etc. will be collected as long as the item fits into the trash container. Paint cans must be in a dry or hardened state before placing into the trash container. Floor dry or kitty litter may be used to increase the drying process.** (#09-09)
- B. Containers shall be placed between the curb and sidewalk for collection. A once weekly collection will be made under normal conditions **for the ninety-six (96) gallon trash container. The ninety-six (96) gallon recycling container will be collected bi-weekly.** ~~The two (2) ninety-six (96)~~ ~~90~~ gallon containers shall not be placed on snow banks, or streets and shall be placed so as to have sufficient room on either side for the truck to grasp the containers properly. Containers shall not be placed on sidewalks unless the residence has attached sidewalks. (#09-09)
- C. No shrubbery, lawn clippings, tree trimmings, brush, tires, waste liquids, batteries, or recyclables shall be placed in the **ninety-six (96)** ~~90~~ gallon **trash** container provided. (#09-09)
- D. Tree trimmings, shrubbery pruning, or brush will **not** be chipped unless placed at the curb, with the butt ends of the material facing the street. Other arrangements for chipping may be made for exceptional circumstances if agreed to by the Village. The Village will not chip tree, shrub, or brush trimmings greater than 6 feet in length and 6 inches in diameter. The Village will only chip and collect yard waste (minus grass clippings) in the spring season beginning on the last week in April to the last day of May. In the fall season, pick-up will start the second week of October **and go** through the second week of November. During the summer, the Village will only chip on the third (3<sup>rd</sup>) Monday of each month (June, July, August, and September), weather permitting. (#09-09)
- E. The ~~90~~ **two (2) ninety-six (96)** gallon containers ~~or~~ **and** recyclables shall not be placed out for collection before dusk of the day preceding the scheduled collection day set by the Village for various areas, or later than 6:30 AM on the day of collection. (#09-09)
- ~~F. The Village shall establish charges for the collection of garbage and refuse by residents and businesses who request the Village to pick up trash and refuse that is separate and apart from the trash and refuse picked up from the trash containers provided by the Village on scheduled pick up dates. These charges shall be set forth by Resolution.~~ (#09-09)

## 9.09 CLEANING UP AFTER PETS.

1. ~~Removal of Animal Waste.~~ Any person owning, keeping, possessing, harboring, or in control of any dog or cat shall promptly remove and dispose of all feces left by the dog or cat on any public property and on any private property not owned by such person or lawfully occupied by such person. ~~(#95-16)-(ORD #07-01)~~
2. ~~Penalty.~~ Any person, firm or corporation violating any provision of this section of the Ordinance shall be fined not less than \$25.00 nor more than \$100.00 for each offense plus the costs of prosecution as provided by Wisconsin Statutes. ~~(#95-16)-(ORD #07-01)~~

## 9.10 RECYCLING

- A. Interpretation. The Purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program as provided in sec. 287.11, Stats., and ch. NR 544, Wis. Administrative Code. This section does not repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances, or permits previously adopted or issued pursuant to law, but whenever this section imposes greater restrictions, the provisions of this section shall apply. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in ch. NR 544, Wis. Administrative Code, and where the provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the most recent text amendment of this section.
- B. Administration. The Director of Public Works shall administer the provisions of this section.
- C. 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 post consumer waste:
  1. Lead acid batteries.
  2. Major appliances.
  3. Waste oil.
  4. Yard waste.
  5. Office paper.
  6. Aluminum containers.
  7. Bi-metal cans.
  8. Corrugated paper or other container board.

