

TITLE 8

Health and Sanitation

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Health and Sanitation

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

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

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

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

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

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

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

- a. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- b. In any way render the public insecure in life or in the use of property.

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

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

(3) **Safety Hazards.**

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

1. All buildings and structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
2. All abandoned or non-operational refrigerators, freezers, and iceboxes from which the doors and other covers have not been removed or are not equipped with a device for opening the door from the inside.
3. Fire code or safety violations found when the required state fire inspections are performed.

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

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

- a. All property owners within the Village of Elk Mound who allow their property to accumulate trash, litter or rubbish shall be in violation of this Subsection.
 1. Litter as used in this Subsection includes but is not limited to trash and/or wastepaper lying scattered about.
 2. Trash, as used in this Subsection, includes but is not limited to some thing or object worth little or nothing or is in a crumpled or broken inoperable condition.

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

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

(1) **Inspection of Premises.** Whenever a person residing within five hundred (500) feet or adjacent to a hazard makes a written complaint to the Village office or to a Village enforcement officer that a public health or safety hazard exists within the Village of Elk Mound, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his/her findings to the Village Board. Whenever practicable, the enforcement officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk-Treasurer.

(2) **Summary Abatement.**

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

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

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

(d) **Enforcement.**

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

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

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

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

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

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

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

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

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

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

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

Ragweed
Thistles
Smartweed
Dandelions (over 8 inches in height)

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

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

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

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

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

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
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 Calicitrpa
Thistle Sow (Field)	Sonchus Arvensis
Thistle Sow (Common)	Sonchus Oleraceus
Thistle Sow (Spiny Leaved)	Sonchus Asper
Sweet Clover (Yellow)	Melilotus Officinalis
Sweet Clover (White)	Melilotus Alba
Yellow Mustard (Yellow Rocket (Winter Cress)	Barbarea Vulgaris
Japanese Bamboo	
Wild Mustard	

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

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

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

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

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

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

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

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

property in question will not be mowed by the Village of Elk Mound or designee/contractor until such time as the hearing is held by the Zoning Board of Appeals.

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

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

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

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

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

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

(a) **Inspections.**

(1) Whenever the Building Inspector, Fire Inspector, Zoning Administrator, or other authorized Village official shall, upon inspection of any premises within the Village of Elk Mound find that there is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish, rubble, trash, abandoned, construction materials, rotting yard and orchard waste, merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Village of Elk Mound in general, such official shall issue his/her written order to the owner and/or occupant of the premises to remove such offending items.

(2) Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection (b).

(3) Prosecution of violators under this Section shall not preclude other enforcement actions allowed by law, including other actions under this Code of Ordinances.

- (b) **Appeal.** Any person aggrieved by an order of a Village official under this Section may, within thirty (30) days from the date of such order, request a hearing before the Zoning Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within thirty (30) days of the date of said order. The Zoning Board of Appeals shall hold a hearing within seven (7) days from the date of the aggrieved party's request. The Village shall take no abatement action until such time as the requested hearing is held, except when necessary to remove a human health hazard in accordance with Subsection (e). At the hearing, the person aggrieved may appear in person and/or by attorney and may subpoena, present and cross-examine witnesses. At the close of the hearing, the Zoning Board of Appeals shall make its determination in writing specifying its findings of facts and conclusions. If the Zoning Board of Appeals determines that a public

nuisance did exist, the Zoning Board of Appeals may order the Village to proceed under Subsection (e), (f) and/or (h) of this Section.

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

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

Sec. 8-1-9 Rodent Control.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village of Elk Mound, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his/her designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.

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

Sec. 8-1-10 Composting Regulations.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.

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

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- c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
- d. Commercial compost additives.
- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.
- (f) **Municipal Exception.** Any municipal composting site maintained by the Village of Elk Mound 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, gutter, ditch, pipe, conduit, 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. Sump pumps and their discharge shall comply with Section 8-1-12.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, gutter, ditch, pipe, conduit, or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village of Elk Mound and to the protection of the property.
- (c) **Storm Water.** All roof drains, surface drains, 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.
- (d) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (e) **Conducting Tests.** If a designated Village agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists. In addition, Village inspectors may inspect for illegal clear water discharges as a part of a routine inspection without cause.

