

## 8 Health and Sanitation

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### 8.1 Health and Sanitation

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#### 8.1.1 DEFINITIONS.

- (a) **City.** The City of Glendale.
- (b) **Composting.** The process of decaying organic matter, such as leaves, garden debris, and grass clippings, in a confined area out of public view, in a manner specified by the Health Officer or designee.
- (c) **Director of Inspections.** The Director of Inspections of the City of Glendale or his or her designee.
- (d) **Groundwater.** All water found beneath the surface of the city/village located in sand, gravel, lime rock, or sandstone geological formations or any combination of these formations.
- (e) **Health Officer.** The Director of the North Shore Health Department, which is the health department for the City.

- (f) **Human Health Hazard.** A substance, activity, or condition that is known to have potential to cause acute or chronic illness or death if exposure to the substance, activity, or condition is not abated.
- (g) **Immediate Health Hazard.** A condition which exists or has the potential to exist which should, in the opinion of the Health Officer or designee, be abated or corrected immediately, or at least with a 24 - hour period, to prevent possible severe damage to human health and/or the environment.
- (h) **Noxious Weeds.** Includes 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 and grasses, as defined in this Section 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)  
 Agrostia alba (Redtop)  
 Dactylis glomerata (Orchard)  
 Phleum pratensis (Timothy)  
 Sorghum halepense (Johnson)

- (i) **Ordinance.** The "City/Village Human Health Hazard and Public Health Nuisance Ordinance."
- (j) **Owner.** A person who has legal title to a structure, building, or dwelling or a person who has charge, care or control of a dwelling or unit of a dwelling as a tenant, occupant or as an agent of or as executor, administrator, trustee, or guardian of the estate of a person under this paragraph.
- (k) **Person.** Any individual, firm, corporation, partnership, or any other group acting as a unit.
- (l) **Placard.** To affix a written notice to the main entrance of a dwelling stating that the dwelling has been declared unfit for human habitation.

- (m) **Pollution.** The contaminating or rendering unclean or impure the air, land, or waters of the city/village, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal, or plant life.
- (n) **Public Health Nuisance.** A thing, act, occupation, condition or use of property which shall continue for such length of time as to substantially injure or endanger the comfort, health, repose or safety of the public or in any way render the public insecure in life or in the use of property.
- (o) **Solid Waste.** Garbage, refuse, and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operational and from domestic use and public service activities, but not including solids or dissolved material in waste water effluent or other common water pollutants.
- (p) **State.** State of Wisconsin.
- (q) **Structure or building.** A building or structure having walls and a roof erected or set upon an individual foundation or slab constructed base designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind, including mobile homes.
- (r) **Toxic and Hazardous Materials.** Any chemical and/or biological material that is or has the potential to create a human health hazard.
- (s) **Village.** The villages of Bayside, Brown Deer, Fox Point, and River Hills.

### 8.1.2 GENERAL PROVISIONS.

- (a) **Title.** This ordinance shall be referred to as the “City/Village Human Health Hazard and Public Health Nuisance Ordinance.”
- (b) **Effective Date.** This ordinance shall be effective upon passage and publication.
- (c) **Appointment.** The City/Village Health Officer, as from time-to-time appointed by the North Shore Board of Health, shall be the Director of the North Shore and Shorewood/Whitefish Bay Health Departments.
- (d) **Administration.** This ordinance shall be administered by the Health Officer or designee. The Health Officer or designee shall have the power to insure compliance with the intent and purpose of this ordinance by any means possible under the law.
- (e) **Interpretation.** The provisions of this ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the City/Village and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

### 8.1.3 AUTHORITY.

This ordinance is adopted pursuant to the authority granted by Sections 251 and 254 of the Wisconsin Statutes.

#### **8.1.4 PURPOSE AND INTENT.**

- (a) **General Provisions.** The purpose and intent of this ordinance is to protect the public health, safety, and general welfare and to maintain and protect the environment for the people and communities of the City/Village and to:
- (1) Prevent communicable diseases.
  - (2) Prevent the continuance of human health hazards or public health nuisances.
  - (3) Assure that City/Village and State air quality standards are complied with.
  - (4) Assure that insects and rodents do not create human health hazards.
  - (5) Assure that surface and groundwater meet City/Village and State standards and regulations.
  - (6) Assure that solid waste is handled, stored, and disposed of according to City/Village and State standards and regulations.
  - (7) Assure that citizens are protected from hazards, and unhealthy or unsafe substances.
  - (8) Provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

#### **8.1.5 JURISDICTION.**

The jurisdiction of this ordinance shall include all air, land, and water (both surface and ground) within the City/Village.

