

CHAPTER 11
HEALTH AND SANITATION

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11.01 HEALTH DEPARTMENT. The Waukesha County Health Department shall constitute the Health Department for the Village of Sussex. When the term "Health Department" or "Health Officer" is used in this Code, it shall refer to the Waukesha County Health Department.

11.02 ABATEMENT OF HEALTH NUISANCES. The Health Department may abate public health nuisances as provided in sec. 146.14, Wis. Stats.

11.03 RULES AND REGULATIONS. The Health Department 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 regulation when approved by the Village Board shall have the same effect as ordinances and any person violating any of such regulations and any lawful order of the Board shall be subject to a penalty as provided in sec. 25.04 of this Code.

11.04 COMMUNICABLE DISEASES. Ch. 143, Wis. Stats., and Ch. H45, Wis. Adm. Code, are adopted by reference and made a part of this chapter, and the Health Department shall enforce the provisions thereof.

11.05 OUTDOOR FURNACES PROHIBITED.

(1) It shall be unlawful for any person to operate or use an outdoor burning furnace in the Village of Sussex.

(2) Purpose and Intent. The purpose and intent of this section is to protect the health, welfare, and safety of the public from the close, visible, and extended contact with hazardous materials caused from burning materials outside of a principal structure or garage structure.

(3) Definition. Outdoor burning furnace: A furnace, or similar device, that is designed and intended, and/or used, through the burning of wood, coal, or other substances for the purpose of heating the principal structure or another accessory structure on the premises and is located outside of the principal or garage structure. These types of furnaces are typically characterized by a short stack height and are contained in free-standing structures. This definition includes outside wood burning water stoves.

(4) Continuation of Nonconforming Uses. The lawful use of any existing "outdoor burning furnace" existing at the time of the effective date of this Chapter may be continued, although such use does not conform to the provisions of this law as herein provided. The lawful use considered in this section shall follow all of the provisions in Chapter 17.0900 of the Village of Sussex Zoning Code.

(5) Enforcement and Inspection. The Village of Sussex Building Inspector and affiliated officials shall have the power, whenever they deem is necessary, to enter upon the premises/property to inspect and ascertain compliance with the requirements of this ordinance.

11.06 MILK AND MILK PRODUCTS. No person shall sell, offer or expose for sale within the Village any milk or milk product other than Grade A pasteurized milk or milk products as defined in Ch.Ag.80, Wis.Adm.Code

11.07 PROPERTY MAINTENANCE CODE.

(1) Introduction, Purpose and Intent. The initial building construction or development in a community is usually accomplished after a great deal of planning, designing, and implementation. The time and attention to detail given to the initial construction is often the last concentrated effort regarding the total visual effect of the building and building lot or site. Attractive and well maintained property enhances the neighborhood and Village and provides a suitable environment for increasing property values. While most property owners establish a periodic maintenance program to keep their property in a visually pleasing and physically safe and sanitary condition, many properties are unkempt and are left to visual or physical decay. Due primarily to this circumstance, it has been determined that there is a need to set forth guidelines as well as regulations to ensure the continuing maintenance of property within the Village of Sussex.

It is the intent and purpose of this section of the Village Municipal Code to encourage, establish minimum standards for, and provide for the enforcement of a minimum level of care and maintenance to buildings and properties throughout the Village. It is not the intent of this ordinance to discourage or inhibit owners of older residences from upgrading such residences over an extended period.

(2) Scope. This ordinance shall apply uniformly to the maintenance and use of all premises within the Village of Sussex and the owners, occupants, and operators thereof.

(3) Title. This ordinance shall be known and may be cited as the Property Maintenance Code of the Village of Sussex, hereinafter referred to as "this ordinance."

(4) Property Maintenance Standards.

a. Owner and Occupant Responsibilities. Every owner and occupant of property within the corporate limits of the Village of Sussex has a responsibility to maintain such property in a visually clean, sanitary, safe and groomed condition. More specifically, it is every property owner and occupant's responsibility to:

1. Keep any building(s) and building-related equipment located on the property in good, safe repair and maintained in a good condition as relates to exterior appearance.

2. Keep and maintain all non-surfaced "yard" areas in grass or other ground cover in keeping with the other properties in the neighborhood and, in addition, install and maintain trees, shrubs and other landscape materials in a manner to be an attractive setting for the building(s) and the neighborhood, and keep landscaping in a neat and groomed manner.