Cross-Reference: Section 8-1-12.

Sec. 8-1-12 Sump Pump Discharge Regulated.

- (a) **Statement of Purpose.** The Village Board finds that uncontrolled discharges of water from sump pumps, footing tiles, roofs, down spouts, eave troughs, yard drains, swimming pools, cistern overflows, and other means of transmitting natural precipitation and surface waters can overload the public sewerage system and contribute to flooding. Such overloading may result in sewage flowing into basements and/or residences and businesses, creating potentially hazardous public health and safety conditions and damage to properties. Such discharges into the public sewerage system increase system operating costs and maintenance. Furthermore, such uncontrolled discharges, particularly from sump pumps, can create frozen runoff onto public sidewalks and excess runoff from one lot to another.
- (b) **Prohibitions.** It shall be unlawful for any owner, occupant or user of any premises to direct into or allow any stormwater, surface water, ground water, well water or other sources specified in Subsection (a) above to drain into or connect into the public sewerage system. No rain spout or other form of surface drainage, foundation drainage, or sump pump shall be connected to or discharged into the public sewerage system.
- (c) **Sump Pump Discharge System Required.**
- (1) **Requirement For.** Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, etc., the use of a sump pump system shall have a permanently installed discharge line which shall not at any time discharge into a sanitary sewer system.
 - (2) **Discharge Line Requirements.**
 - a. A "permanently installed discharge line" shall be one which provides for uninterrupted year-around discharge capability to either an appropriate drainage area outside of the dwelling, building or structure, or is connected to the Village of Elk Mound storm sewer system.
 - b. The permanently installed discharge line shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge. This line shall not be capable of connection or reconnection to the public sewerage system. The discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic, copper, galvanized or black pipe), one (1) inch inside diameter minimum. If the discharge line is directly connected to a storm sewer line or catch basin, the discharge pipe shall have a check valve within one (1) foot of the floor grade, an air gap, and a union or other approved coupling for easy disconnection for repair or replacement. The point of discharge shall be a minimum of two (2) feet from the basement foundation wall and ten (10) feet from the property line.
 - c. Discharge water shall not create any icy condition on any pedestrian walkways within or adjacent to the premise's lot lines.
 - d. As an alternate method of installation with the approval of the Village, the discharge pipe may be connected directly to the Village's underground storm

sewer system provided the discharge is at a higher elevation than the normal flow level and than an approved backflow prevention device is installed.

- e. When a storm sewer is not or will not be available in the future, as determined by the Village, the sump pump shall discharge to grade and must satisfy all of the following provisions, unless otherwise authorized by the Director of Public Works/Village Engineer:
 1. The discharge pipe shall exit the building at one (1) foot above finished grade.
 2. The point of discharge shall be a minimum of two (2) feet from a basement foundation wall and ten (10) feet from a property line.
 3. The discharge shall flow parallel to or away from the nearest property line, and comply with the restrictions of Subsection (c)(2)c above.
- (d) **Foundation Drain Tile Systems.** For buildings and residences constructed after the effective date of this Section, groundwater from foundation drain tile shall not discharge into the sanitary sewerage system. The building/residence shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located a minimum of ten (10) feet from an inside sanitary floor drain. Groundwater flowing through the tile and draining to a sump pit shall be discharged to the exterior of the structure with the use of a sump pump.
- (e) **Sump Pump Connection Required.**
 - (1) **Sump Pump Connections to Storm Sewer System.**
 - a. Each owner of a platted lot where storm sewer laterals have been installed, or will be installed in the future pursuant to Village standards, shall be required to connect the building sump pump outlet directly to the storm sewer lateral as installed at the time of plat or certified survey map approval by the subdivider, or as subsequently installed by the Village pursuant to this Section or any other ordinance of the Village of Elk Mound. If a Village storm sewer system or Village drain tile system is available to the property, connection of said discharges to this system shall be mandatory.
 - b. Where no storm sewer is available or is not adequate to receive the anticipated flow (as determined by the Village) between the dates of November 15 and April 15 of the following year, the sump pump discharge shall drain onto the premises, not onto the roadway, curbing or sidewalk.
 - (2) **Compliance Responsibility.** It shall be the responsibility of the party who is issued a building permit to ensure that the sump pump discharge system from the building constructed on the property is installed underground from the building and is properly connected to the storm sewer laterals.
 - (3) **Downspouts.** No downspouts shall be connected to the storm sewer lateral, except with the approval of the Director of Public Works, Village Engineer or Building

Inspector for unique hazard mitigation, and then shall be limited to one (1) such connection only.

