

CHAPTER 9

HEALTH AND SANITATION

9.01 **BOARD OF HEALTH.**

(1) **DUTIES.** It shall be the duty of the Board of Health of the City to assume the general administration of health and sanitation laws and regulations in the City, to supervise the work of the Health Officer and to attend to the administration and enforcement of the health laws of the State Board of Health and the ordinances of the City.

(2) **POWERS.** The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the City. All orders and regulations of the Board shall be approved by the Common Council and be published in the official newspaper, and after publication shall have the force and effect of ordinances, including penalty for violation.

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

(1) **GENERAL DUTIES.** The City Health Officer under the supervision of the District State Health Officer shall enforce the health laws, rules and regulations of the State Board of Health, the State and the City, including the laws relating to contagious diseases contained in Chapter 143, WI Stats.

9.03 **SALE AND DISTRIBUTION OF MILK AND MILK PRODUCTS.** No person shall sell, offer or expose for sale within the City any milk or milk product other than Grade A pasteurized milk or milk products as those terms are defined in Wisconsin Administrative Code, chapter Agriculture 80, issued by the State Department of Agriculture, a copy of which is filed in the office of the City Clerk.

9.04 **COMPULSORY CONNECTION TO SEWER OR WATER.**

(1) To assure preservation of public health, comfort and safety, it shall be the duty of the owner of the agent of the owner of any building used for human habitation and located adjacent to a sewer or water main, or in a block through which one or both of such systems extend to connect therewith after notice as provided herein.

(2) When a sewer or water main becomes available to any building used for habitation, the Board of Health shall notify in writing the owner or his agent to connect herewith and to install a water closet and such other facilities as may be reasonably necessary to protect the public health, welfare and safety. The manner of connecting shall be prescribed by the Board of Health.

(3) The notice required by this section shall be given in the manner prescribed by section 144.06, WI Stats., or by registered mail addressed to the last known address of the owner or his agent.

(4) If the owner or his agent fails to comply after 10 days' notice as herein provided, the notifying officer may cause connection and installations to be made and the expense thereof assessed as a special assessment tax against the property.

(5) The owner, or his agent, may within 30 days after the completion of the work, file a written option with the City Clerk stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in 3 equal annual installments, with interest on the unpaid balance at 8% per annum.

9.05 **CONTROL OF WEEDS AND GRASSES.**

(1) **MOWING REQUIRED.** No person owning property within the City shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits. The Common Council finds that lawns, grasses and weeds on lots or parcels of land which exceed 8 inches in length adversely affect 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 City. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed, upon his premises all grasses or weeds exceeding 8 inches in length.. (Rep & Recr. #424)

(2) **MOWING BY THE CITY.** It shall be the duty of the Weed Commissioner to enforce this section and if any person shall fail to comply herewith, the Commissioner shall, after 5 days' written notice to the owner, cause the premises to be mowed and report the cost thereof to the City Clerk. Any person violating Section 9.05 shall be required to pay for the cost of cutting, with a minimum cutting fee of \$20.00 charged, plus forfeit \$40.00 for the first offense; \$50.00 for the second offense; and \$60.00 for each and every offense thereafter. (Rep. & Recr. #384)

9.06 **RIGHT OF 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 food stuffs 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.

9.07 **ABATEMENT OF HEALTH NUISANCES.** The Health Officer together with the Board of Health shall have the power to abate health nuisances in accordance with

section 146.14, WI Stats., which is hereby adopted by reference and made a part of this section as if fully set forth herein.

9.08 **GARBAGE AND RUBBISH.**

(1) **DEFINITIONS.** For the purpose of this section, the terms "garbage" and "rubbish" are defined as follows:

(a) **"Garbage"** is all organic waste, refuse and residue of animals, fruit or vegetable matter that attend the use of, preparation, cooking, dealing in or storage of meat, fish, fowl, fruit, vegetable or grain.

(b) **"Rubbish"** is any waste, other than that as defined in 9.08(1)(a) and listed in 9.08(8)(a) through (o).(Rep. & Recr. # 321)

(2) **PRIVATE HAULING AND COLLECTION OF GARBAGE and RUBBISH REGULATED.** No person other than the City and its agents, approved waste haulers, licensed contractors, or property owners that have signed and have had approved a City of New Holstein, Waste Container Exemption Form, shall collect or transport any garbage or rubbish over city streets.

(3) **BURNING OF GARBAGE AND RUBBISH PROHIBITED.** No person other than the city or its agents shall set fire to or burn any garbage or rubbish on any street or on any public or private premises.