3. Keep all solid waste receptacles and receptacle areas screened from view of the general public.

4. Keep all non-residential driveways and parking areas hard surfaced and dustfree and keep all residential driveways and parking areas dustfree.

5. Keep all yards which are visible to the general public and neighbors free of the long-term storage of vehicles, equipment and materials which are not specifically accessory and compatible with the principal use of the property, except where approved by the Plan Commission.

6. Keep and maintain all fences and walls, whether designed to be functional or only decorative, in a safe and good condition and appearance.

7. Keep all signs and lighting on the site in good repair in order to be both safe and visually

pleasing.

b. Minimum Property Maintenance Standards. Following are the minimum standards to be met by a property owner or occupant, regarding property maintenance in the Village of Sussex. Violation of these standards may result in the issuance of a citation by the Zoning Administrator.

1. All buildings located on property within the Village of Sussex shall be maintained in condition to be safe to both occupants and passersby.

2. All non-paved yard areas, as set forth in the Village Zoning Ordinance, shall be graded to alleviate standing water, and shall be maintained in grass, other vegetative ground cover, or trees and shrubs compatible with similar uses within the neighborhood. Such ground cover, trees and shrubs shall be kept maintained, except where a land management plan has been filed and approved by the Plan Commission. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or to vehicles traveling on public ways.

3. All solid waste containers stored outside shall be visually screened from view of passersby by means of being placed within a containment structure visually and structurally compatible with the principal building or, by means of a containment area screened from view by dense vegetative growth or by structural materials which are visually compatible with the principal structure.

4. All driveway, parking, loading and outside storage areas on non-residential property shall be surfaced and maintained as set forth in the Village Zoning Code.

5. After the date of adoption of this ordinance, all new driveways and parking areas on residential properties shall be surfaced with a good grade of stone and the driveway area between street and sidewalk must be surfaced within 18 months of building construction, with a hard surfaced paving material to render the surface virtually dustfree.

6. All yard and landscaped areas shall be kept free of trash, debris, rubbish, garbage, physical hazards, rodent harborage and infestation, animal feces, noxious weeds, old building materials, junk, unlicensed or inoperative vehicles, and other such material and equipment which, by its appearance, location or use, makes it incompatible with the principal use or other predominate principal uses in the immediate neighborhood.

7. All outside storage shall be screened from view of the general public by use of such measures as earth berming, vegetative planting, decorative fencing or building positioning.

8. All fences, walls, lighting, signs, storage structures, walks, driveways, parking areas and similar paved areas, and other visual physical improvements, construction, or appurtenances shall be maintained in a safe, sanitary, working order and in good appearance.

9. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight and rodent proof and shall be kept in proper repair and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

10. Every window, exterior door, interior door, and basement hatchway shall be reasonably weathertight, watertight, and rodent proof and kept in proper repair.

11. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and up to all applicable codes.

12. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.

13. No person shall dispose of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities, upon the surface of any land in the Village of Sussex, except at approved disposal sites.

(5) Administration and Enforcement.

a. The Zoning Administrator is authorized to prepare and distribute procedural rules as he deems necessary to administer the purposes of this ordinance.

b. If any household of the Village of Sussex or neighbor make a written complaint concerning the maintenance of property within the Village, the Zoning Administrator shall review such complaint, visit the property against which such complaint has been made and, if found to be in violation of this or any other Village Ordinance, shall issue a notice of such alleged violation to the owner or occupant of the property along with a specified time period within which such violation(s) must be corrected.

c. The Zoning Administrator may also issue a notice of alleged violation of this ordinance by his own action, which notice shall be transmitted to the owner or occupant of the property on which such violation exists along with a specified time period within which such alleged violation(s) must be corrected.

d. If violation has not been corrected within the time limits allowed by the Zoning Administrator (not to be less than five days of issuance of the notice), the Zoning Administrator shall issue a citation on the property owner regarding such violation. For noxious weed violations, the Zoning Administrator shall have the alternative option to instruct the Weed Commissioner to correct said violation and charge the actual cost incurred against the property owner. If such charges are not paid by November 29 of the year in which they are billed, such charges shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to 66.98 Wis. Stats.

e. Within ten (10) working days following the date of issuance of any notice by the Zoning Administrator, the recipient of the notice may apply to the Administrative Board of Appeals for a hearing for consideration of the alleged violation(s) enumerated in the notice. The applicant of such appeal shall be advised of the time and place of the hearing at least seven (7) working days period to the hearing; and shall be given an opportunity to be heard and to show cause why such notice should be modified, withdrawn or a variance granted.