(f) **Connection Orders; Inspections; Variances; Noncompliance.**

(1) **Connection Order.** A connection order may be served, in person or by first class mail, upon either the owner of the property or its occupant. The order shall provide that connection to the storm sewer shall occur within thirty (30) days after order issuance and prohibited connections be discontinued, unless a written waiver or time extension request has been filed with the Director of Public Works, Village Engineer or Building Inspector.

(2) **Inspections.**

a. Within thirty (30) days after notice from the Village, the property owner shall contact the Village to schedule an inspection by a Village inspector of each building and the utility service lines located on such property. The purpose of this inspection is to confirm that there is no sump pump or other prohibited discharges into the public sewerage system. In lieu of having the Village inspect the property, the property owner may, at the owner's expense, furnish a certificate from a Wisconsin-licensed plumber, in a form acceptable to the Village, certifying that the property is in compliance with this Section.

b. The Village may periodically re-inspect any building or premise to determine compliance with this Section.

c. All new residences shall be required to have their sump pump system inspected and be in compliance with this Section prior to issuance of a certificate of occupancy.

(3) **Waiver.**

a. The Director of Public Works, Village Engineer or Building Inspector shall hear and decide requests for waivers or time extensions from the applicability of the provisions of this Section where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or which would cause a significant public health or safety problem. This may also include situations where it would not be practical, as determined by the Village, to correct an otherwise prohibited discharge to the public sewerage system.

b. Applications for a waiver or time extension shall be made within fifteen (15) days of receipt of a compliance order. Such application shall be addressed in writing to the Director of Public Works, Village Engineer or Building Inspector. Applications shall, at a minimum, identify the subject property, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time, the Director of Public Works, Village Engineer or Building Inspector shall make a decision on the request, providing a copy of such decision to the applicant in writing. Upon

approval of an application for a waiver or time extension, a property owner shall be allowed to discharge directly into the sewerage system for a limited time specified in the written determination and in accordance with other terms and conditions specified.

(4) **Penalties.**

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

Sec. 8-1-13 Disturbance of Refuse Containers.

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

Sec. 8-1-14 Fencing of Anhydrous Ammonia Tanks.

- (a) **Purpose.** The Village Board has determined that anhydrous ammonia storage tanks located within the Village of Elk Mound pose a threat to public health and safety if access to such tanks is not restricted through appropriate fencing. Specifically, public health and safety may be at risk if tampering or vandalism to the tanks results in unauthorized release of the tanks' dangerous contents into the atmosphere; furthermore, anhydrous ammonia is known

to be a substance used in the illicit manufacture of prohibited controlled substances, and that persons engaged in such illegal activity may tamper with unsecured storage tanks. This ordinance is adopted pursuant to the Village's police powers, which are to be liberally construed in favor of the municipality's authority to enact measures to protect public health and safety.

- (b) **Requirements.** Within sixty (60) days of the effective date of this Section, the owners of all parcels on which anhydrous ammonia storage tanks are located, either presently or proposed, shall erect adequate fencing enclosing such tanks. The fencing shall be of a design approved by the Village Board prior to construction. Such fencing shall be kept locked and be properly maintained.
- (c) **Penalty.** Persons found to be in violation of this ordinance shall be subject to the general penalty provisions of Section 1-1-6 of the Village of Elk Mound Code of Ordinances. Each day shall constitute a separate violation.

Sec. 8-1-15 Regulation of Smoking and Vaping.

