

# TITLE 8

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## Health and Sanitation

<b>Chapter 1</b>	Health and Sanitation
<b>Chapter 2</b>	Pollution Abatement
<b>Chapter 3</b>	Refuse Collection and Recycling



## Title 8 ► Chapter 1

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# Health and Sanitation

<b>8-1-1</b>	Rules and Regulations Regarding Health
<b>8-1-2</b>	Health Nuisances; Abatement of
<b>8-1-3</b>	Deposit of Deleterious Substances Prohibited
<b>8-1-4</b>	Destruction of Noxious Weeds
<b>8-1-5</b>	Regulation of Natural Landscapes
<b>8-1-6</b>	Regulation of Length of Lawn and Grasses
<b>8-1-7</b>	Compulsory Connection to Village Sewer and Water System
<b>8-1-8</b>	Unhealthy, Hazardous or Unsightly Materials on Public or Private Property
<b>8-1-9</b>	Rodent Control
<b>8-1-10</b>	Composting Regulations
<b>8-1-11</b>	Discharge of Clear Waters
<b>8-1-12</b>	Disturbance of Refuse Containers
<b>8-1-13</b>	Fencing of Anhydrous Ammonia Tanks
<b>8-1-14</b>	Sump Pump Discharge Regulated

### **Sec. 8-1-1 Rules and Regulations Regarding Health.**

The Village Board, acting as Board of Health, may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Village Board shall be subject to the general penalty provided for in this Code of Ordinances.

### **Sec. 8-1-2 Public Safety and Health Hazards/Nuisances Regulated.**

- (a) **Purpose.** No person, company or corporation shall erect, contrive, cause, continue, maintain or permit to exist any public health or safety hazard within the Village of Wheeler. The Village Board, acting as the Board of Health, shall abate health nuisances

pursuant to Ch. 823, Wis. Stats., which is adopted by reference and made part of this Section, or pursuant to the procedures of this Section, Sec. 10-5-8 and/or Title 11, Chapter 6 of this Code of Ordinances.

(b) **Definitions.** The following definitions shall be applicable in this Section:

(1) **Health and Safety Hazard.** A public health and safety hazard or nuisance is an object, act, occupation, condition or use or property which shall continue for such length of time as to:

a. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or

b. In any way render the public insecure in life or in the use of property.

(2) **Public Hazards Affecting Health.** The following acts, omissions, places, conditions and objects are hereby specifically declared to be hazards and nuisances, but such enumeration shall not be construed to exclude other health hazards coming within the definition of Subsection (b)(1):

a. Accumulation of decayed animal or vegetable matter, trash, rubbish, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(3) **Safety Hazards.**

a. The following acts, omissions, places and conditions are hereby declared safety hazards and nuisances. However, such enumeration shall not be construed to exclude other hazards affecting public safety coming within the provisions of Subsection (b)(1):

1. All buildings and structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.

2. All abandoned or non-operational refrigerators, freezers, and iceboxes from which the doors and other covers have not been removed or are not equipped with a device for opening the door from the inside.

3. Fire code or safety violations found when the required state fire inspections are performed.

b. Time to repair or correct fire code or safety violations will be on an individual basis granted upon notice of violation.

(4) **Public Safety and Other Hazards.** The following acts, omissions, places and objects are hereby specifically declared to be public safety or health hazards and nuisances offending the health, comfort, repose or safety of Village residents, but such enumeration shall not be construed to exclude other hazards within Subsection (b)(1):

a. All property owners within the Village of Wheeler who allow their property to accumulate trash, litter or rubbish shall be in violation of this Subsection.

1. Litter as used in this Subsection includes but is not limited to trash and/or wastepaper lying scattered about.

2. Trash, as used in this Subsection, includes but is not limited to some thing or object worth little or nothing or is in a crumpled or broken inoperable condition.



3. Rubbish, as used in this Subsection, includes but is not limited to waste materials, garbage and refuse of every character and kind collected and/or accumulated.

(c) **Abatement of Public Hazards.**

- (1) **Inspection of Premises.** Whenever a person residing within five hundred (500) feet or adjacent to a hazard makes a written complaint to the Village office or to a Village enforcement officer that a public health or safety hazard exists within the Village of Wheeler, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his/her findings to the Village Board. Whenever practicable, the enforcement officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk-Treasurer.
- (2) **Summary Abatement.**
  - a. **Notice to Owner.** If the enforcement officer shall determine that a public health or safety hazard exists within the Village of Wheeler and that there is great and immediate danger to the public health, safety, peace, morals or decency upon a person, company, or corporation causing, permitting, or maintaining such a hazard, whether an owner or occupant of the premises where such hazard is caused, permitted, or maintained. If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant thereof, as well as direct mail notice to the last known owner of said property. Such notice shall direct the person, company or corporation causing, permitting, or maintaining such hazard, or owner or occupant of the premises to start abatement within twenty-four (24) hours and complete such abatement within thirty (30) days, and shall state that unless such hazard is so abated, the Village may cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the hazard.
  - b. **Abatement by Village.** If the health or safety hazard is not abated within the time provided or if the owner, occupant or person causing the hazard cannot be found, the enforcement officer in the case of health hazards and other causes shall cause the abatement or removal of such public hazards.
  - c. **Abatement by Court Action.** If the enforcement officer shall determine that a health or safety hazard exists on private premises but that the nature of such hazard is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall file a written report of his/her findings with the Village Board who shall cause an action to abate such hazard to be commenced in the name of the Village in the Circuit Court of Dunn County in accordance with the provisions of Ch. 823, Wis. Stats. In the alternative, the Village Board may direct the enforcement officer to issue one or

**8-1-2**

more citations for each day of violation for said time period, and to report back whether compliance has occurred.

- d. ***Other Methods Not Excluded.*** Nothing in this Section shall be construed as prohibiting the abatement of the health or safety hazards by the Village of Wheeler or its officials in accordance with the laws of the State of Wisconsin.