#### **8.1.6 COMPLIANCE.**

- (a) **Written Orders.** Compliance with this ordinance shall include compliance to written orders issued under this ordinance or State Health Laws by the City/Village Health Officer or the City Director of Inspections, or their designee to abate and/or correct a human health hazard or bring any other situation or condition in noncompliance with ordinance into compliance.
- (b) **Noncompliance.** Noncompliance with the ordinance and/or with a written order from the Health Officer shall be cause for enforcement action under subsection 8.1.17.

#### **8.1.7 SEVERABILITY AND REPEAL.**

- (a) **Severability.** Each section, paragraph, sentence, clause, word, and provision of this ordinance is severable and if any provisions shall be held unconstitutional or invalid for any reason such decisions shall not affect the remainder of the ordinance nor any part thereof other than that affected by such decision.

- (b) **Repeal.** All other ordinances or parts of ordinances of the City/Village inconsistent or conflicting with this ordinance to the extent of the inconsistency only, are hereby repealed.

#### **8.1.8 ADMINISTRATION.**

- (a) **General Provisions.** The Public Health Ordinance shall be interpreted, administered, and enforced by the City/Village Health Officer.
- (b) **Rules and Regulations.** The Board of Health may make reasonable and general rules for the enforcement of the provisions of this Title 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 Board shall be subject to the general penalty provided for in this Code.
- (c) **Powers.** The Health Officer, Director of Inspections, or designee shall have all the powers necessary to enforce the provisions of this code without limitation by reasoning of enumeration including the following:
- (1) To enter any structure or premise at a reasonable time for the purpose of performing duties under this ordinance and to secure a court order to accomplish this purpose if necessary.
  - (2) To order abatement and/or corrections of any human health hazard/public nuisance in compliance with this ordinance or State Statutes. This includes the power to direct any bedding, clothing, food, vegetables, putrid or unsound meat, poultry, fish, hides or skins of any kind or any other article found within said City which, in his/her opinion, may be dangerous to the health of the inhabitants thereof to be destroyed or buried. He/she may employ such persons as he/she may deem proper to remove or destroy said infected article.
  - (3) To delegate the responsibilities of administration and enforcement of this ordinance to a registered environmental health sanitarian or other person qualified in the field of public health.
  - (4) To initiate any other action authorized under the law or this ordinance to insure compliance with the purpose and intent of this ordinance and requirement of this ordinance.

#### **8.1.9 HUMAN HEALTH HAZARD/PUBLIC NUISANCE.**

- (a) **Human Health Hazard/Public Health Nuisances prohibited.** No person shall erect, construct, cause, continue, maintain, or permit any human health hazard/public health nuisance within the City/Village. Any person who shall in any way, aid, or contribute to the causing, creating, or maintenance thereof shall be guilty of a violation of this section, and shall be liable for all costs and

expenses attendant upon the removal and correction of such human hazard/public nuisance and to the penalty provided in Section 8.1.17.

- (b) **Responsibility of Property Owner.** It shall be the responsibility of the property owner to maintain such owner's property in a hazard-free manner and also to be responsible for the abatement and/or correction of any human health hazard/public nuisance that has been determined to exist on their property.
- (c) **Human Health Hazard Enumerated.** Specifically, but not limited by enumeration, the following are human health hazards if determined to meet the Human Health Hazard definition.
- (1) **Unburied Carcasses.** Carcasses of animals, birds, or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
  - (2) **Manure.** Accumulations of the bodily waste of all domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a human health hazard.
  - (3) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gasses, fly ash, or industrial dust within the City/Village or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
  - (4) **Noxious Odors.** Any use of property, substances, or things within the City/Village emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia, or stench extremely repulsive to the physical senses of ordinary persons that annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the City/Village.
  - (5) **Solid Waste.** Any solid waste, which is stored or disposed of in a manner which may pose a human health hazard.
  - (6) **Vermin/Insects.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed. Also, all stagnant water in which mosquitoes, flies, or other insects can multiply as well as garbage cans that are not fly-tight.
  - (7) **Toxic and Hazardous Material.** Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that it is, or has, the potential to create a human health hazard.
  - (8) **Waste Water.** The presence of waste water or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body caused by a damaged, malfunctioning, improperly constructed, or inadequately maintained private sewage system or private sewage lateral. Also, any waste water or sewage effluent that is not handled and disposed of in compliance with all applicable City, Village, and State codes.
  - (9) **Surface Water Pollution.** The pollution of any stream, lake, or other body of surface water within the City or Village that creates noncompliance with Chs. NR 102 and NR 103 of the Wisconsin Administrative Code.