- (a) **Finding of Facts; Statement of Purpose; Definitions.**
 - (1) The findings of fact and statement of purpose set forth in Section 11-5-9(a) are incorporated herein by reference and made a part of this Section as if fully set forth herein.
 - (2) The definitions set forth in Section 11-5-9(b) are incorporated herein by reference and made a part of this Section as if fully set forth herein.
- (b) **Statutory Requirements Adopted.** The provisions of Sec. 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except the provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.
- (c) **Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of the need to protect the health and safety of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village of Elk Mound by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Sec. 101.123(1)(h), Wis. Stats., is prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Elk Mound, except in designated areas.
- (d) **Vaping Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of the need to protect the health and safety of the public and Village employees from the detrimental effects of vaping and to maintain consistency with no-smoking regulations, the use of a vapor device is prohibited by any

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person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Elk Mound, except in designated areas. Furthermore, it shall be unlawful for any person to use a vapor device or product on any school grounds or building.

- (e) **State Statutes Adopted.** The provisions of Sec. 120.12(20), Wis. Stats., regulating smoking on school premises are adopted by reference and made part of this Section as though set forth in full.

Cross-Reference: Section 11-5-9

Sec. 8-1-16 Violation of Law Relating to Health.

- (a) **Failure to Comply With Emergency Orders and Rules.** No person or entity shall willfully violate or obstruct the execution of any of the following related to public health and safety:
- (1) Federal statute.
 - (2) State of Wisconsin Statute.
 - (3) Emergency order or emergency rule issued by the federal government, State of Wisconsin, Dunn County (Wisconsin), and/or the Village of Elk Mound.
- (b) **Penalty.** The penalty for a violation of this Section is a forfeiture as prescribed in Section 1-1-6, plus applicable court costs. Each day of a continuing violation shall be considered a separate offense.

State Law Reference: Secs. 323.11 and 323.14, Wis. Stats.

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 Village of Elk Mound.
- (b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Village Clerk-Treasurer so that assistance can be given by the proper agency.
- (c) **Financial Liability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Village of Elk Mound, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.

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

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

Title 8 ► Chapter 3

Refuse Disposal and Collection

8-3-1	Title
8-3-2	Purpose
8-3-3	Definitions
8-3-4	Nondisposable Materials
8-3-5	Hospital/Medical Wastes
8-3-6	Building Waste
8-3-7	Alteration of Recyclable Materials
8-3-8	Collection of Refuse
8-3-9	Refuse from Outside the Village
8-3-10	Garbage Accumulation; When a Nuisance
8-3-11	Improper Placement
8-3-12	Interference with Authorized Collector
8-3-13	Contracting with Collector/Hauler
8-3-14	Condominiums and Multi-Family Dwellings
8-3-15	Commercial Buildings
8-3-16	Agricultural Operations
8-3-17	Federal and State Regulations
8-3-18	Violations; Penalties
8-3-19	Special Collections for Violations
8-3-20	Severability

Sec. 8-3-1 Title.

This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Elk Mound, hereinafter referred to as this "Ordinance" or "Chapter."

Cross-Reference: Title 8, Chapter 4, Recycling.

Sec. 8-3-2 Purpose.

- (a) The purpose of this Chapter shall be to maintain and protect public health and sanitation by removal of garbage, rubbish, and other waste material generated in the in the Village of Elk Mound, to eliminate dispersal of garbage, waste, and other waste material along the streets, roads, and other public and private properties in and near the Village of Elk Mound.

- (b) The Village Board further finds and ordains that:
- (1) Improper disposal of household sharp medical waste, such as hypodermic needles, poses a significant health risk to workers in the waste disposal industry;
 - (2) Safe disposal of household sharp medical waste is possible through inexpensive, easily obtained means, without posing an undue burden on users of household sharp medical waste; and
 - (3) Removal of household sharp medical waste from the Village's waste stream is beneficial to residents of the Village as well as the Village's waste hauler and users of County landfills.

