

TITLE 8

Health and Sanitation

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Title 8 ► Chapter 1

Health and Sanitation

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Sec. 8-1-1 Rules and Regulations.

The Common Council, 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 Common Council shall be subject to the general penalty provided for in this Code.

Sec. 8-1-2 Health Nuisances; Abatement of.

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Common Council shall abate health nuisances pursuant to Chapter 823, Wis. Stats., which is adopted by reference and made a part of this Section.

State Law Reference: Chapter 823, Wis. Stats.

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

No person shall deposit or cause to be deposited in 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) The City Administrator 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 City which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the City 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 Secs. 66.0407 and 66.0627, 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) As provided for in Sec. 66.0407 and 66.0627, Wis. Stats., the City 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 six (6) inches in height from the ground surface shall be prohibited within the City of Amery 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: Secs. 66.0407 and 66.0627, 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 in excess of six (6) inches in height from the ground surface shall be prohibited within the City of Amery corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the City as set forth in this Section. Natural landscaping shall not contain litter or debris and shall not harbor undesirable wildlife.

(b) **Natural Landscape Management Plan Defined.**

- (1) 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) a. Property owners who wish to plant and cultivate a natural landscape must submit their written plan and related information to the City. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current City 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 City-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) In addition, natural landscapes shall not be permitted within five (5) feet of the abutting property owner's property 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. 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 City Administrator.
- (4) 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 City Administrator by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Common Council 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 Common Council 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 City provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the City 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 City Administrator. 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 City. Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the Office of the City 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 City receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the City 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 Common Council 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 Administrator's decision to deny the natural lawn permit request to the Common Council 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 Common Council shall be final and binding.

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

| Common Name(s) | Latin Name(s) |
|-------------------------------------|---------------------------|
| 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 |

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| Pigweed (Lambs Quarters) | Chenopodium Album |
| Pigweed (Amaranth) | Amaranthus Retroflexus |
| Poison Ivy | Rhus Radicans |
| Quackgrass | Bromus Brizaeformis |
| Ragweed (Common) | Ambrosia Artemisifoia |
| 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 City of Amery, 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 City 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 City as a 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 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 Common Council. 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 Common Council in an open meeting. The decision rendered by the Common Council 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 City 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 City Administrator shall enter those charges onto the tax roll as a special tax as provided by state statute.
- (3) The failure of the City Administrator 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 City 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 1-1-7.
- (2) In addition to any penalties herein provided, the City 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.** 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 City of Amery.

- (b) **Public Nuisance Declared.** The Common Council finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the City Zoning Code, within the City of Amery 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 discomforting 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. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land 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.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him/her within the City.
- (d) **Inspection.** The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **Abatement of Nuisance.**
 - (1) If the owner or occupant shall neglect to cut any lawns as required herein, then the Weed Commissioner of the City shall give five (5) days written notice by mail to the owner or occupant of any lands upon which the lawn is growing in violation herewith to the effect that the said Weed Commissioner after the expiration of the five (5) day notice will proceed to mow or have mown the lawn to meet the requirements of this Section and that the cost of said mowing will be assessed as a tax upon the lands upon which said lawn is growing pursuant to the provisions of Sec. 66.0627, Wis. Stats. Such notice shall be in writing, and mailed by first class mail addressed to the land owner's last known address, as reflected in City records. The actual receipt of such notice is not a prerequisite to enforcement of this Section.
 - (2) In case the owner or occupant shall further neglect to comply with said five (5) day notice, then the Weed Commissioner shall mow or have mown said lawns to comply with this Section in an economical method and shall include the cost of said mowing and the cost of billing and administrative expenses and shall charge said costs against the property and be collected as a special tax thereon. The property owner shall be charged a minimum rate as prescribed in Section 1-3-1 per hour or any part of an hour. The tie charge for such mowing and cutting shall include time involved in loading and unloading equipment, and transportation to and from the site.
- (f) **Due Process Hearing.** If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Administrator's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a Twenty-five Dollar (\$25.00) bond. If a decision is rendered

in the property owner's favor, the Twenty-five Dollars (\$25.00) 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 City personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Common Council shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the City until such time as the hearing is held by the Common Council. 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 City as well as subpoena witnesses for his/her own case. At the close of the hearing, the Common Council shall make its determination in writing specifying its findings, facts, and conclusions. If the Common Council determines that a public nuisance did exist, the Common Council shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Common Council's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