(4) **COLLECTION BY CITY.**

(a) **Garbage and Rubbish Collection.** The City, by its agents or licensed contractors, shall once a week collect, remove, and dispose of all garbage and rubbish. Garbage and rubbish will only be collected from the property owner if it is placed in a waste container approved by the city. Property owners must choose between a 45 gallon, 60 gallon, 90 gallon waste container or an approved dumpster. Property owners may have more than one container. The city will annually bill the property owner a fee for waste collection, based on the size and number of containers selected. Should the city determine that a property owner has not selected an adequately sized waste container, the city may issue and charge a fee for a larger waste container, or additional waste containers. On an annual basis, the Common Council shall determine the fee to be charged for each size container. Property owners who wish to share a waste container, may do so by signing a City of New Holstein, Waste Container Exemption Form. Property owners may contract for waste collection on their own with any waste hauler approved by the city. All garbage and rubbish to be collected shall be placed in an approved waste container at the curb line or alley not later than 5:00 a.m. of the collection day. The collection day shall be determined by the city.

(b) **Abnormal pick-up.** Abnormal pick-up of either garbage or rubbish from any property owner, by the city, its agents or licensed contractors, shall be assessed against the property owner for the service on a time and equipment cost basis. Garbage or rubbish picked up in excess of the size of the container selected by the property owner, per stop, per week, shall be considered as abnormal.

(5) **METHODS OF HANDLING AND DISPOSING OF VARIOUS WASTE.** The city shall provide an explanation on how the property owner is required to handle and dispose of various types of waste.

(6) **EXEMPTIONS, VARIANCES, AND TEMPORARY SUSPENSION.** Items listed under 9.08(b) and (c), for purposes of this section, shall be considered rubbish and may be placed in the waste container for collection.

(7) **SEVERABILITY.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutional shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.(Rep. & Recr. #321)

9.09 **PROPERTY TO BE KEPT SANITARY.** The owners or occupants of any property within the City shall at all times keep the same in a clean and sanitary condition and free from filth of all descriptions whatever, and from foul odors which might generate or spread disease, germs, and contaminate the ground, air and water of the place under control of said owner or occupant or of the premises joining the same.

9.10 **PENALTY.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 20.04 of this Code.

9.11 **ABROGATION AND GREATER RESTRICTIONS**

(1) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

(2) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect

on the date of adoption of this ordinance, or in effect on the date of the most recent text amendment of this ordinance.

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

(4) **Applicability.** The requirements of this ordinance apply to all persons and organizations within the City of New Holstein city limits.

(5) **Definitions.** For the purposes of this section:

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

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

(c) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.

(d) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.

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

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

(g) "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.

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

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

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

(k) "Office paper" means high grade, staple free, 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.

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

(m) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.

(n) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.

(o) "PP" means polypropylene plastic container marked by SPI code No. 5.

(p) "PS" means polystyrene plastic containers marked by SPI code No. 6.

(q) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.

(r) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass container; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

(s) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.

(t) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.

(u) "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.

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

(w) "Yard waste" means leaves, grass clippings, and yard and garden debris.

(x) "Brush and branches" means clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

(6) Separation of Recyclable Materials. Occupants of single family and two-to-four-unit residences, multiple family dwellings, non-residential facilities, place of business, industry or commerce, farms, and governmental facilities shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries.
- (b) Major appliances.
- (c) Waste oil.
- (d) Yard waste.
- (e) Aluminum containers.
- (f) Bi-metal containers.
- (g) Corrugated paper or other container board.
- (h) Foam polystyrene packaging.
- (i) Glass Containers.
- (j) Magazines or other materials printed on similar paper.
- (k) Newspapers or other materials printed on newsprint.
- (l) Office paper.
- (m) Plastic containers made of PETE (#1), HDPE (#2), PVC(#3), LDPE(#4), PP(#5), PS(#6), and mixed or other plastic resin types (#7).
- (n) Steel containers.
- (o) Waste tires.

(7) Separation Requirements Exempted. The separation requirements of s. (8) do not apply to the following:

- (a) Occupants of single family and two-to-four-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 s. (8) from solid waste in as pure a form as technical possible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in s. (8) for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7)(d) or 159(11)(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

(8) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. (8) 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.

(9) Care of Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires and Yard Waste. Occupants of single and two-to-four-unit residences, multiple family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:

(a) Lead acid batteries, major appliances, waste tires, and waste oil shall be disposed of by the owner of the item by contacting an accepting vendor and then delivering the item as directed.

(b) Microwave ovens, if the capacitors have been removed, may be disposed of in a landfill.

(c) Only yard waste, brush and branches shall be disposed of by composting of the material on the site at which it is produced, or at the City of New Holstein Compost Site, located at 1320 Taft Avenue.

(d) Only City of New Holstein residents are allowed to use the City of New Holstein Compost Site, located at 1320 Taft Avenue, non-residents will be prosecuted per section 9.10 of this ordinance.

(10) Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Common Council or its representatives, occupants of single family and two-to-four-unit residences shall do the following for the preparation and collection of separated materials specified in s. (8)(e) through (n):

(a) Steel/Tin Cans: Rinse out can, remove both ends and flatten.