(d) **Enforcement.**

- (1) ***Penalty.*** Any person who shall violate this Section shall, upon conviction thereof, be subject to a forfeiture as prescribed in Section 1-1-6.
- (2) ***Separate Violations.*** Each day of violation of this Section shall constitute a separate offense.

*State Law Reference:* Ch. 823, Wis. Stats.

### **Sec. 8-1-3      Deposit of Deleterious Substances Prohibited.**

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

### **Sec. 8-1-4      Destruction of Noxious Weeds.**

- (a) ***Annual Noxious Weeds Notice.*** The Village Clerk-Treasurer shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village of Wheeler which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) ***Noxious Weeds Removal Required.*** If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village of Wheeler shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.0407, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

- (c) **Designated Noxious Weeds.** As provided for in Sec. 66.0407, Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village of Wheeler corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

Cirsium Arvense (Canada Thistle)  
Ambrosia artemisiifolia (Common Ragweed)  
Ambrosia trifida (Great Ragweed)  
Euphorbia esula (Leafy Spurge)  
Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)  
Tragopogon dubius (Goat's Beard)  
Rhus radicans (Poison Ivy)  
Cirsium vulgaries (Bull Thistle)  
Pastinaca sativa (Wild Parsnip)  
Arctium minus (Burdock)  
Xanthium strumarium (Cocklebur)  
Amaranthus retroflexus (Pigweed)  
Chenopodium album (Common Lambsquarter)  
Rumex Crispus (Curled Dock)  
Cannabis sativa (Hemp)  
Plantago lanceolata (English Plantain)

Noxious grasses, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

Agrostia alba (Redtop)  
Sorghum halepense (Johnson)  
Setaria (Foxtail)

Noxious weeds are also the following plants and other rank growth:

Ragweed  
Thistles  
Smartweed  
Dandelions (over 8 inches in height)

*State Law Reference:* Sec. 66.0407, Wis. Stats.

## **Sec. 8-1-5 Regulation of Natural Landscapes.**

- (a) **Natural Lawns Defined.** "Natural landscape" as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-4 of this Chapter. The growth of natural landscaping on non-agricultural parcels in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village of Wheeler corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section. Natural landscaping shall not contain litter or debris and shall not harbor undesirable wildlife, vermin or pests.
- (b) **Natural Landscape Management Plan Defined.**
- (1) **Natural Landscape Management Requirements.** Natural Landscape Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a natural landscape which contains the street address or a legal description of the property where the proposed natural landscape is being requested, and which would exceed six (6) weeks, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
  - (2) **Permitted Submittal Party.**
    - a. Property owners who wish to plant and cultivate a natural landscape must submit their written plan and related information to the Village of Wheeler. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Landscape Management Plans shall only indicate the planting and cultivating of natural landscapes on property legally owned by the property owner.
    - b. Applicants are strictly prohibited from developing a natural landscape on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership.
  - (3) Natural landscapes shall not be permitted within five (5) feet of the side or rear setback to an abutting property owner's land unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan filed with the Village Clerk-Treasurer. Such waiver may be revoked, in writing, by the abutting property owner at a later time, a copy to be filed with the permittee and the Village Clerk-Treasurer.
  - (4) All drainage swales shall be free of plantings and maintained in accordance with Section 8-1-4 above. In addition, a five percent (5%) area exclusive of the setback area shall be left open for maintained paths. The setback area shall have a height of no more than eight (8) inches, excluding trees and shrubs.

- (5) Any subsequent property owner who abuts an approved natural landscape may revoke the waiver thereby requiring the owner of the natural landscape to remove the natural lawn that is located in the five (5) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural landscape and direct the owner to remove the natural landscape located in the ten (10) foot section abutting the neighboring property owner. The Village Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved landscape lawn shall be required to remove the five (5) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.
- (c) **Application Process.**
- (1) Property owners interested in applying for permission to establish a natural landscape shall file an application with the Village Clerk-Treasurer. The completed application shall include a Natural Landscape Management Plan. Upon submitting a completed application, a fee as prescribed in Section 1-3-1 will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village of Wheeler shall deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural landscape site.
- (2) If the property owner's application is in full compliance with the Natural Landscape Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Village Board may issue permission to install a natural landscape. Such permit shall be valid for two (2) years. Permit renewals shall follow the procedures in this Section.
- (d) **Application for Appeal.** The property owner may appeal the Village Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.

- (e) **Prohibited Plant Species.** The following noxious grasses or weeds will not be allowed in a natural landscape area:

<b>Common Name(s)</b>	<b>Latin Name(s)</b>
Buckthorn	Rhamnus Cathartica Rhamnus Frangula
Burdock (Yellowdock)	Artium Lappa
Field Bindweed (Wild Morning Glory)	Convolvulus Arvensis
Garlic Mustard	Alliaria Petiolata
Goatsbeard (Oyster Plant, Salsify)	Tragopogon Porrifolius
Leafy Spurge	Euphorbia Esula
Marijuana	Cannabis Sativa
Nettle	Urtica Dioica
Oxeye Daisy	Chrysanthemum Leucanthemu
Pigweed (Lambs Quarters)	Chenopodium Album
Pigweed (Amaranth)	Amaranthus Retroflexus
Poison Ivy	Rhus Radicans
Quackgrass	Bromus Brizaeformis
Ragweed (Common)	Ambrosia Artemisifolia
Ragweed (Great)	Ambrosia Trifida
Spotted Knapweed	Centaurea Maculosa
Thistle Bull	Cirsium Vulgare
Thistle Canada	Cirsium Arbense
Thistle Musk or Nodding	Carduus Nutans
Thistle Star (Caltrops)	Centaurea Calicitraba
Thistle Sow (Field)	Sonchus Arvensis
Thistle Sow (Common)	Sonchus Oleraceus
Thistle Sow (Spiny Leaved)	Sonchus Asper
Sweet Clover (Yellow)	Melilotus Officinalis
Sweet Clover (White)	Melilotus Alba
Yellow Mustard (Yellow Rocket (Winter Cress))	Barbarea Vulgaris
Japanese Bamboo	
Wild Mustard	

- (f) **Safety Precautions For Natural Grass Areas.**

- (1) When, in the opinion of the Fire Chief of the Department serving the Village of Wheeler, the presence of a natural landscape may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural landscapes to a safe condition. As a condition of receiving approval of the natural



landscapes permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.