- (10) **Ground Water Pollution.** Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. An inclusive list of substances (substances are not limited to this list however) can be found in Ch. NR140 of the Wisconsin Administrative Code.
  - (11) **Holes or Openings.** All abandoned wells or openings in the ground not securely covered or secured from public access and use.
  - (12) **Nonfunctional Public Building Fixtures.** Nonfunctioning water supply systems, toilets, urinals, lavatories, or other fixtures considered necessary to insure a sanitary condition in a public building.
  - (13) **Rubbish.** Trash, rubbish, and consumables in the form of garbage not fit for garbage disposals which are improperly stored or disposed of.
  - (14) **Food Conditions.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
  - (15) **Animals.** Wild animals or wild animal hybrids kept as domestic pets within the City/Village limits.
  - (16) **Other.** Any other situation deemed by the Health Officer to meet the definition of a Human Health Hazard.
- (d) **Public Health Nuisances Enumerated.** The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but such enumerations shall not be construed to exclude other nuisances coming within the definition of 1.01(l).
- (1) Composting, except when complying with the following:
    - a. Only one compost area shall be permitted per lot and shall be located in the rear or side yard and may not be nearer than 25 feet to any dwelling unit, nor nearer than 3 feet to any property line.
    - b. Such compost areas may not exceed 4 feet in height and 25 square feet.
    - c. No waste generated outside the property shall be permitted to be composted in any residential district.
    - d. Such shall be aerated and done in a manner that is accepted to create compost that is non-odorous to a reasonable person.
  - (2) **Privy Vaults.** No privy vaults or cesspools shall be constructed or maintained within the fire limits of the City/Village where sewers have been constructed.
  - (3) **Bird Feeding.** Feed for birds shall be placed in a covered hopper, gravity type feeder. Feed for the birds shall not be placed on the ground where it is accessible to rodents or other animals. No more than 4 bird feeders shall be located on any premise.
  - (4) **Animal Waste.** Every animal owner shall dispose of the animal's fecal matter and other waste in a sanitary manner as often as may be necessary to prevent any unwholesome accumulation of such matter and/or waste.
  - (5) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
  - (6) **Exposure of Unwholesome Substances.** No person shall put, place, or leave exposed in any part of the City/Village any carcass, carrion,

vegetable or putrescent and unwholesome substance; any owner or occupant of any lot or tenement in the city shall not permit any such substance to be on or remain upon said lot, or in and about the tenement or between the same and center of the street adjoining.