- (g) **City'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 City 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 City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
 - (2) The City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Common Council. The charges shall be set forth in a statement to the City Administrator 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 City Administrator 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. 66.0627, Wis. Stats.

Sec. 8-1-7 Compulsory Connection to City 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 Common Council may defer connection to such water or sewer main or mains for those properties which have existing septic systems or wells whose construction was permitted by the City of Amery, but such deferment shall not exceed one (1) year from the date of installation of such main or mains. Each building used for human habitation located adjacent to a sewer or water main, or in a block through which one or both of these systems is extended, shall be connected to either or both in the manner prescribed and directed by the Public Works Committee.

- (b) **Notice.** Whenever a sewer or watermain becomes available to any building used for human habitation, the Building Inspector shall notify the owner or his/her agent in writing by registered mail addressed to the last known address of the owner or his/her agent.
- (c) **City May Cause Connection at Expense of Owner.** If 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 tax against the property. If any person shall fail to comply for more than ten (10) days after notice in writing, the Public Works Committee may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property. The property owner may, within thirty (30) days after completion of the work, file a written option with the City Administrator stating that he or she cannot pay the amount in one sum and asking that it be levied and not to exceed five (5) equal annual installments, and the amount shall be so collected with interest at the rate of twelve percent (12%) per year from the completion of the work, the unpaid balance to be a special tax lien.
- (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, Chief of Police, or other authorized City official shall, upon inspection of any premises within the City of Amery 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 City of Amery 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 feeling himself/herself aggrieved by any order of a City official under this Section may, within ten (10) days from the date of receipt of such order, appeal such order to the Common Council.
- (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 City 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 City 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 under the provisions of the City Zoning Code, 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.

Cross-Reference: Section 10-5-8.

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 City, 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** 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** 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 City.
 - (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 City, 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 City of Amery 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 City 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 City 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, as defined in the City Zoning Code. A compost bin may be located in a side yard as defined in the City Zoning Code 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;
 - 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 City 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 City and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Common Council, 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 City 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 City 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, City inspectors may inspect for illegal clear water discharges as a part of a routine inspection without cause.

Sec. 8-1-12 Burial of Animal Carcasses.

- (a) No person, firm or corporation shall bury or cause to be buried on or in any public street or on any public ground or on any private property belonging to said person, firm or corporation any dead animal, animal carcass or any parts thereof within the City of Amery, except that a resident of the City of Amery, upon receiving a permit from the Director of Public Works, may bury a domestic household pet on said person's, firm's or corporation's own private property.
- (b) Any person, firm or corporation who violates this Section shall be subject to the general forfeiture provisions of this Code of Ordinances. In addition, said person, firm or corporation shall be required to remove any animal or animal carcass buried in violation of this Section.

Sec. 8-1-13 Lawn Fertilizer Application and Phosphate Control.

- (a) **Purpose.** The Amery Lakes Protection and Rehabilitation District has conducted a study to determine the current and projected water quality of South Twin Lake, North Twin Lake, Pike Lake and the Apple River. The data indicates that the water quality of the lakes and river may be maintained and improved if the City of Amery is able to regulate the amount of chemicals and nutrients entering the lakes and river as a result of water runoff and other causes. The purpose of this Section is to define regulations which will aid the City in

maintaining and improving water resources which are enjoyed by its residents and other users and to further educate the residents and users to some of the steps they can take to maintain the water quality of their lakes and river.