Sec. 8-3-3 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Collector/Hauler.** The contractor or entity chosen by the Village Board to handle, transport, and dispose of the solid waste, recyclables and non-recyclables generated in the Village, or, person or persons contracting with waste generators for these services, and will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.
 - (2) **Commercial Waste.** Waste of whatever material generated by any industrial or business establishment where any trade, occupation, industry or commerce is conducted.
 - (3) **Corrugated Cardboard.** Heavy duty Kraft paper packaging material with a corrugated medium between two (2) flat paper liners, and does not include paperboard such as for cereal or laundry detergent boxes or holders for six-packs or twelve-packs of beverage cans or bottles.
 - (4) **Curb.** The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
 - (5) **Deciduous Material.** Yard wastes such as leaves, grass clippings, flowers and other similar vegetation, but specifically excludes sod, dirt, twigs, fruit, vegetables and other similar material. Also included are clean woody vegetative material no greater than six (6) inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.
 - (6) **Demolition Wastes.** That portion of solid waste from the repair, remodeling construction or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt, plaster, conduit, pipe, wire, insulation, and other materials resulting from the demolition of buildings and improvements.
 - (7) **Dwelling Unit.** A place of habitation occupied by a normal single-family unit or a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this Chapter.
 - (8) **Garbage.** Discarded materials resulting from the handling, processing, storage and consumption of food.

- (9) **Glass.** Glass bottles, jars and containers and does not include window glass, drinking glasses, pyrex, light bulbs or other non-container glass.
- (10) **Good Faith.** Reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.
- (11) **Hazardous Waste or Hazardous Substance.** Those wastes or substances defined as such in NR 181, Wis. Adm. Code (including all amendments provided thereto) as provided therein pursuant to Sec. 144.62, Wis. Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials as such and also includes the meaning of "hazardous waste" or "hazardous substance" as described herein. Those solid wastes or substances found in household waste [notwithstanding the household waste exclusion provided in NR 181.12(4)(a), Wis. Adm. Code].
- (12) **Household Sharp Medical Waste.** Any type of product capable of puncturing or lacerating the skin that is designed or used to treat, diagnose, or prevent a disease or medical condition, including, but not limited to, scalpels and hypodermic needles.
- (13) **Multi-Family Dwelling.** A residential building intended to be the residence of four (4) or more independent family units.
- (14) **Non-recyclable Material.** All items of waste not recyclable except hazardous waste or hazardous substances.
- (15) **Other Paper.** All paper excluding newsprint materials or materials specifically excepted in the definition of "newsprint" and "corrugated cardboard," but shall include grades of fiber materials with available markets for recycling.
- (16) **Oversize and Bulky Waste.** Large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush and other large items whose proportions are not easily reduced.
- (17) **Person.** Any individual, corporation, organization, association, local governmental unit, as defined in Sec. 66.229(1), Wis. Stats., state agency or authority or federal agency.
- (18) **Refuse.** Combustible and non-combustible materials including, but not limited to: paper products, wood, metal, glass, cloth and products thereof in unrecoverable condition; litter and street rubbish not including yard waste; uncontaminated ashes; and building materials such as wood, concrete, glass, plaster and other intermixed materials produced in construction or demolition of structures. "Refuse" for purposes of this Chapter shall not include "oversize or bulky waste".
- (19) **Residential Solid Waste.** All solid waste that normally originates in a residential environment from residential dwelling units.
- (20) **Residential Unit.** Each living unit in the Village of Elk Mound designed for permanent living quarters, including single-family dwellings and units in duplexes, triplexes, and multi-family units and each unit in a residential condominium project.
- (21) **Scavenging.** The uncontrolled and unauthorized removal of materials at any point in solid waste management.

- (22) **Sharps Container.** A container specifically manufactured for the disposal of sharp medical waste.
- (23) **Solid Waste.** Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials, resulting from industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.
- (24) **Solid Waste Storage.** Safe, environmentally sound short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.
- (25) **Tires.** For collection purposes shall mean rubber tires, from automobiles and light trucks, and other tires whose size is less than 1100 x 24.5, which are removed from rims.

Sec. 8-3-4 Nondisposable Materials.