(b) Aluminum: Rinse out thoroughly, examples include: TV dinner trays, foil wrap, pot pie pans, aluminum cans and siding.

(c) Clear and colored glass: Rinse the jar or bottle thoroughly and remove and discard the cover. Acceptable examples include: catsup, barbecue sauce, salad dressing, pickle, jam, jelly, peanut butter, beer, liquor and wine bottles. Not acceptable materials include: plate glass, ceramics, clay items and light bulbs.

(d) These items are to be commingled and placed in a clear plastic bag on specified collection dates: aluminum containers, bi-metal containers, all plastic containers and steel containers.

(e) Magazines or other materials printed on similar paper shall be bundled separately, and placed out for collection on specified dates.

(f) Newspapers or other materials printed on newsprint shall be bundled separately and placed out for collection on specified dates.

(g) Office paper shall be bundled separately, and placed out for collection on specified dates.

(11) Responsibility of Owners or Designated Agents of Multiple Family Dwellings.

(a) Owners or designated agents of multiple family dwellings shall do the following for recycling the materials as specified in s. (8)(e) through (n):

- (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 materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address, and telephone number.

(b) The requirements specified in (a) do not apply to the owners or designated agents of multiple family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for the recycling of the materials as specified in s. (8)(e) through (n) from solid waste in as pure a form as technically feasible.

(12) Responsibility of Owners or Designated Agents of Non-Residential Facilities and Properties.

(a) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in s. (8)(e) through (n):

- (1) A person in the City of New Holstein owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.
- (2) Provide adequate, separate containers for the separated recyclable materials.
- (3) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(4) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

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

(b) The requirements specified in (a) do not apply to the owner or designate agents of non-residential facilities and properties if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling of the materials specified in s. (8)(e) through (n) from solid waste in as pure a form as is feasible.

(13) Responsibilities of Persons Using a Recycling Program Other Than That Which The City of New Holstein Provides. Any person using a recycling program other than that of the City of New Holstein, and whose facility or property is within the city limits is required to submit the annual tonnage of materials recycled and also of materials disposed of as solid waste. This is to have supporting documentation, and will be submitted on or by December 31 each year to the City of New Holstein.

(14) Prohibitions of Disposal of Recyclable Materials, Hauler Licensing, Restrictions, and Processing Facilities.

(a) No person or corporation shall engage in the business of hauling recyclables within the City of New Holstein limits without being licensed by the Department of Natural Resources under section NR 502.06, Wis. Administrative Code.

(b) Haulers who collect solid waste or recyclables in the City of New Holstein for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the City of New Holstein.

(c) No person or hauler may dispose in a landfill or burn in a solid waste facility any recyclable materials as specified in s. (8)(e) through (n), generated in the City of New Holstein that have been separated for recycling.

(d) Any hauling contractor operating in the City of New Holstein shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the City of New Holstein, or unless the contractor notifies the City of New Holstein which facility they are using and, by January 1, 1995, the facility has self-certified with the Department of Natural Resources under section NR 544.16, Wis. Administrative Code.

(15) **Ownership of Recyclable Materials.** Recyclable materials, upon placement at the curb or collection site, shall become the property of the hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

(16) **Exemptions, Variances, and Temporary Suspensions.**

(a) The City of New Holstein reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the City of New Holstein or its contractors. The City of New Holstein shall provide written notice to its service recipients of this declaration.

(b) A variance has been granted to the responsible unit of the City of New Holstein under Section 159.11(2m)(d), Stats., and NR 544.14(3)(b), from the requirements in Section 159.11(2)(b), Stats., NR 544.04(3), NR 544.05(1), and NR 544.06(2)(a), Wis. Administrative Code, that effective recycling programs require the separation and collection of the following materials during the period from January 1, 1995, through December 31, 1995:

- Polyvinyl chloride (PVC) (#3) containers
- Low density polyethylene (LDPE) (#4) containers
- Polypropylene (PP) (#5) containers
- Polystyrene (PS) (#6) containers
- Other/multi-layer (#7) containers
- Polystyrene (PS) foam packaging

(c) An exemption has been granted to the responsible unit of the City of New Holstein under Section 159.07(7)(d), Stats., from the prohibition in Section 159.07(3) and (4), Stats., of the disposal in a solid waste disposal facility or the burning in a solid waste treatment facility of the following materials during the period from January 1, 1995 through December 31, 1995:

- Polyvinyl chloride (PVC) (#3) containers
- Low density polyethylene (LDPE) (#4) containers
- Polypropylene (PP) (#5) containers
- Polystyrene (PS) (#6) containers
- Other/multi-layer (#7) containers
- Polystyrene (PS) foam packaging(Cr. #313)