(b) **Regulations for Control of Lawn Fertilizer Applications.**

(1) **License Required.** No person, firm, corporation or franchise shall engage in the business of lawn fertilizer application within the City of Amery unless a license has been obtained from the City Administrator as provided herein. There shall be no fee charged for the issuance of this license.

(2) **License Application Procedure.** Application for a lawn fertilizer license shall be submitted to the City Administrator. The application shall consist of the following:

- a. Name, address and telephone number of applicant and any individuals authorized to represent the applicant.
- b. Description of lawn fertilizer formula proposed to be applied on lawns within the City of Amery.
- c. A sample of the lawn fertilizer to be applied in the City, if it is requested by the City. Said sample shall be large enough to permit laboratory testing.

(c) **Regulation for Property Owners.** Upon the City's request, a property owner shall provide the City with sample of lawn fertilizer to be applied by the property owner. The quantity of the sample should be large enough to permit laboratory testing.

(d) **General Regulations.**

(1) **Time of Application.** A lawn fertilizer application shall not be applied between November 15 and April 15 of the succeeding year or when the ground is frozen. Application is recommended during the autumn months rather than in the spring wet weather. Care is to be exercised so as to apply the fertilizer during periods of low wind conditions which will allow for the placement of the fertilizer in the designated area.

(2) **Sample Analysis Cost.** The cost of analyzing fertilizer samples taken from the property owner shall be paid by the property owner if the sample analysis indicates that the phosphorus content exceeds the levels authorized herein.

(3) **Fertilizer Content.** Except for as provided in Subsection (d)(6), the fertilizer applied shall not contain inorganic phosphate. Fertilizer applied shall contain no more than one percent (1%) organic phosphate by weight or volume.

(4) **Impervious Surfaces.** No person shall apply fertilizer to any impervious surfaces (roadway, walkway, stairway, patio, etc.), or to areas within drainage ditches or waterways. Nor shall any person pile, store or burn lawn clippings or leaves on an impervious surface, drainage ditch or waterway where they could be washed or transported into a storm sewer or into South Twin Lake, North Twin Lake, Pike Lake and the Apple River.

(5) **Buffer Zone.** Fertilizer applications shall not be made within thirty-five (35) feet of any wetland or water resources.

- (6) **Exempt.** Newly established turf areas shall not be banned from the use of a fertilizer containing phosphorus for the first growing season. Active garden areas shall not be banned from the use of a fertilizer containing phosphorus. Those established lawn areas in need of a fertilizer containing phosphorus will be allowed if the property owner provides the City with certified soil test results showing the need for such fertilizer. In all of these cases, the amount of phosphorus applied shall not exceed one-half (1/2) pound per one thousand (1,000) square feet of application area per year.
- (7) **Penalty.** Except as hereinafter provided, any person, firm, corporation or franchise who is convicted of a violation of this Section shall be dealt with pursuant to Section 1-1-7 of this Code of Ordinances. Abatement shall be an additional remedy as permitted under Sections 11-6-6 and 11-6-7 of this Code of Ordinances.

Title 8 ► Chapter 2

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 City.
- (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 City Administrator 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 City, 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 City of Amery.