(6) Definitions.

a. Building-related Equipment. Includes heating and air-conditioning equipment, chimneys

and vents, signs, antenna, gutters and downspouts, fences, steps, shutters, lights, garages, sheds, birdhouses, doghouses, and small storage structures.

b. Dustfree. Also means dirt or mud free. The intent is to have no dust (dirt, mud) generated by traffic on the driveway or by winds.

c. Gardening and Recreational Vehicles and Equipment. Includes lawnmowers, snowblowers, tractors, wheelbarrows, ladders, scaffolding, cultivators, rototillers, seed and fertilizer spreaders, mechanical lawn rakes, lawn rollers, snowmobiles, ATV's, campers, truck-camper units, boats, and recreational trailers.

e. Blighting Influence. A condition having an adverse effect on surrounding properties.

f. Debris. Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery, boxes; lumber (new or used), posts, sticks, or other wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon their neighborhood or the Village of Sussex in general.

g. Junk. Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. Any unlicensed motor vehicle shall be construed to be a junked motor vehicle.

h. Non-combustible Material. Material that cannot be burned.

i. Rubbish. Combustible and non-combustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust, and other similar materials.

j. Refuse. Debris as heretofore defined.

11.08 KEEPING OF ANIMALS AND FOWL. No person shall keep any animal or fowl except domesticated pets within the Village except in the Agricultural Conservancy District and in such a manner as to not create a health nuisance.

11.09 (1) RECYCLING ORDINANCE FOR THE VILLAGE OF SUSSEX.

(2) **Purpose.** The purpose of this ordinance is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative code.

(3) **Statutory Authority.** This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats.

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

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

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

(7) **Applicability.** The requirements of this ordinance apply to all persons within the Village of Sussex.

(8) **Administration.** The provisions of this ordinance shall be administered by the Sussex Village Board.

(9) **Effective Date.** The provisions of this ordinance shall take effect on October 1, 1994.

(10) **Definitions.** For the purposes of this ordinance:

- (a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - 1. Is designed for serving food or beverages.
 - 2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - 3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (d) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (e) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (f) "Magazines" means magazines and other materials printed on similar paper.
- (g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, clothes washer,

furnace, boiler, dehumidifier,
or water heater.

- (h) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (i) "Newspaper" means a newspaper and other materials printed on newsprint.
- (j) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (k) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (l) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (m) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (n) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (o) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (p) "Postconsumer waste" means solid waste other than waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.
- (q) "PP" means polypropylene, labeled by the SPI code #5.
- (r) "PS" means polystyrene, labeled by the SPI code #6.
- (s) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (t) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (u) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
- (v) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.

- (w) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (x) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (y) "Yard waste" means, leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(11) **Separation of Recyclable Materials.** Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following material from postconsumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard Waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Glass containers
- (i) Magazines
- (j) Newspapers
- (k) Office Paper
- (l) Rigid plastic container made of PETE, HDPE, PVC and LDPE.
- (m) Steel containers
- (n) Waste tires

(12) **Separation Requirements Exempted.** The separation requirements of s. 11.09(11) do not apply to the following:

- (a) Occupants of single family and 2 to 4 unit residences, multiple-family dwelling and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 11.09(11) from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in s. 11.09(5) through (14) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

(13) **Care of Separated Recyclable Materials.** To the greatest extent possible, the recyclable materials separated in accordance with s. 11.09(11) shall be clean and kept free of contaminants such as

food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

(14) **Placement and Ownership of Recyclable Materials.** Occupants of single family and 2 to 4 unit residences shall separate recyclable materials into designated containers and place the same at the curb on designated collection days for collection by an authorized agent of the Village. These designated containers remain the property of the Village of Sussex. Containers which are lost, damaged, or removed from the property must be replaced at the expense of the property owner at a cost equal to the purchase price paid by the Village. From the time of placement of recyclable materials at the curb for collection, items shall be and become the property of the Village of Sussex or its authorized hauling agent. All recyclables shall be placed at the curb no sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than 2 hours thereafter.