- (2) Natural landscapes shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Landscape Management Plan, and appropriate Village open burning permits have been obtained. The Fire Chief shall review all requests to burn natural landscapes and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural landscapes shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural landscapes, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural landscapes shall produce evidence of property damage and liability insurance identifying the Village as a named party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).
- (g) **Revocation Of An Approved Natural Landscape Management Plan Permit.** The Weed Commissioner, Building Inspector, Zoning Administrator, Village Clerk-Treasurer or law enforcement officer shall have the authority to revoke an approved Natural Landscape Management Plan Permit if the owner fails to maintain the natural landscape or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Landscape Management Plan Permit shall be appealable to the Village Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Landscape Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Landscape Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.
- (h) **Public Nuisance Defined – Abatement After Notice.**
- (1) The growth of a natural landscape as defined in this Section shall be considered a public nuisance unless a Natural Landscape Management Plan has been filed and approved and a permit is issued by the Village of Wheeler as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
  - (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by state statute.

**8-1-5**

- (3) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.
- (i) **Penalty.**
  - (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
  - (2) In addition to any penalties herein provided, the Village of Wheeler may issue stop work orders upon owners of lots where work is unfinished under a previously issued permit for any violation of this Section.

## **Sec. 8-1-6 Regulation of Length of Lawn and Grasses.**

- (a) **Purpose.**
  - (1) **General Intent.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Wheeler, adversely impacting the public health and safety. Except as provided in Section 8-1-5, the owner or occupant of any lot or parcel in the Village which is one (1) acre or less in area around a residence shall install and maintain landscaping, plantings and other decorative surface treatments, including turf grass, so as to present an attractive appearance in all yard areas in accordance with generally accepted landscaping practices in Wisconsin. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and the Village of Wheeler.
  - (2) **Definitions.** The terms used in this Section and Section 8-1-5.
    - a. **Turf Grass.** Grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue and rye grass blends.
    - b. **Natural Lawn.** Any land managed to preserve or restore native Wisconsin grasses and forbes, native trees, shrubs, wildflowers and aquatic plants.
- (b) **Public Nuisance Declared.**
  - (1) **Occupied Residential Lots.** The Village Board finds that lawns, grasses and noxious weeds on non-agricultural occupied residential lots or parcels of land one (1) acre or under around a residence, as classified under the Village Zoning Code, within the Village of Wheeler which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden



in the grass, interferes with the public convenience and adversely affects property values of other land within the Village. For that reason, any non-agricultural lawn, grasses or weeds on an occupied residential lot or other parcel of land one (1) acre or under in size which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-5 above.

- (2) **Vacant or Undeveloped Lots.**
  - a. Grasses and weeds on vacant lots shall be maintained to the eight (8) inch height standard of this Section in the area of the lot within ten (10) feet of a sidewalk, or where there is no sidewalk within twenty (20) feet of the street edge.
  - b. If a vacant lot is adjacent to a developed and occupied lot, the entire vacant lot shall be maintained to the eight (8) inch weeds and grasses height standard.
- (3) **Commercial Lots.** In the case of commercial parcels, the owner of the parcel shall comply with the eight (8) inch height restrictions of this Section in the area of the parcel from the street to the back side of the building (if present) or for a distance of one hundred (100) feet, whichever is less restrictive.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsections (a) or (b) above to remain on any premises owned or controlled by him/her within the Village of Wheeler.
- (d) **Inspection.** A Village representative will inspect lawns when a complaint is received or notice given by a Village official to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **Abatement of Nuisance.**
  - (1) If the Village official determines with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he/she shall notify the Village Clerk-Treasurer who in turn will send out written notice to the property owner, or tenant if the owner is unknown, to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5.
  - (2) The notice shall be served at least five (5) days prior to the cutting of the lawn.
- (f) **Due Process Hearing.**
  - (1) If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Zoning Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within the five (5) day period that the notice was sent. Upon application for the hearing, the property owner shall deposit a One Hundred Dollar (\$100.00) bond. If a decision is rendered in the property owner's favor, the One Hundred Dollar (\$100.00) will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance, if necessary. The

- property in question will not be mowed by the Village of Wheeler or designee/contractor until such time as the hearing is held by the Zoning Board of Appeals.
- (2) At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his/her own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his/her own case.
  - (3) At the close of the hearing, the Zoning Board of Appeals shall make its determination in writing specifying its findings, facts, and conclusions. If the Zoning Board of Appeals determines that a public nuisance did exist, the Zoning Board of Appeals shall order the Village or a person or company designated by the Village to mow the property in question unless the property has been mowed by the owner within seventy-two (72) hours of the Zoning Board of Appeals' decision. If the owner does not abate the nuisance within the prescribed seventy-two (72) hours, the Weed Commissioner or other Village representative shall cause the same nuisance to be abated and cost in excess of the forfeited fee billed or assessed accordingly. [See Subsection (g).]
- (g) **Village's Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the Village may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge. In addition, the Village may also cause a citation to be issued for failure to comply with this Section.
  - (2) The Village shall cut, or cause to be cut by its agent, all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by the Village Board. Such charge shall be comprised of all costs associated with the mowing, plus a surcharge for Village administrative costs. The property owner shall also be responsible for any equipment repair costs incurred by the Village while mowing on the property. The charges shall be set forth in a statement to the Village Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Village Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.615(3)(f), Wis. Stats.
- (h) **Definition.** For purposes of this Section, "Village official" shall mean any member of the Public Works Department, a law enforcement officer, Building Inspector, Zoning Administrator, Village Clerk-Treasurer or Weed Commissioner of the Village of Wheeler.