Title 8 ► Chapter 3

Recycling and Solid Waste Management

- 8-3-1** County Solid Waste Management Ordinances Adopted; Purpose; Definitions
- 8-3-2** Collection of Solid Waste by the City
- 8-3-3** Preparation and Collection of Recyclable Materials
- 8-3-4** Preparation and Collection of Non-Recyclable Materials
- 8-3-5** Mobile Home Parks, Trailer Courts and Other Similar Housing Accommodations
- 8-3-6** Littering
- 8-3-7** Retrieval of Litter
- 8-3-8** Owner and Occupant Obligation to Properly Dispose of Waste
- 8-3-9** Responsibility for Collection of Waste
- 8-3-10** Solid Waste from Outside the City
- 8-3-11** Open Burning of Solid Waste and Recyclable Materials Prohibited
- 8-3-12** Open Burning of Untreated Wood and Yard Waste Except for Grass Clippings
- 8-3-13** Demolition Waste
- 8-3-14** Disposal of Leaves, Trees and Garden Waste
- 8-3-15** Special Collections
- 8-3-16** Disposal of Yard Waste at the City's Landfill
- 8-3-17** Transportation of Solid Waste
- 8-3-18** A Church May Elect to Be Treated as a Single-Family Residence
- 8-3-19** Solid Waste Generated in the City Shall be Hauled to Barron County Waste-to-Energy Facility; Recyclable Materials Generated in the City Shall be Hauled to Polk County Recycling Center
- 8-3-20** Establishment of Collection Fees
- 8-3-21** Revision by Resolution
- 8-3-22** Penalties

Sec. 8-3-1 County Solid Waste Management Ordinance Adopted; Purpose; Definitions.

- (a) **Polk County Solid Waste Management Ordinance.** Solid waste management for the City of Amery is subject to the provisions of the Polk County Solid Waste Management Ordinance as amended from time to time by the Polk County Board of Supervisors.
- (b) **Purpose of the City's Waste Management Ordinance.** The purpose of this Chapter is to supplement the Polk County Solid Waste Management Ordinance.
- (c) **Definitions.** The definitions set forth in Section 8-3-4 of the Polk County Solid Waste Management Ordinance are hereby incorporated by reference within this Chapter except when otherwise limited or modified by this Chapter below:
 - (1) The term "residence" shall mean a housing accommodation with three (3) or fewer dwelling units in any given structure. Residence shall not include any commercial or industrial operation, establishment or business. A housing accommodation with four (4) or more dwelling units shall be considered a commercial operation. Where commercial or other non-residential uses are maintained at or in conjunction with residential uses, the same shall be deemed separate and distinct. Fees for the collection of waste under these circumstances shall be determined and collected separately for each unit as either commercial or residential, according to use.
- (d) **Title.** The title of this Chapter is the Recycling and Solid Waste Management Ordinance for the City of Amery.
- (e) **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. NR 544, Wis. Adm. Code.
- (f) **Statutory Authority.** This Chapter is adopted as authorized under Sec. 159.09(3)(b), Wis. Stats.
- (g) **Abrogation and Greater Restriction.** 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.

Sec. 8-3-2 Collection of Solid Waste by the City.

- (a) **Authorized Collections Only.** All solid waste (except for the solid waste described in the following paragraph) accumulated from each single family residence and each two-to-four unit residence in the City of Amery shall be collected, conveyed and disposed of by the City or by its authorized hauler. No person shall collect or dispose of such solid waste accumulated on each single family residence or on each two-to-four unit residence in the City except the City or its designated hauler, except as otherwise provided in this Chapter.

- (b) **Non-Collectable Materials.** It shall be unlawful to place any of the following materials or items for collection:
- (1) Dead animals or parts thereof (however, this Section shall not apply to animal parts for food preparation for human consumption).
 - (2) Undrained food wastes (unless they are first drained and securely wrapped in plastic).
 - (3) Hot ashes.
 - (4) Tires.
 - (5) Yard wastes.
 - (6) Major appliance or furniture.
 - (7) Hazardous or toxic wastes.
 - (8) Chemicals.
 - (9) Explosives or ammunition.
 - (10) Drain or waste oil or flammable liquids.
 - (11) Paint.
 - (12) Animal or human wastes (these wastes should be disposed of in the sanitary sewer system. Such items as "kitty litter" may be placed for collection if animal wastes are removed prior to disposal).
 - (13) Pathogenic hospital wastes (such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews).
 - (14) Building waste (all waste resulting from remodeling, construction or removal of a building, roadway or sidewalk).
 - (15) Foam polystyrene packaging.
 - (16) Office paper.
 - (17) Lead acid battery.