(15) **Antiscavenging or Unlawful removal of recyclables.** It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.

(16) **Nondisposable Materials.** It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, trees and stumps, construction debris, carcasses, medical wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

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

(18) **Management of Lead Acid Batteries, Appliances, Oil and Yard Waste.** Occupants of single family and 2 to 4 unit residences and multi-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (a) Lead acid batteries shall be kept out of the trash and taken to an area business that sells vehicle batteries.
- (b) Major appliances shall be disposed of on the regular solid waste collection day. Residents must place an "Appliance Disposal Sticker" on the appliance that can be obtained at the Village Hall. Each household may obtain one appliance sticker free per year with additional ones costing \$10.00 each. Appliances with stickers must be placed at the curb on the regular collection day.
- (c) Waste oil shall be kept out of the trash and disposed of at the Village oil tank located at the Village Garage on Clover Drive or other approved disposal sites.
- (d) Yard waste shall be kept out of the trash and taken to the drop off site located at the Village Garage on Clover Drive on designated days and times. Those who choose to use the site must purchase Village yard waste bags or passes at the Village Hall or other designated places, or be disposed of as provided by the Village Board from time to time.

(19) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Village Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in s. 11.09(11)(5) through (14):

- (a) Aluminum containers shall be rinsed free of product residue and placed in the red recycling bin and placed at the curb on the designated collection day.
- (b) Bi-metal containers shall be rinsed free of product residue and placed in the red recycling bin and placed at the curb on the designated collection day.
- (c) Corrugated paper or other container board shall be free of debris, flattened (not crushed), stacked and bagged or tied, in a size of three feet by three feet or smaller, and placed at the curb on the designated collection day.
- (d) Glass containers shall be rinsed free of product residue, lids removed and discarded, placed in the red recycling bin and placed at the curb on the designated collection day.
- (e) Magazines shall be placed in a paper bag and placed in the red recycling bin on top of all other commingled recyclables and placed at the curb on the designated collection day.
- (f) Newspaper shall be placed in a paper bag and placed in the red recycling bin on top of all other commingled recyclables and placed at the curb on the designated collection day.
- (g) Office paper should be prepared and collected in accordance with the hauler's requirements, which the non-residential facility or property contracts with.
- (h) Rigid plastic containers shall be prepared and collected as follows:
 - 1. Plastic containers made of PETE, including food and beverage containers shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the red recycling bin and placed at the curb on the designated collection day.
 - 2. Plastic containers made of HDPE, including milk jugs and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the red recycling bin and placed at the curb on the designated collection day.
 - 3. Plastic containers made of PVC, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the red recycling bin and placed at the curb on the designated collection day.
 - 4. Plastic containers made of LDPE, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the red recycling bin and placed at the curb on the designated collection day.
- (i) Steel containers shall be rinsed free of product residue and placed in the red recycling bin and placed at the curb on the designated collection day.

- (k) Waste tires shall be kept out of the trash and disposed of at the Village tire drop off which is offered biannually or other approved disposal sites. Those tires brought to the drop off must have the rims removed.

(20) **Right to Reject Materials.** The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in section 11.09(18) and (19) of this ordinance or in education material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reason for rejecting the items, either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the municipality quarterly.

(21) **Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

- (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 11.09(11)(5) through (14):

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
- (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, location and hours of operation, and a contact person or company, including a name, address and telephone number.

- (2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 11.09(11)(5) through (14) from solid waste in as pure a form as is technically feasible.

(22) **Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 11.09(11)(5) through (14):

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the

properties about the established recycling program.

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

- (2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 11.09(11)(5) through (15) from solid waste in as pure a form as is technically feasible.

(23) **Prohibitions on Disposal of Recyclable Materials Separated for Recycling.** No person may dispose of in a solid waste disposable facility or burn in a solid waste treatment facility any of the materials specified in s. 11.09(11)(e) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(24) **Hauler Licensing.** Haulers who collect solid waste or recyclables in the Village for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Village.

(25) **Hauler Specifications.** Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in Village that have been separated for recycling. Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall maintain materials in marketable condition.

(26) **Processing Facilities.** Any contractor operating in the Village shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the Village and, by January 1, 1995, the facility has self-certified with the WI DNR under section NR 544.16, Wis. Administrative Code.