9. Glass containers.
  10. Magazines.
  11. Newspaper.
  12. Rigid plastic containers made of PETE (#1) and HDPE (#2).
  13. Steel containers.
  14. Waste tires.
- D. Separation Requirements Exempted. The separation requirements of s. 9.09 (C) do not apply to the following:
1. Occupants of single family and 2 to 4 units 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 s. 1.11 from solid waste in as pure a form as is technically feasible.
  2. If less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with s. 287.078(7)(bg), Wis. Stats.
  3. Foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7). These items have been granted a separation variance by the Department of Natural Resources under s. 287.07(7)(h), Wis. Stats.
- E. Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 9.10 (C) 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 weather conditions that could reduce the marketability of the recyclable materials.
- F. Management of Lead Acid Batteries, Major Appliances, Waste oil, and Yard Waste. All residents and occupants of all residential and non-residential properties in the Village of Jackson shall manage the recycling of lead acid batteries, major appliances, waste oil, office paper, and yard waste as follows:
1. The resident at their own expense shall dispose of lead acid batteries.
  2. The resident at their own expense shall dispose of major appliances.
  3. The resident at their own expense shall dispose of waste oil.
  4. Yard Waste.

- a. The property owner or occupant who chooses to recycle grass clippings rather than mulch, shall dispose of the clippings at their own expense. The Village will not recycle or provide curb side pick-up for grass clippings.
- b. Leaves, weeds, and garden debris shall be placed at the curb in a biodegradable paper bag.
- c. Tree and shrub pruning debris may be placed and picked up at the curb by the Village in accordance with s. 9.08(D) of this chapter of the Village Code.

F. Preparation and Collection of Recyclable Materials.

- 1. All residents and occupants of all residential and non-residential properties in the Village of Jackson shall prepare and collect all other recyclable materials as set forth in s. 9.09(A) of this Chapter of the Village Code, as set forth by the Village or as directed by Village contractor.
- 2. All residents and occupants of all residential and non-residential properties in the Village of Jackson shall provide adequate containers for the recyclable materials unless otherwise provided by the Village or a Village contractor.
- 3. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 9.10(C)(6) through (14):
  - a. Provide adequate containers for the recyclable materials unless otherwise provided by the Village or a Village contractor.
  - b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program in the Village of Jackson.
  - c. Provide for the collection of materials separated from the solid waste by the tenant unless provided by the Village or a Village contractor.
  - d. 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, and collection methods.
- 4. Owners or Designated Agents of Non-Residential Facilities or Properties shall do all of the following to recycle the materials specified in s. 9.10(C)(6) through (14).
  - a. Provide adequate containers for the recyclable materials unless otherwise provided by the Village or a Village contractor.
  - b. Notify in writing, all users, tenants, and occupants of the property about the established recycling program in the Village of Jackson.

- c. Provide for the collection of materials separated from the solid waste by the users, tenants, and occupants and the delivery to the recycling facility unless provided by the Village or a Village contractor.
- d. Notify users, tenants, and occupants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, and collection methods.

G. Theft of Recyclables.

All recyclables placed at the curb for pickup shall become the property of the Village of Jackson and their recycling contractor. The removal of any recyclables by any unauthorized persons shall be a violation of this ordinance and subject to a penalty as prescribed in Section 9.12 of this Chapter. (#95-05)

I. Enforcement.

- 1. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Jackson, may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-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 Jackson, who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection. Adequate containers for the recyclable materials unless otherwise provided
- 2. Any person who violates a provision of this ordinance may be issued a citation by the Village of Jackson to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or other matter. Those violations are subject to a penalty as prescribed in Section 9.12 of this Chapter. Proceeding under any other ordinance or law relating to the same or other matter shall not preclude the issuance of a citation under this paragraph.

**9.11 STORAGE OF JUNK, ETC., REGULATED.**

No person shall store junked or discarded property, (including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery, or machinery parts, wood, bricks, concrete blocks, or other unsightly debris which may substantially depreciate property values in the neighborhood) for more than five (5) days unless it is in connection with an approved use in an appropriately zoned district.

The Village may require, by written order, any premises violating this section to be put in compliance within the time specified in such order, and if the order is not complied with, the penalty provisions of this chapter shall apply.

**9.12 PENALTY.**

Any person who shall violate any provision of this chapter shall be subject to the penalty provided by Section 21.04 of this Code. Each violation and each day a violation occurs shall constitute a separate offense. This Section shall not preclude the Village from taking any appropriate action to prevent or remove a violation of this chapter.