Sec. 8-3-3 Preparation and Collection of Recyclable Materials.

- (a) **Preparation of Recyclables.** Except as otherwise directed by the Director of Public Works, occupants of a single-family residence and occupants of a two-to-four unit residence shall do the following for the preparation and collection of the separated materials now specified which materials in the Chapter shall be called "Recyclable Materials":
- (1) Glass containers must be washed and rinsed with caps and neck rings removed. Labels can remain on glass. Glass should not be broken. The glass containers shall be put in a bucket and placed at the curb on the designated collection day.
 - (2) Corrugated paper or other container board shall be free of debris, flattened and bundled in bundles not more than twelve (12) inches high, twenty-four (24) inches wide and thirty-six (36) inches long. The bundles shall be placed at the curb on the designated collection day.
 - (3) Magazines shall be bundled in bundles not more than twelve (12) inches high or be placed in a brown paper grocery bag. The bundles or bags shall be placed at the curb on the designated collection day.

- (4) Newspaper shall be bundled in bundles not more than twelve (12) inches high or be placed in a brown paper grocery bag. The bundles or bags shall be placed at the curb on the designated collection day.
 - (5) Rigid plastic containers (such as but not limited to milk jugs or detergent bottles) made from PETE, HDPE, and other resins or multiple resins must be washed and rinsed with caps and neck rings removed. Labels can remain on plastic. If convenient, flatten bottles and other containers to save space. All plastic containers shall be placed in a sturdy basket. The basket shall be placed at the curb on the designated collection day.
 - (6) Aluminum containers shall be placed in a sturdy basket. The sturdy basket shall be placed at the curb on the designated collection day.
 - (7) Steel containers must be rinsed, labels removed, both ends must be cut out and cans must be flattened. Cut out ends are recyclable. Tin cans with "molded or round bottom" can be recycled without the "molded or round bottom" removed, provided the can has been rinsed and labels have been removed. The cans shall be placed in a sturdy basket. The sturdy basket shall be placed at the curb on the designated collection day.
 - (8) A container for carbonated or malt beverages that is primarily made of steel and aluminum shall be rinsed and placed in a sturdy basket. The sturdy basket shall be placed at the curb on the designated collection day.
- (b) **Additional Provisions.** Other provisions for the preparation and collection of recyclable materials are as follows:
- (1) ***Some Recyclables May be Mixed Together.*** The recyclables described above at Subsection (a)(5) rigid plastic containers, Subsection (a)(6) aluminum containers, Subsection (a)(7) steel containers, and Subsection (a)(8) containers for carbonated or malt beverages that are primarily made of steel and aluminum may be mixed together in the sturdy basket.
 - (2) ***Placement of Recyclable Materials at Curbs for Collection.*** The recycling bundles and the sturdy baskets as above described shall be placed within five (5) feet of the curb line for collection, and, where there is no curb, the recycling bundles and the sturdy baskets shall be placed for collection on the edge of the shoulder of the roadway. During the snow season, the area where the recyclables are placed for collection shall be kept free of snow by shoveling.
 - (3) ***Designated Collection Days.***
 - a. The designated collection day for occupants of a single-family residence and for the occupants of a two-to-four unit residence which are located south of the railroad tracks and the Cattail Trail shall be the second Wednesday of each month.
 - b. The designated collection day for occupants of a single-family residence and for the occupants of a two-to-four unit residence which are located north of the railroad tracks and the Cattail Trail shall be the second Friday of each month.

- c. It is the resident's responsibility to place the recycling buckets, bundles and bags at the curb or edge of the roadway for collection at 7:00 a.m. on the designated collection day but not more than a day in advance of collection. The empty recycling buckets and bags shall be removed from the curb or edge of the roadway within twelve (12) hours after collection.
- (4) **Unaccepted Recyclables.** The City or hauler will leave unacceptable material at the curb with a tag depicting why the material was rejected.
- (5) **Other Disposal Sites.** Nothing in this Chapter shall prohibit a person from depositing recyclables at a site approved by the Department for the collection of recyclables.