- (a) It shall be unlawful for any person to place for regular collection any of the following wastes:
 - (1) Hazardous waste;
 - (2) Toxic waste;
 - (3) Chemicals;
 - (4) Explosives or ammunition;
 - (5) Drain or waste oil or flammable liquids;
 - (6) Large quantities of paint;
 - (7) Dead animals;
 - (8) Trees or stumps;
 - (9) Gravel or concrete;
 - (10) Construction debris;
 - (11) Animal or human waste;
 - (12) White goods (unless as a special haul item);
 - (13) Hot ashes (ashes that are fully extinguished and dry may be left for collection in noncombustible containers);
 - (14) Tires;
 - (15) Holiday trees;
 - (16) Bedding and furniture;
 - (17) Appliances.
- (b) The aforementioned materials shall be disposed of in the manner prescribed by federal or state laws, or as provided for herein.
- (c) Materials that the Village collector will dispose of for a separate fee may be disposed of by special arrangement between the waste generator and said Village collector.

Sec. 8-3-5 Hospital/Medical Wastes.**(a) Household Sharp Medical Waste Disposal.**

- (1) Household sharp medical waste shall not be deposited in any other place or manner in the Village of Elk Mound than as hereinafter provided.
- (2) Acceptable means of disposing of household sharp medical waste include:
 - a. Disposal in an approved medical waste box, such as a Sharps container; or
 - b. Disposal in a heavy plastic container, such as a laundry soap bottle, providing that the lid is permanently affixed thereto using tape or another means, and the container is marked "Medical Waste: Do Not Open."

(b) Collector to Refuse Pickup of Non-Conforming Household Sharp Medical Waste.

The Village's collector shall refuse to pick up any solid waste or recyclables containing household sharp medical waste not separately contained and prepared as provided in this Section.

Sec. 8-3-6 Building Waste.

All demolition waste resulting from remodeling, construction, or removal of a building, roadway, or sidewalk shall be disposed of by the owner, builder, or contractor. Building materials of any kind will not be disposed of by the Village or its collection service.

Sec. 8-3-7 Alteration of Recyclable Materials.

It shall be unlawful to intentionally alter recyclable materials so as to render them as nonrecyclable material.

Sec. 8-3-8 Collection of Refuse.**(a) Placement for Collection.**

- (1) Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection or containers shall be placed immediately adjacent to the alley if premises abut on an alley. Yard bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. During winter months, solid waste shall not be placed on top of the snow bank, nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the terrace adjacent to the street curb for collection. Should

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collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.

- (2) No garbage containers or other containers for refuse other than those of the Village shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Village Board may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse.
- (b) **Restriction on Time of Placement.**
- (1) Receptacles and containers for refuse and rubbish shall be placed in collection locations as designated in Subsection (a) above prior to 7:00 a.m. of the scheduled collection day, but not more than twenty-four (24) hours prior to such time.
 - (2) All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.
 - (3) Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.
 - (4) If the scheduled collection day falls on a holiday, collection will be on the following scheduled working day.
 - (5) Special collections may be made if ordered by the Building Inspector or Village Board and will be billed to the owner.

Sec. 8-3-9 Refuse From Outside the Village.

It shall be unlawful to bring refuse from outside the Village of Elk Mound limits into the Village limits for disposal unless specifically authorized by written agreement with the Village.

Sec. 8-3-10 Garbage Accumulation; When a Nuisance.

The accumulation or deposit of garbage, trash, or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide a habitat or breeding place for rodents or animals, or which otherwise becomes injurious to the public health, is prohibited and declared to constitute a nuisance. Refuse areas shall be kept in a nuisance-and odor-free condition. Refuse shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area, with continued violations resulting in the owner being prosecuted under provisions of this and other Village ordinances.

Sec. 8-3-11 Improper Placement.

No persons shall deposit, throw, or place any garbage, offal, dead animals, combustible refuse or other deleterious matters in any park, lane, alley, street, public grounds, or public place within the Village, nor place any garbage, offal, dead animals or other refuse matter upon any private property not owned by such person without such person's consent. If not deemed noncollectible, these materials may be placed for collection on the owner's property if the same is enclosed in proper vessels or containers which shall be watertight and kept so with tightly fitting covers.

Sec. 8-3-12 Interference with Authorized Collector.

No person other than an authorized collector shall collect or interfere with any waste after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with any authorized garbage collector in the discharge of his duties.

Sec. 8-3-13 Contracting with Collector/Hauler.