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## **Sec. 8-1-7 Compulsory Connection to Village Sewer and Water System.**

- (a) **When Required.** Whenever a sewer or watermain becomes available to any building used for human habitation, the owner of the property upon which the building is located shall connect the building to such main or mains in the manner prescribed by law, except the Village Board may defer connection to such water or sewer main or mains for those properties which have existing operable septic systems or wells or whose construction was permitted by the Village of Wheeler.
- (b) **Notice; Payment.**
- (1) The owner of any parcel of land adjacent to a water or sewer main upon which there exists a need for water supply, or sewer service, whether now or in the future, and for whatsoever reason, or in a block through which such system is extended shall connect the available water or sewer main/system within one hundred eighty (180) days of notice in writing from the Village to so connect. Upon failure to do so, the Village may cause such connection to be made and billed to the property owner for such costs. Such costs may include, without limitation, the cost of disconnecting any private wells so as to provide for adequate cross-connection controls within the municipal water system. If such costs are not paid within thirty (30) days of billing to the property owner by the Village, such costs shall be assessed as a special tax lien against the property; however, that the owner may, within thirty (30) days after the completion of the work, file a written option with the Village Clerk-Treasurer stating that he/she cannot pay such amount in one (1) sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of twelve percent (12%) per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Sec. 144.06, Wis. Stats.
  - (2) In lieu of the above, the Village, at its sole option, may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the municipal water or sewer system in an penalty amount to be as great as the current average residential user cost plus ten percent (10%) interest for administrative cost per month for each residential unit equivalent for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Sec. 144.06, Wis. Stats.
  - (3) This Section ordains that the failure to connect to the water or sewer system is contrary to the minimum health standards of said Village and fails to assure preservation of public health, comfort, and safety of the Village of Wheeler.
- (c) **Building Inspector May Cause Connection at Expense of Owner.** In the alternative to Subsection (b), the owner or his/her agent fails to comply with the notice of the Building Inspector within ten (10) days of service or mailing thereof, the Building Inspector may

cause connection to be made and the expense thereof shall be assessed as a special charge against the property.

- (d) **Privies, Cesspools, Etc., Prohibited After Connection With Sewer.** After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.

## **Sec. 8-1-8 Unhealthy, Hazardous or Unsightly Materials on Public or Private Property.**

### **(a) Inspections.**

- (1) Whenever the Building Inspector, Fire Inspector, Zoning Administrator, or other authorized Village official shall, upon inspection of any premises within the Village of Wheeler find that there is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish, rubble, trash, abandoned, construction materials, rotting yard and orchard waste, merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Village of Wheeler in general, such official shall issue his/her written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, construction materials, rotting yard and orchard waste, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or other unhealthy, hazardous or unsightly materials or things.
- (2) Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection (b).
- (3) Prosecution of violators under this Section shall not preclude other enforcement actions allowed by law, including other actions under this Code of Ordinances.

- (b) **Appeal.** Any person aggrieved by an order of a Village official under this Section may, within thirty (30) days from the date of such order, request a hearing before the Zoning Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within thirty (30) days of the date of said order. The Zoning Board of Appeals shall hold a hearing within seven (7) days from the date of the aggrieved party's request. The Village shall take no abatement action until such time as the requested hearing is held, except when necessary to remove a human health hazard in accordance

with Subsection (g). At the hearing, the person aggrieved may appear in person and/or by attorney and may subpoena, present and cross-examine witnesses. At the close of the hearing, the Zoning Board of Appeals shall make its determination in writing specifying its findings of facts and conclusions. If the Zoning Board of Appeals determines that a public nuisance did exist, the Zoning Board of Appeals may order the Village to proceed under Subsections (e), (f) and/or (h) of this Section.

- (c) **Exceptions.** Nothing contained in this Section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or nonsalable merchandise or parts or unsightly materials or things which are:
- (1) Lawfully sited pursuant to the Village Zoning Code and operated in a manner not constituting a nuisance; or
  - (2) Temporarily deposited due to an emergency; or
  - (3) Materials during construction; or
  - (4) Collected and piled for immediate pickup and disposal by the Village or by private means.
- (d) **Nonconforming Uses.** It shall not be a defense to the provisions of this Section that the owner or occupant of the premises involved has a nonconforming use, but the provisions of this Section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.
- (e) **Abatement by Village.** If the inspecting officer determines that said nuisance is a human health hazard, as defined in Sec. 254.01, Wis. Stats. and Section 8-1-2 of this Code of Ordinances, and is not abated within the time provided in Subsection (a), and there has been no appeal as set forth in Subsection (b), the officer shall file a written report of his/her findings with the Village Board, and the Village Board may abate the nuisance pursuant to Section 8-1-2, Section 10-5-8 or Title 11, Chapter 6 of this Code of Ordinances.

*Cross-Reference:* Sections 8-1-2 and 10-5-8, and Title 11, Chapter 6

## **Sec. 8-1-9      Rodent Control.**

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village of Wheeler, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his/her designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the



owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.