Sec. 8-3-4 Preparation and Collection of Non-Recyclable Materials.

- (a) **Definition of Non-Recyclable Materials.** Non-recyclable materials are defined in this Chapter to mean the solid waste as defined in Section 8-3-2 less the recyclable materials as defined in Section 8-3-3.
- (b) **Non-Recyclable Material Containers.** All non-recyclable material shall be placed in containers made of metal and/or plastic with tight covers. The City or its authorized hauler shall provide each user family with the option of using a thirty-five (35) gallon container, sixty (60) gallon container, or a ninety (90) gallon container. In addition to the above containers, upon request, a dumpster will be provided to a user family. The City or its authorized hauler shall provide each user family with a container of their choice.
- (c) **Cost of the Above Containers to Each User Family.** The cost to each user family for the above containers shall be:
 - (1) **35-Gallon Container.** Ten and 50/100 Dollars (\$10.50) per month.
 - (2) **60-Gallon Container.** Twelve Dollars (\$12.00) per month.
 - (3) **90-Gallon Container.** Fifteen Dollars (\$15.00) per month.
 - (4) **Dumpster.** A price as determined by the hauler.
- (d) **Other Provisions** for the preparation and collection of non-recyclable material are as follows:
 - (1) **Placement of Non-Recyclable Material Containers at Curb.** The non-recyclable material container as above described shall be placed within five (5) feet of the curb line for collection, and where there is no curb, the container shall be placed for collection on the edge of the shoulder of the roadway. During the snow season, the area where the container is placed for collection shall be kept free of snow by shoveling.
 - (2) **Designated Collection Days.**
 - a. The designated collection days for occupants of a single family residence and for the occupants of a two-to-four unit residence which are located south of the railroad tracks and the Cattail Trail shall be each Wednesday of each month.

- b. The designated collection days for occupants of a single family residence and for the occupants of a two-to-four unit residence which are located north of the railroad tracks and the Cattail Trail shall be each Friday of each month.
 - c. It is the resident's responsibility to place the non-recyclable material container at the curb or edge of the roadway for collection by 7:00 a.m. on the designated collection day, but not more than a day in advance of collection. The empty container shall be removed from the curb or edge of the roadway within twelve (12) hours after collection.
- (3) **Storage of Containers.** Except when a waste container is placed for collection at either the curb or edge of the shoulder of the road, the container shall be located out of public view.

Sec. 8-3-5 Mobile Home Parks, Trailer Courts and Other Similar Housing Accommodations.

Mobile home parks, trailer courts, and other similar housing accommodations are commercial properties and are not subject to the provisions of this Chapter.

Sec. 8-3-6 Littering.

- (a) No person shall deposit solid waste, litter, garbage, refuse or yard waste on any property, roadway, right-of-way or in the waste receptacles belonging to others except in parks and waysides where the disposal of an item is immediately incidental to the use of said park or wayside or unless the receptacle is expressly authorized, and appropriately labeled as such, for public use.
- (b) "Litter" means any un-contained solid waste, garbage, refuse or yard waste on any property, roadway, right-of-way or in the waste receptacles belonging to others except in parks and waysides where the disposal of an item is immediately incidental to the use of said park or wayside or unless the receptacle is expressly authorized, and appropriately labeled as such, for public use.
- (c) "Litter" means any un-contained solid waste, garbage, refuse, and yard waste deposited other than in a proper receptacle which tends to create a danger to the health, safety, and welfare or impair the environment.
- (d) "Littering" means the depositing of litter or allowing litter to be deposited on any property except in authorized waste receptacles. Littering includes discharge of litter from vehicles or spillage from litter containers.

Sec. 8-3-7 Retrieval of Litter.