- (a) The Village may find that the purposes of this Chapter will be better served by limiting collection of waste activities to a minimum and to that end the Village will contract with an independent contractor to provide waste collection services in accordance with this Chapter. If any person needs a service in excess of that provided by such collector/hauler pursuant to the collection contract with the Village, such person is free to contract, at such person's cost, for such additional services as may be required or desired.
- (b) The Village Board shall be authorized, if it so determines, to place the pro-rata cost of such collector/hauler's fee for such services on the tax bill for the real property from which such waste is generated. Said amount so placed on the tax bill for each year in advance of such services and when so placed shall have the same force and effect as real estate taxes and shall be paid as in the same manner as real estate taxes.
- (c) The Village and the collector/hauler shall establish pickup times for the collection of collectible wastes.

Sec. 8-3-14 Condominiums and Multi-Family Dwellings.

- (a) Each condominium association in the Village shall be responsible for establishing compliance with this Chapter by the owner of each condominium unit, and shall submit its plan for compliance to the Village for approval and shall submit for approval of the Village any changes in such plan. Such plan may provide for the purposes of this Chapter. Each

condominium unit shall be treated the same as a single residential dwelling or the entire condominium shall be treated for such purposes as a multi-family dwelling. In approving such a plan, the Village shall consider which plan under the circumstances would better promote the purpose of this Chapter.

- (b) Each owner of a multi-family building, with the consent of the Village, shall have the option of treating each unit within said building as a single-family residence or comply with the requirements of this Chapter, except that duplexes shall be treated as two (2) single-family residences.

Sec. 8-3-15 Commercial Buildings.

The owners of commercial, retail, industrial and governmental facilities shall provide adequate separate containers for the disposal of recyclable materials as defined herein and shall regularly notify all users of said premises of such facilities, including employees, agents and customers of county and municipal recycling requirements.

Sec. 8-3-16 Agricultural Operations.

Nothing in this Chapter is intended to apply to the disposal of or the accumulation of agricultural or farm wastes, products or feed accumulated upon property used in the ordinary course of farming.

Sec. 8-3-17 Federal and State Regulations.

It is expected that from time to time federal and state statutes and regulations will require that items other than the items which have been deemed to be recyclable herein shall be recycled. In such event, this Chapter shall be deemed to include and shall require such other items to be recyclable hereunder.

Sec. 8-3-18 Violations; Penalties.

- (a) Any person who shall violate any of the provisions of this Chapter shall be subject to a penalty which shall be as follows:
 - (1) **First Offense.** Any person found in violation of any provision of this Section as a first offender shall receive a warning notice requiring compliance and may be subject to having refuse in violation of the provisions herein not collected.
 - (2) **Second and Subsequent Offenses.** Any person found guilty of violating any part of this Chapter who has previously been notified of being in violation or has been convicted of violating the same Chapter within one (1) year shall, upon conviction thereof, be subject to a forfeiture as provided in Section 1-1-6.

- (b) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.

Sec. 8-3-19 Special Collections for Violations.

If any entity, including those receiving collection from a private firm, is found in violation of the collection and storage requirements of this Chapter and fails to comply with a notification and/or requirements of this Chapter and fails to comply with a notification and/or citation, the Village Board or its designee shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefor. The special collection shall be made, and if billing plus Fifty Dollars (\$50.00) is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax bill. A person shall not use the special collection provision of this Chapter to circumvent requirements for collection by a private firm.

Sec. 8-3-20 Severability.

The provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or pertinent Dunn County Ordinances in their interpretation and application. Because this Chapter creates a comprehensive, mandatory source separation recycling program in our community, any terms or requirements or interpretations consistent with state and county law shall control. If any provision of this Chapter is found to be invalid or unconstitutional, or if the application of this Chapter to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provisions or applications.

Title 8 ► Chapter 4

Recycling

8-4-1 Village of Colfax Recycling Regulations

Sec. 8-4-1 Village of Colfax Recycling Regulations.

The Village of Colfax shall serve as the responsible unit for recycling programs serving the Village of Elk Mound. Pertinent recycling regulations shall be applicable in the Village of Elk Mound.