- (2) **A Rodent-Proof Container.** A rodent-proof container shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
  - (3) **Rodent-Proofing.** Rodent-proofing shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the Village.
  - (4) **Rodent Harborage.** Any place where rodents can live and nest without fear of frequent molestation or disturbance.
  - (5) **Hardware Cloth.** Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
- (b) **Elimination of Rodent Harborages.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber, boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.
- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
- (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Village of Wheeler, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
- (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the Village of Wheeler to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

## Sec. 8-1-10 Composting Regulations.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the organic waste produced from the growing, trimming, and removal of grass, branches [not exceeding one (1) inch in diameter] bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
  - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
  - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Village to proceed under Section 8-1-9.
  - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
  - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or the Village in general.
  - (5) a. All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
    - b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
  - (6) No compost bin shall be located in any yard except a rear yard. A compost bin may be located in a side yard subject to the annual variance procedure contained in Subsections (c)(5)b and must be screened from view to the street.
  - (7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.
- (d) **Ingredients.**
  - (1) No compost bin shall contain any of the following:
    - a. Lakeweeds;
    - b. Cooked food scraps of any kind or type;
    - c. Fish, meat or other animal products;

**8-1-10**

- d. Manures;
- e. Large items that will impede the composting process.
- (2) Permitted ingredients in a compost bin shall include the following:
  - a. Yard waste;
  - b. Coffee grounds and used tea leaves;
  - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
  - d. Commercial compost additives.
- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.
- (f) **Municipal Exception.** Any municipal composting site maintained by the Village of Wheeler shall be exempt from the provisions of this Section.

**Sec. 8-1-11 Discharge of Clear Waters.**

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village of Wheeler and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Village Board, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel



of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

- (f) **Conducting Tests.** If a designated Village agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists. In addition, Village inspectors may inspect for illegal clear water discharges as a part of a routine inspection without cause.
- (g) **Sump Pump Inspection Upon Property Sale.** Upon the sale of a property, Village representatives may inspect the property to determine whether sump pumps are installed to discharge into the sanitary system, which is prohibited by this Section.

### **Sec. 8-1-12 Disturbance of Refuse Containers.**

- (a) **Disturbing Containers Prohibited.** No person shall open or disturb any refuse bag or container in a manner that would cause or contribute to litter.
- (b) **Scavenging Prohibited.** No person shall scavenge or remove refuse, recyclables or other items placed for collection and/or disposal without the prior express authorization of the party placing such items for collection/disposal.

### **Sec. 8-1-13 Fencing of Anhydrous Ammonia Tanks.**

- (a) **Purpose.** The Village Board has determined that anhydrous ammonia storage tanks located within the Village of Wheeler pose a threat to public health and safety if access to such tanks is not restricted through appropriate fencing. Specifically, public health and safety may be at risk if tampering or vandalism to the tanks results in unauthorized release of the tanks' dangerous contents into the atmosphere; furthermore, anhydrous ammonia is known to be a substance used in the illicit manufacture of prohibited controlled substances, and that persons engaged in such illegal activity may tamper with unsecured storage tanks. This ordinance is adopted pursuant to the Village's police powers, which are to be liberally construed in favor of the municipality's authority to enact measures to protect public health and safety.
- (b) **Requirements.** Within sixty (60) days of the effective date of this Section, the owners of all parcels on which anhydrous ammonia storage tanks are located, either presently or proposed, shall erect adequate fencing enclosing such tanks. The fencing shall be of a design approved by the Village Board prior to construction. Such fencing shall be kept locked and be properly maintained.

- (c) **Penalty.** Persons found to be in violation of this ordinance shall be subject to the general penalty provisions of Section 1-1-6 of the Village of Wheeler Code of Ordinances. Each day shall constitute a separate violation.

## **Sec. 8-1-14 Sump Pump Discharge Regulated.**

- (a) **Statement of Purpose.** The Village Board finds that uncontrolled discharges of water from sump pumps, footing tiles, roofs, down spouts, eave troughs, yard drains, swimming pools, cistern overflows, and other means of transmitting natural precipitation and surface waters can overload the public sewerage system and contribute to flooding. Such overloading may result in sewage flowing into basements and/or residences and businesses, creating potentially hazardous public health and safety conditions and damage to properties. Such discharges into the public sewerage system increase system operating costs and maintenance. Furthermore, such uncontrolled discharges, particularly from sump pumps, can create frozen runoff onto public sidewalks and excess runoff from one lot to another.
- (b) **Prohibitions.** It shall be unlawful for any owner, occupant or user of any premises to direct into or allow any stormwater, surface water, ground water, well water or other sources specified in Subsection (a) above to drain into or connect into the public sewerage system. No rain spout or other form of surface drainage, foundation drainage, or sump pump shall be connected to or discharged into the public sewerage system.
- (c) **Sump Pump Discharge System Required.**
  - (1) **Requirement For.** Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, etc., the use of a sump pump system shall have a permanently installed discharge line which shall not at any time discharge into a sanitary sewer system.
  - (2) **Discharge Line Requirements.**
    - a. A "permanently installed discharge line" shall be one which provides for uninterrupted year-around discharge capability to either an appropriate drainage area outside of the dwelling, building or structure, or is connected to the Village storm sewer system. In no event shall a drainage area include property owned by another party or any public right-of-way.
    - b. The permanently installed discharge line shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge. This line shall not be capable of connection or reconnection to the public sewerage system. The discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic, copper, galvanized or black pipe), one (1) inch inside diameter minimum. If the discharge line is directly connected to a storm sewer line or catch basin, the discharge pipe shall have a check valve within one (1) foot of the floor grade, an air gap, and a union or other approved coupling for easy

disconnection for repair or replacement. The point of discharge shall be a minimum of two (2) feet from the basement foundation wall and ten (10) feet from the property line.