(27) **Reporting Requirements.** The recycling haulers and processors operating in the Village are required to maintain records and report in writing to the Village Administrator at least quarterly each year. Reports shall include: the amount of solid waste and recyclables collected and transported from the Village the amount of solid waste and recyclables processed and or marketed by item type from the Village, and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.

(28) **Local Government Purchasing of Recycled Content, multiple use, durable materials, equipment and supplies.** 16.72(2)(e) and (f), Wis. Statutes. The Village shall, to the extent practicable decisions to maximize the purchasing of products made from recycled and recovered materials. Purchases shall include 40% recycled content of all paper. The Village shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use durable products.

(29) **Enforcement.**

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Sussex may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village of Sussex who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this ordinance may be issued a citation by the Village of Sussex to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter.

Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

- (c) Notwithstanding s. 11.14 penalties for violating this ordinance may be assessed as follows:
1. Any person who violates s. 11.09(23) may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more that \$2,000.00 for a third or subsequent violation.
 2. Any person who violates a provision of this ordinance, except s. 11.09(23), may be required to forfeit not less that \$10.00 nor more that \$1,000.00 for each violation.

11.10 COMPOSTING

(1) Purpose and Intent. The purpose of this section is to promote the recycling of yard wastes through composting, and to establish minimum standards for proper compost maintenance.

(2) Definitions. Composting shall mean a controlled biological reduction or organic wastes to humus. Yard waste shall mean leaves, grass clipping, garden debris, hedge trimmings, and brush.

(3) Maintenance. All compost piles shall be maintained using approved composting procedures to comply with the following requirements and the requirements of Section 17.0704(A)(7) of the Zoning Code. If there is a conflict between the following requirements and the requirements of Section 17.0704(A)(7) of the Zoning Code, the more restrictive shall apply.

- (a) All compost piles shall be enclosed in a free standing compost bin. Compost bins shall be no larger in volume than one-hundred twenty-five (125) cubic feet, and shall be no taller than five (5) feet, and shall be constructed of a durable material such as wood, block, or sturdy metal material. No more than one (1) such structure shall be located on a property.
- (b) All compost piles and 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 pile or bin shall be

cause for the Health Department to proceed with abatement of the nuisance as provided for in Section 146.14, Wisconsin State Statutes.

- (c) All compost piles and bins shall be so maintained as to prevent unpleasant odors. Compost bins containing fruit shall be kept covered, except when turning.
 - (d) All compost piles and bins shall be located in a back yard and must be three (3) feet from any side or rear lot line and no closer than twenty (20) feet to any inhabitable building, other than the resident's own home.
 - (e) All compost piles and bins shall be screened from the public view using appropriate shrubs and other plantings or by fencing. Such plantings or fencing shall exceed the height of the compost bin or pile by no less than one foot.
- (4) Ingredients.
- (a) No compost bin shall contain any of the following:
 - 1. Lakeweeds;
 - 2. Cooked food scraps, except coffee grounds and tea leaves;
 - 3. Fish, meat or other animal products to include bones, fat, and oils;
 - 4. Diseased plants;
 - 5. Synthetic fibers;
 - 6. Manures to include pet wastes;
 - 7. Large items that will impede the composting process such as logs.
 - (b) Permitted ingredients in a compost bin shall include:
 - 1. Yard waste;
 - 2. Raw vegetables and fruit scraps that are suitable for composting;
 - 3. Commercial compost additives.
- (4) Penalty. Failure to comply with the terms of this Section shall subject the person or organization responsible to the penalty clause provided in Section 25.04 of the Municipal Code of the Village of Sussex.

11.11 GARBAGE AND RUBBISH COLLECTION FOR SINGLE FAMILY AND TWO FAMILY DWELLINGS.

- (1) Every person in charge of a single family or two family premises, or owner, occupant or agent of any single family or two family premise within the Village is prohibited from placing garbage and rubbish at the curb, for collection, prior to 24 hours before the normal pick up by the Village's rubbish contractor.
- (2) Any person in charge of a single family or two family premise or any owner, occupant or agent of any single family or two family premise who violates (1) shall be subject to the penalty clause provided in Section 25.04 of the Municipal Code.
- (3) The Village Board shall contract for the removal of garbage and refuse from single family and two family dwellings.
- (4) There is hereby established a fee for the removal of garbage and refuse from single family and two family properties. Said fee shall be the per unit annual charge made to the Village for refuse

removal by the firm providing said removal to the Village by contract and shall be prepaid annually.