Any litter which contains the name or other identification of the generator thereof shall be retrieved by the generator within twenty-four (24) hours after receiving notification. Failure of the generator to timely retrieve and properly dispose of said litter is a violation of this Chapter.

Sec. 8-3-8 Owner and Occupant Obligation to Properly Dispose of Waste.

- (a) It shall be the duty of any person owning or occupying any property to maintain the premises in a reasonably clean and orderly manner. It is unlawful for any person to accumulate, permit or cause to accumulate any solid waste, which constitutes, or may create, an unsanitary or unsightly condition or a health or fire hazard. It shall be the duty of said person owning or occupying said premises or lands to insure that all solid waste or litter shall be picked up and properly disposed of.
- (b) Failure to maintain the premises free of litter and solid waste from whatever source by the property owner and occupant within twenty-four (24) hours after notification is violation of this Chapter.

Sec. 8-3-9 Responsibility for Collection of Waste.

No person shall allow any solid waste to remain uncollected beyond the date provided for its collection or removal, or in any way to allow any waste container to remain properly unemptied for longer than fourteen (14) days. Exempt from this Section is the storage of Recyclable Materials that have been separated for recycling purposes.

Sec. 8-3-10 Solid Waste from Outside the City.

It is unlawful for any person to place, deposit or cause to be deposited, for collection, any solid waste not generated within the City of Amery.

Sec. 8-3-11 Open Burning of Solid Waste and Recyclable Materials Prohibited.

- (a) It shall be unlawful for any person to burn hazardous waste, solid waste or recyclable materials. This includes the open burning of wet combustible rubbish, garbage, oily substances, asphalt, and plastic or rubber products. No facility for the disposal of solid

8-3-11

waste, including burn barrels, shall be constructed, established, continued, maintained, or operated after January 1, 1995.

- (b) "Hazardous waste" means that waste as defined by Sec. 144.62(2), Wis. Stats.
- (c) Untreated wood and yard waste except for grass clippings are exempt from this Chapter. Those materials may be burned under the provisions of Section 8-3-12.

Sec. 8-3-12 Open Burning of Untreated Wood and Yard Waste Except for Grass Clippings.

- (a) Except as hereinafter provided, any person with untreated wood and yard waste generated on their own yard except for grass clippings may burn these materials on their own property by doing all of the following:
 - (1) Properly notify and receive approval, including any necessary permits, from the City Administrator.
 - (2) Conduct all allowed open burning of yard waste and untreated wood in a safe pollution free manner, when wind and weather conditions are such as to minimize adverse effects and in conformance with local and state fire protection regulations. The use of burn barrels for the open burning of yard waste and untreated wood shall be prohibited.
- (b) Untreated wood and yard waste generated from a commercial enterprise may not be burned in the City.

Sec. 8-3-13 Demolition Waste.

Prior to the demolition of any structure or portion thereof, the person doing such demolition must obtain from the City Building Inspector a demolition permit. Said permit shall not be issued until the person doing such demolition shall provide satisfactory evidence to the Building Inspector that adequate arrangements have been made for the disposal of all anticipated demolition waste. In the event that any demolition is done without first obtaining a permit, the person doing said demolition, and the property owner, or the occupant of the property, where such demolition is done with the consent of said occupant or property owner, shall be subject to a forfeiture pursuant to Section 1-1-7.

Sec. 8-3-14 Disposal of Leaves, Trees and Garden Waste.

The City shall provide special collections, on a seasonal basis, for leaves, garden plants, Christmas trees, etc. The City shall first provide reasonable notice of the date and times that

said special pickups shall be available. All such leaves, garden plants or other refuse shall be placed in plastic garbage bags or sealed containers, when possible, and placed for collection.

Sec. 8-3-15 Special Collections.

In the event that special needs arise, for reasons such as storm damage, the City shall have the power to establish dates and times for special pickups of refuse generated by such storms or other unusual situations.