- c. Discharge water shall not discharge to a street, alley or other public way or create any icy condition on any pedestrian walkways within or adjacent to the premise's lot lines.
  - d. As an alternate method of installation with the approval of the Village, the discharge pipe may be connected directly to the Village's underground storm sewer system provided the discharge is at a higher elevation than the normal flow level and than an approved backflow prevention device is installed.
  - e. When a storm sewer is not or will not be available in the future, as determined by the Village, the sump pump shall discharge to grade and must satisfy all of the following provisions, unless otherwise authorized by the Director of Public Works/Village Engineer:
    1. The discharge pipe shall exit the building at one (1) foot above finished grade.
    2. The point of discharge shall be a minimum of two (2) feet from a basement foundation wall and ten (10) feet from a property line.
    3. The discharge shall flow parallel to or away from the nearest property line, and comply with the restrictions of Subsection (c)(2)c above.
- (d) **Foundation Drain Tile Systems.** For buildings and residences constructed after the effective date of this Section, groundwater from foundation drain tile shall not discharge into the sanitary sewerage system. The building/residence shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located a minimum of ten (10) feet from an inside sanitary floor drain. Groundwater flowing through the tile and draining to a sump pit shall be discharged to the exterior of the structure with the use of a sump pump.
- (e) **Sump Pump Connection Required.**
- (1) **Sump Pump Connections to Storm Sewer System.**
    - a. Each owner of a platted lot where storm sewer laterals have been installed, or will be installed in the future pursuant to Village standards, shall be required to connect the building sump pump outlet directly to the storm sewer lateral as installed at the time of plat or certified survey map approval by the subdivider, or as subsequently installed by the Village pursuant to this Section or any other ordinance of the Village of Wheeler. If a Village storm sewer system or Village drain tile system is available to the property, connection of said discharges to this system shall be mandatory.
    - b. Where no storm sewer is available or is not adequate to receive the anticipated flow (as determined by the Village) between the dates of November 15 and

April 15 of the following year, the sump pump discharge shall drain onto the premises, not onto the roadway, curbing or sidewalk.

- (2) **Compliance Responsibility.** It shall be the responsibility of the party who is issued a building permit to ensure that the sump pump discharge system from the building constructed on the property is installed underground from the building and is properly connected to the storm sewer laterals.
  - (3) **Downspouts.** No downspouts shall be connected to the storm sewer lateral, except with the approval of the Public Works Department, Village Engineer or Building Inspector for unique hazard mitigation, and then shall be limited to one (1) such connection only.
- (f) **Connection Orders; Inspections; Variances; Noncompliance.**
- (1) **Connection Order.** A connection order may be served, in person or by first class mail, upon either the owner of the property or its occupant. The order shall provide that connection to the storm sewer shall occur within thirty (30) days after order issuance and prohibited connections be discontinued, unless a written waiver or time extension request has been filed with the Public Works Department, Village Engineer or Building Inspector.
  - (2) **Inspections.**
    - a. Within thirty (30) days after notice from the Village, the property owner shall contact the Village to schedule an inspection by a Village inspector of each building and the utility service lines located on such property. The purpose of this inspection is to confirm that there is no sump pump or other prohibited discharges into the public sewerage system. In lieu of having the Village inspect the property, the property owner may, at the owner's expense, furnish a certificate from a Wisconsin-licensed plumber, in a form acceptable to the Village, certifying that the property is in compliance with this Section.
    - b. The Village may periodically re-inspect any building or premise to determine compliance with this Section.
    - c. All new residences shall be required to have their sump pump system inspected and be in compliance with this Section prior to issuance of a certificate of occupancy.
  - (3) **Waiver.**
    - a. The Public Works Department, Village Engineer or Building Inspector shall hear and decide requests for waivers or time extensions from the applicability of the provisions of this Section where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or which would cause a significant public health or safety problem. This may also include situations where it would not be practical, as determined by the Village, to correct an otherwise prohibited discharge to the public sewerage system.
    - b. Applications for a waiver or time extension shall be made within fifteen (15) days of receipt of a compliance order. Such application shall be addressed in writing to the Public Works Department, Village Engineer or Building Inspector. Applications shall, at a minimum, identify the subject property, the name of the property

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owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time, the Public Works Department, Village Engineer or Building Inspector shall make a decision on the request, providing a copy of such decision to the applicant in writing. Upon approval of an application for a waiver or time extension, a property owner shall be allowed to discharge directly into the sewerage system for a limited time specified in the written determination and in accordance with other terms and conditions specified.

(4) **Penalties.**

- a. A penalty surcharge of Three Hundred Dollars (\$300.00) per month shall be imposed on every sewer service bill to a property owner who:
  1. Is not in compliance with this Section;
  2. Has not obtained an inspection required by this Section or refuses property inspections required under this Section;
  3. Has not made necessary corrections within the time specified; or
  4. Is otherwise not in compliance with this Section.
- b. The surcharge shall be added every month thereafter for properties not in compliance with this Section until the property owner submits appropriate proof to the Village that the property has been brought into full compliance, with verification by Village inspection. Any property found during any re-inspection to be in violation of this Section shall be subject to the surcharge for all months between the two (2) most recent inspections. If the surcharge is not paid, the Village reserves the right to assess the property the unpaid balance as a special charge under the Wisconsin Statutes.
- c. In addition to the penalty surcharge, a citation may also be issued for violations, with all court costs payable by the property owner.



## Title 8 ► Chapter 2

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# Pollution Abatement

**8-2-1** Cleanup of Spilled or Accidentally Discharged Wastes

**8-2-2** Storage of Polluting Substances

### **Sec. 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.**

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

### **Sec. 8-2-2 Storage of Polluting Substances.**

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





## Title 8 ► Chapter 3

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# Refuse Collection and Recycling

<b>8-3-1</b>	General Provisions
<b>8-3-2</b>	Definitions
<b>8-3-3</b>	Separation of Recyclable Materials
<b>8-3-4</b>	Separation Requirements Exempted
<b>8-3-5</b>	Care of Separated Recyclable Materials; Disposal of Certain Items
<b>8-3-6</b>	Responsibilities of Owners or Designated Agents of Multi-Family Dwellings
<b>8-3-7</b>	Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties
<b>8-3-8</b>	Prohibitions on Disposal of Recyclable Materials Separated for Recycling
<b>8-3-9</b>	Refuse Collection
<b>8-3-10</b>	Enforcement

### Sec. 8-3-1 General Provisions.

- (a) **Title.** The title of this Chapter is the Recycling Ordinance for the Village of Wheeler.
- (b) **Purpose.** The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Sec. 159.11, Wis. Stats., and Ch. NR544, Wis. Adm. Code.
- (c) **Statutory Authority.** This Chapter is adopted as authorized under Sec. 159.09(3)(b), Wis. Stats.
- (d) **Abrogation and Greater Restrictions.** It is not intended by this Chapter 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 Chapter imposes greater restrictions, the provisions of this Chapter shall apply.
- (e) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or

**8-3-1**

interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.