(5) The Village Board hereby elects to charge such fee as a special charge under authority granted by SS 66.60(16), Wis. Stats. The Village Clerk is hereby authorized and directed to place such fee on the tax bill as a special charge. Said charge shall be due on the date the first installment of real estate taxes is due.

(6) Residential customers utilizing refuse disposal services as provided by the Village of Sussex through its contractor are hereby prohibited from mixing recyclable materials in with that refuse which will be collected and transported to a sanitary landfill. Recyclable items are any items which are determined by the Village and contractor to be suitable for recycling based on market and technology to be suitable for recycling based on market and technology factors, but shall include at the minimum white, brown and green glass containers; aluminum, steel, tin and steel/aluminum cans and containers; newspapers and magazines; and PET and HDPE plastic containers.

(7) Placement and Ownership of Recyclable Materials. Recyclable materials will be separated into designated containers and placed at the curb by residents for collection by an authorized agent of the Village. These designated containers remain the property of the Village of Sussex. Containers which are lost, damaged, or removed from the property must be replaced at the expense of the property owner at a cost equal to the purchase price paid by the Village. From the time of placement of recyclable materials at the curb for collection, items shall be and become the property of the Village of Sussex or its authorized hauling agent. It shall be a violation of this ordinance for any person unauthorized by the Village of Sussex to collect or cause to be collected any such items. Penalties are as provided in Section 11.13 of this Municipal Code.

11.12 GARBAGE AND RUBBISH COLLECTION FOR MULTIPLE UNIT DWELLING BUILDINGS, PUBLIC, COMMERCIAL AND INDUSTRIAL BUILDINGS.

(1) The owner, occupant or agent of each multiple unit dwelling building containing three or more dwelling units, public, commercial and industrial building in the Village is hereby required to obtain, by separate contract, garbage and rubbish collection sufficient for the disposal of the garbage and rubbish produced by each building.

(2) All multiple unit residential buildings in the Village containing four or more residential units and public, commercial and industrial buildings in the Village will be required to provide appropriate portable dumpsters or containers for the collection of refuse. Said portable dumpsters or containers shall be of the type that is compatible with the "pick-up" equipment of their rubbish contractor. No such dumpster or container shall be emptied, and no refuse shall be collected within 100 feet of a platted residential subdivision prior to 6:30 a.m.

(3) If the owner of any multiple unit dwelling building containing three or more dwelling units, public, commercial or industrial building fails to obtain sufficient garbage and refuse collection as required in Section (1), the Village shall cause such material to be removed and the cost thereof shall be charged against and collected from the owner of the premises. The owner shall be liable also for a penalty hereinafter prescribed for violation of this section.

(4) All costs as listed in (3) shall be a lien on the lot, part of a lot or real estate on which service is supplied. All charges accrued and not paid by October 15th shall be certified to the Village Clerk and placed upon the real estate tax roll for collection as provided by State Statutes.

(5) Failure to comply with the terms of this section shall subject the person or organization responsible to the penalty clause provided in Section 25.04 of the Municipal Code.

11.13 FEES FOR THE REMOVAL OF GARBAGE AND REFUSE FROM NEWLY CONSTRUCTED SINGLE FAMILY AND TWO FAMILY DWELLINGS.

(1) The Village Board shall establish fees to be paid by each type of new construction from such time as an occupancy permit is issued for said construction until January 1st of the following year. Said funds are to be used to defray the cost to the Village of the removal of garbage and refuse from the property. Said payment shall be made prior to the issuance of an occupancy permit.

(2) There is hereby established a fee for the removal of garbage and refuse from single family and two family properties. Said fee shall be the per unit annual charge made to the Village for refuse removal by the firm providing refuse removal to the Village by contract apportioned at time of occupancy.

11.14 METHOD OF GARBAGE AND REFUSE COLLECTION AT CONSTRUCTION SITES.

(1) All property owners constructing new homes, remodeling, construction any kind of building, whether residential, commercial or industrial, shall provide for disposal of all construction and non-construction materials, debris, garbage and refuse off site or provide a portable dumpster from a commercial waste disposal firm.

(2) Property owners of vacant residential, commercial or industrial land shall maintain said property free of all construction materials, debris, garbage and refuse.

11.15 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.