- (7) **Smoking.** It shall be unlawful for any person to smoke or to carry any lighted cigar, pipe or cigarette in any motor bus, or in a building area, or any other place in the City of Glendale, where the owner or the person in charge thereof has caused to be displayed a sign reading "No Smoking m Municipal Ordinance." Such sign shall be placed so that it is clearly visible to the passengers of such bus or the occupants of such building area or place.
- (8) **Animals Excluded From Food Handling Establishments.** No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public. Fish tanks and dogs serving persons visually or hearing handicapped are exempt from this prohibition.
- (9) **Draining onto Highway.** If anyone constructs any drain, pipe, sewer or other outlet in such manner that it discharges onto a public highway infectious or noxious matter or permits a water closet to drain onto a public highway, the Board of Health or its authorized agent shall order the person, owner or occupant maintaining said outlet to remove it within ten (10) days. If said person fails to do so, he/she shall be subject, upon conviction, to a forfeiture as provided in Section 1.1.7. The Board of Health or its agent may enter upon the premises and cause the removal of and destruction of said outlet and may charge the cost thereof to the property owner as a special charge pursuant to Sec. 66.0703, Wis. Stats.
- (10) **Natural Landscaping.**
- a. **Defined.** Natural landscaping as used in this Section is the planting of forbs, grasses, and wildflowers native to the Wisconsin area, including plants of the woodlands, prairies, bogs, fens, and wetlands, which are designed and purposely cultivated to exceed eight (8) inches in height. Maintenance of natural landscaping requires the exclusion of Eurasian weeds and specifically prohibited from inclusion in a natural landscape are the noxious grasses and weeds identified in Section 8.1.6 of this Chapter. Maintenance of natural landscaping requires that a defined and regulated boundary be maintained between the natural landscape and lawn areas.
  - b. **Natural Landscaping Setback Requirements.** Natural landscaping shall be set back no less than six (6) feet from the edge of any roadway, or no less than six (6) feet from the inner edge of any sidewalk, whichever setback is greater. No natural landscaping shall be allowed between sidewalk and street areas. Notwithstanding the provisions of this Section, no natural landscaping may be permitted which obstructs vehicular traffic or pedestrian visibility so as to present an unreasonable risk to public safety. There is no prescribed setback from the periphery of

adjoining properties. Such determination shall be made in the discretion of the Director of Inspections.

- c. **Safety Precautions for Natural Landscaping Areas.** When, in the opinion of the Fire Chief, the presence of a natural landscaping area may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting or restoration of the natural landscaping area to a safe condition. The determination of the Fire Chief shall not be subject to administrative review by any administrative body of the City of Glendale. Natural landscaping areas shall not be removed through the process of burning.
  - d. **Prohibitions.** In addition to such prohibitions as set forth in Section 8.1.9 d 10 (a) of the Glendale Code, a natural landscaping area is prohibited from encroachment on neighboring property. Neglect of a natural landscaping area shall be subject to corrective order by the Director of Inspections. The City reserves all enforcement mechanisms as set forth in Section 1.1.7, the General Penalty Section. The City reserves the right to abate violations of this Section after ten (10) days from date of written notice to the owner of the lot or parcel of land to conform with this Section.
- (11) **Lawn, Grasses, and Weeds.**
- a. **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and weeds being allowed to grow to excessive length in the City.
  - b. **Public Nuisance Declared.** The Common Council finds that lawns, grasses and weeds on lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated wetland or conservancy zoned area, or where grasses are part of a landscaping area.
  - c. **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him/her within the City.
  - d. **Abatement of Nuisance.**
    - 1. If the Enforcement Officer shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he/she shall cause written notice to the owner of the lot or parcel of land to abate the nuisance within five (5) days from date of notice, to conform with this Section and Section 8.1.6.

2. The notice shall include the City's option to abate the nuisance as per Subsection (e) after five (5) days from date of notice.
  - e. **City's Option to Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grasses or weed as set forth above, the City shall abate the nuisance with all associated expenses charged to and paid by such property owner.
  - f. **Appeals.** Any person aggrieved by an order of the Enforcement Officer may, within five (5) days of the date of such order, appeal to the Board of Appeals of the City of Glendale. Jurisdiction over such appeals is herewith granted to such Board of Appeals. Such appeals shall be made and shall be governed by the provisions of law and fees relating to appeals to the Board of Appeals under the Zoning Code.
- (12) **Miscellaneous.** Failure to comply with any law or rule regarding sanitation and health, including, but not limited to:
- a. Plumbing.
  - b. Water supplies, including wells, and surface water.
  - c. Waste Disposal.
  - d. Storage or use of chemical, pesticides, and herbicides or any other toxic substance.

### 8.1.10 DESIGNATION OF DWELLING AS A HUMAN HEALTH HAZARD.

- (a) The Health Officer or designee may declare any dwelling or dwelling unit found to have any of the following defects a human health hazard. It shall be condemned as unfit for human habitation and shall be placarded by the Health Officer or designee.
  - (1) A dwelling which is so damaged, decayed, dilapidated, unsanitary, and unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or public.
  - (2) A dwelling which lacks a potable water supply, a properly functioning public or private sanitary sewer system, or a functioning heating system adequate to protect the health or safety of the occupant or public.
  - (3) A dwelling, because of its conditions, that has been implicated as the source of a confirmed case of lead poisoning or asbestosis.
- (b) No person shall continue to occupy, rent or lease quarters for human habitation, which are declared unfit for human habitation by the Health Officer or designee.
- (c) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer or designee shall be vacated within a reasonable time, as specified by the Health Officer or designee.
- (d) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and the placard is removed by, the Health Officer or

designee. The Health Officer or designee shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

- (e) No person shall deface or remove the placard from any dwelling or dwelling unit, which has been condemned as unfit for human habitation.
- (f) Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit for human habitation may request and shall be granted a hearing in the matter before the designated Municipal body.