- (f) **Applicability.** The requirements of this Chapter apply to all persons within the Village of Wheeler.
- (g) **Administration.** The provisions of this Chapter shall be administered by the Village of Wheeler Village Board, and its designees. Refuse collection services shall be through individual contracts.

**Sec. 8-3-2 Definitions.**

- (a) For the purpose of this Chapter:
  - (1) **Aluminum cans** shall include used beverage cans only.
  - (2) **Bi-metal container** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - (3) **Collector** means the contractor selected by the Village to collect solid waste.
  - (4) **Container board** means corrugated paperboard used in the manufacture of shipping containers and related products.
  - (5) **Container glass** shall include container glass only. "Glass" does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead-based glass such as crystal, or TV tubes.
  - (6) **Corrugated cardboard** shall include corrugated cardboard only; it does not include waxed cardboard or chipboard such as cereal boxes, shoe boxes, and similar materials.
  - (7) **Foam polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one (1) 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.
  - (8) **Garbage** means and includes all waste resulting from the use, preparation, cooking or consumption of food.
  - (9) **Hazardous waste** means any substance or combination of substances, including any waste of a solid, semisolid, or gaseous form, which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes but it not limited

to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Village.

- (10) **HDPE** means high density polyethylene, labeled by the SPI Code #2.
- (11) **LDPE** means low density polyethylene, labeled by the SPI Code #4.
- (12) **Magazines** means magazines and other materials printed on similar paper.
- (13) **Major appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator or stove, residential and commercial furnaces, boilers, dehumidifiers and water heaters, and allowing the disposal of microwaves if the capacitor has been removed.
- (14) **Mixed papers** shall include all grades of papers, including: white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled, and kraft; magazines, phone books, computer printout paper, glued pads and tablets, file folders, key punch cards, post-it notes, spiral notebooks, cereal boxes, shoe boxes, etc.; can include paper clips and staples; does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates; also does not include carbon paper, cellophane, or any waxed paper.
- (15) **Multiple-family dwelling** means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (16) **Newspapers** shall include newspapers and newspaper advertisements printed on newsprint, but does not include catalogues, magazines, cardboard, or other paper products.
- (17) **Non-recyclable material** means any material other than a recyclable material and includes garbage, rubbish and other solid waste, including but not limited to ashes, plastic material other than the type included within recyclable materials, ceramics, broken glass of all types, window glass, styrofoam, Pyrex, light bulbs, mirrors, china, waxed paper, waxed cardboard, furniture, carpeting, used clothing and other materials not defined as recyclable materials for purposes of this Chapter.
- (18) **Non-residential facilities and properties** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (19) **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. This term does not include industrial process waste.
- (20) **Other resins or multiple resins** means plastic resins labeled by the SPI Code #7.
- (21) **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.,
- (22) **PETE** means polyethylene terephthalate, labeled by the SPI Code #1.
- (23) **Plastic bottles** shall include only plastic bottles clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE); does not include motor oil bottles, even if they are labeled #1 or #2.

- (24) **Postconsumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)1., Wis. Stats.
- (25) **PP** means polypropylene, labeled by the SPI Code #5.
- (26) **PS** means polystyrene, labeled by the SPI Code #6.
- (27) **PVC** means polyvinyl chloride, labeled by the SPI Code #3.
- (28) **Recyclable material** includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper and other container board, glass containers, magazines, newspapers, office paper, rigid plastic containers including those of PETE and HDPE, steel containers, waste tires and bi-metal containers.
- (29) **Recyclable plastic** generally means high density polyethylene and polyethylene terephthalate plastic containers and specifically means any plastic containers described as recyclable on the list maintained at the office of the Village Clerk, which list is incorporated herein by reference and is subject to revision and updating at any time.
- (30) **Solid waste** has the meaning specified in Sec. 144.01(15), Wis. Stats.
- (31) **Solid waste facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (32) **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.
- (33) **Tin cans** shall include tin coated metal cans, and steel containers.
- (34) **Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (35) **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.

### Sec. 8-3-3 Separation of Recyclable Materials.

- (a) **Recyclable Materials Designated.** 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 postconsumer waste:
  - (1) Lead acid batteries.
  - (2) Major appliances.
  - (3) Waste oil.
  - (4) Yard waste.
  - (5) Aluminum containers.
  - (6) Bi-metal containers.
  - (7) Corrugated paper or other container board.

- (8) Foam polystyrene packaging.
  - (9) Glass containers.
  - (10) Magazines.
  - (11) Newspaper.
  - (12) Office paper.
  - (13) Rigid plastic containers made of PETE, HDPR, PVC, LDPE, PP, PS, and other resins or multiple resins.
  - (14) Steel containers.
  - (15) Waste tires.
- (b) **County Recyclables Drop-Off Site.** Recyclables shall be brought to the Dunn County Recyclables Drop-Off Site. Drop-Off Site regulations regarding deposit of recyclables shall be followed if in conflict with the provisions of this Chapter.

### **Sec. 8-3-4 Separation Requirements Exempted.**

The separation requirements of Section 8-3-3 do not apply to the following:

- (a) **Residential Occupants.** Occupants of single family and two (2) to four (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 Section 8-3-3 from solid waste in as pure a form as is technically feasible.
- (b) **Solid Waste as Fuel.** Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) **Recyclable Material Variances.** A recyclable material specified in Section 8-3-3 for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or NR544.14, Wis. Adm. Code.