Sec. 8-3-16 Disposal of Yard Waste at the City's Landfill.

The City shall establish dates and times for a person to haul yard waste to the City of Amery's landfill.

Sec. 8-3-17 Transportation of Solid Waste.

- (a) No person shall haul solid waste material unless it is hauled in a covered truck or other vehicle constructed and managed so that no solid waste material will fall, leak, or spill or be blown from said vehicle.
- (b) Anyone who, while hauling solid waste material on a public street or highway of the City of Amery, shall drop or have blown from their vehicle any solid waste material and does not immediately stop and pick up the same, shall be deemed to have violated this Section.

Sec. 8-3-18 A Church May Elect to Be Treated as a Single-Family Residence.

A church located within the City of Amery may, upon application to the City Administrator, be treated as a single-family residence for all purposes as set forth in this Chapter.

Sec. 8-3-19 Solid Waste Generated in the City Shall be Hauled to Barron County Waste-to-Energy Facility; Materials Generated in the City Shall be Hauled to Polk County Recycling Center.

Except as otherwise provided in the Polk County Solid Waste Management Ordinance and this Chapter, all solid waste material generated in the City of Amery shall be hauled by the City or by its authorized hauler as follows:

- (a) All solid waste material as defined in Section 4.0 and 4.1 of an agreement entitled "Barron County Wastes-to-Energy Facility Solid Waste Disposal Agreement" by and between the City of Amery and the Barron County Solid Waste Management Board shall be hauled to the Barron County Waste-to-Energy facility located at Almena, Wisconsin.
- (b) All recyclable material shall be hauled to the Polk County Recycling Center.

Sec. 8-3-20 Establishments of Collection Fees.

- (a) Fees for residential accounts shall be set and established by the Common Council on an annual basis by the adoption of a rate schedule. The rate schedule shall be effective the first day of January immediately following its adoption.
- (b) The City and its licensee(s) shall prepare a proposed rate schedule which sets forth a rate for residential accounts. A flat fixed rate in compliance with Section 8-3-4(c) shall be set for residential accounts. Rates for non-residential accounts shall be based upon separate negotiations by the hauler with each non-residential account.
- (c) The proposed rate schedule for residential accounts shall be filed in the office of the City Administrator by October 15th. Said rate schedule will be open to public inspection.
- (d) The Common Council shall review the proposed rate schedule at its monthly meeting in November.
- (e) Thereafter, the Council shall adopt a rate schedule for residential accounts. In establishing the rate schedule, the Council shall consider all evidence relevant to the cost of disposing of garbage, including tipping charges, the City's or licensee(s)' equipment, insurance, fuel, employee payroll and other costs, and any other factors that the Council may deem relevant.
- (f) All waste disposal service charges shall be due and payable to the City Administrator, or the City's licensed collector(s), within twenty-five (25) days of the billing date. A late penalty charge of three percent (3%) shall be added to all statements not paid within twenty-five (25) days of the billing date. All delinquent waste disposal bills unpaid as of November 15th of each year shall be placed on that year's real estate tax bill for collection as a special assessment under Secs. 66.0701 and 66.0703, Wis. Stats.

Sec. 8-3-21 Revision by Resolution.

- (a) The list of recyclable materials set forth in Section 8-3-3 and the list of non-recyclable materials set forth in Section 8-3-2(b) may be added to or deleted from by resolution of the Council without revision of this Chapter.
- (b) The cost of the containers used by each user family set forth in Section 8-3-4 may be modified by resolution of the Council without revision of this Chapter.
- (c) Any resolution as above described shall be effective upon adoption and publication as a Class I notice.

Sec. 8-3-22 Penalties.

Except when a penalty is provided elsewhere in this Chapter, any person who shall violate any of the provisions of this Chapter is subject to a forfeiture of Fifty Dollars (\$50.00) for the first violation, Two Hundred Dollars (\$200.00) for the second violation, and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation, together with the costs of prosecution. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