### **Sec. 8-3-5 Care of Separated Recyclable Materials; Disposal of Certain Items.**

- (a) **Care of Separated Materials.** To the greatest extent practicable, the recyclable materials 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.
- (b) **Disposal; Use of Recyclables Drop-Off Site.** Materials designated as recyclable by this Chapter shall be brought to the Dunn County Recyclables Drop-Off Site.

- (c) **Preparation of Specific Classes of Recyclables.** The following types of materials shall be brought to the Dunn County Recyclables Drop-Off Site:
- (1) **Glass.**
    - a. Clear, brown and green glass shall be recycled. All jars and bottles shall be rinsed, with caps and lids removed.
    - b. Window panes, dinnerware, cookware, nick knacks/figurines, candle jars, wine glasses and other glass of a similar nature are not allowed to be brought to the Dunn County Recyclables Drop-Off Site. These non-recyclable items shall be placed for regular refuse disposal.
  - (2) **Plastics.**
    - a. Plastics classified as SPI #1 or #2 shall be recycled (look for the plastic type number on individual plastic items inside a triangle). Examples of acceptable plastic containers are milk jugs, laundry detergent, shampoo, juice, ketchup, water bottles, soft drink, vegetable oil and containers of a similar type.
    - b. Motor oil jugs, toilet bowl or drain cleaner containers, anti-freeze jugs, medicine bottles, wide-mouth containers (such as cottage cheese containers, deli containers) and any plastics with the numbers of SPI #3, #5 or #7 are not allowed to be brought to the Dunn County Recyclables Drop-Off Site and are classified as non-recyclable items to be placed with regular refuse for disposal.
  - (3) **Newspapers and Magazines.** Newspapers, newsprint and magazines shall be bundled.
  - (4) **Corrugated Cardboard.**
    - a. Corrugated cardboard shall be flattened and placed in a cardboard box or tied in bundles for recycling.
    - b. Cereal boxes, cracker boxes, soda and beer boxes, poster board and similar coated cardboard are non-recyclable items that shall be placed for regular refuse disposal.
  - (5) **Shredded Paper.** Shredded paper shall be recyclable, provided staples and envelopes with plastic windows are first removed. Shredded paper shall be deposited at the Dunn County Recyclables Drop-Off Site.
  - (6) **Tin/Metal Cans.** Tin, metal or bi-metal cans shall be recycled, provided they are rinsed and have labels removed.
  - (7) **Aerosol Cans.** Aerosol cans shall be recycled, with pressure released.
  - (8) **Paint Cans.** Clean, dry and empty paint cans shall be recycled.
  - (9) **Aluminum Containers/Tin Foil/ Aluminum Foil.** Aluminum containers and aluminum/tin foil shall be recycled. No payment is made for aluminum cans.
  - (10) **Scrap Iron, Aluminum, Copper and Brass.** Scrap iron, aluminum, copper and brass are accepted at the Dunn County Recyclables Drop-Off Site, without payment for such scrap metal.
  - (11) **Stoves, Washers/Dryers, and Water Heaters.** Stoves, washers, dryers and water heaters are accepted at the Dunn County Recyclables Drop-Off Site without charge.



- (12) **Refrigerators, Freezers, Air Conditioners, Dehumidifiers.** Refrigerators, freezers, air conditioners, and dehumidifiers are accepted at the Dunn County Recyclables Drop-Off Site. A fee is payable for these Freon-containing items, unless a certificate is presented stating that the Freon has been removed.
- (13) **Tires.** Tires are accepted at the Dunn County Recyclables Drop-Off Site upon payment of the prescribed fee.

### **Sec. 8-3-6 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

- (a) **Responsibilities of Owners of Multiple-Family Dwellings.** Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 8-3-3:
  - (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 reason 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 site, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) **Exception.** The requirements specified in Subsection (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 Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-3 from solid waste in as pure a form as is technically feasible.

### **Sec. 8-3-7 Responsibilities of Owners or Designated Agents of Non-Residential facilities and Properties.**

- (a) **Responsibilities of Owners of Non-Residential Facilities.** Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8-3-3:
  - (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 the materials in order to meet the processing

**8-3-7**

requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

- (b) **Exception.** The requirements specified in Subsection (a) do not apply to the owners or designate agents of non-residential facilities if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-3 from solid waste in as pure a form as is technically feasible.

**Sec. 8-3-8 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 Section 8-3-3 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**Sec. 8-3-9 Refuse Collection.**

- (a) **Collection of Non-Recyclables.** Refuse collection shall be as scheduled by the collector. Non-recyclable refuse and garbage shall be placed curbside by 8:00 a.m. on the day of scheduled collection. No refuse or garbage bags shall be placed curbside for collection more than twenty-four hours in advance of the scheduled collection day. All refuse shall be placed curbside. No refuse or garbage shall be collected from buildings or basements.
- (b) **Garbage Containers Required.** All non-recyclable refuse and garbage shall be placed in containers as directed by the refuse collection service provider. Broken or torn bags may not be collected.

**Sec. 8-3-10 Enforcement.**

- (a) **Enforcement.**
- (1) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Village of Wheeler or contract refuse collector 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 Wheeler who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- (2) Any person who violates a provision of this Chapter may be issued a citation by a Village of Wheeler law enforcement officer or other authorized Village official. 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 Subsection.
- (b) **Penalties.** Any person who violates this Chapter shall be subject to the following penalties:
- (1) **First Offense.** Violators will be provided with educational materials on Village refuse collection and recycling requirements.
  - (2) **Second Offense.** Refuse may not be collected and recyclables may not be accepted at the Dunn County Recyclables Drop-Off Site or placed for collection, and a written Notice of Violation shall be mailed to the violator by the Village Clerk-Treasurer according to the violator's place of residence or business.
  - (3) **Third and Subsequent Offense(s).** A citation shall be issued to the violator and such violator shall be subject to the general penalty provisions of Section 1-1-6.