#### **8.1.11 REGULATION OF PUBLIC AND QUASI-PUBLIC BUILDINGS; CLEANLINESS OF BUILDINGS; TOWELS; DRINKING CUPS.**

- (a) **Cleanliness.** It shall be the duty of the owner or occupant and every person in charge of any public or quasi-public institution, dispensary, railroad station, office building, store, theater, restaurant, hotel, boarding or lodging house, factory, workshop or other building used in a public or quasi-public manner to keep the same in a clean and sanitary condition.
- (b) **Towels.** All towels for the use of guests in any hotel, whether in their private rooms or in the public wash room, and all towels in public places or buildings, whether publicly or privately owned, as the State Board of Public Health may find the use of the common towel therein to be inimical to the public health shall be individual towels and, when used and discarded by the individual, shall not be used again until thoroughly washed and dried.
- (c) **Common Drinking Cups.** It shall be unlawful for any person, firm or corporation to furnish, or permit the use of, a common drinking cup on railroad trains, in railroad stations, or other public buildings, on the streets or in the public parks, in the public, parochial or private schools or in other educational institutions, in hotels and lodging houses, theaters, department stores, barber shops or in such places or buildings in the City as the State Board of Health may find the use therein of a common drinking cup to be inimical to the public health.

#### **8.1.12 CONNECTION TO MUNICIPAL WATER SUPPLY.**

All structures used or intended to be used for human habitation located upon a parcel of land abutting any public right-of-way or easement wherein is located a public water main shall be connected therewith in the manner prescribed by the Water Utility within six (6) months from the time water service from such main is available. The date water service is available in any particular water main shall be the date such availability is entered in the Water Utility records. Provided, however, where due to special conditions the literal enforcement of this Subsection will result in practical difficulties or unnecessary hardship and the public health will not be endangered and it will not be contrary to the public interest, an extension of time may be granted by the Water Utility upon application being made to it. Such application shall be made and filed in the office

of the City Clerk by the owner of the property involved on a form provided for that purpose.

### 8.1.13 CROSS-CONNECTION CONTROL.

- (a) **Definition.** A cross-connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (b) **Cross-connections Prohibited.** No person, farm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09(2), Wis. Adm. Code.
- (c) **Inspections.** It shall be the duty of the Water Utility to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Water Utility and as approved by the Wisconsin Department of Natural Resources. Industrial and commercial services shall be inspected for cross-connections every two (2) years in accordance with NR 811.09, Wis. Adm. Code, or as otherwise required by the Wisconsin Administrative Code, as may be amended from time to time.
- (d) **Right to Inspect.** Upon presentation of credentials, the representative of the Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (e) **Discontinuation of Service.** The Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection (f). Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this ordinance.

- (f) **Immediate Discontinuation.** If it is determined by the Water Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Water Utility of the City and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance.
- (g) **Adoption of State Plumbing Code.** The City adopts by reference the State Plumbing Code of Wisconsin being Ch. Comm. 82, Wis. Adm. Code.
- (h) **Supplementation of the State Plumbing Code and City Plumbing Code.** This ordinance does not supersede the State Plumbing Code and City Plumbing Code, Sections 15.1.3 through 15.1.69, but is supplementary to them.

#### 8.1.14 PRIVATE WELL ABANDONMENT.

- (a) **Purpose.** To protect public health, safety and welfare from illegal cross-connections with potentially unsafe wells, and also to prevent contamination of groundwater from serious hazards associated with unused, unsafe or non-complying wells, private wells shall be abandoned in accordance with this Section. Adoption of this Section is executed in accordance with Rules of Department of Natural Resources NR 811.10, Wis. Adm. Code.
- (b) **Coverage.**
  - (1) All existing wells located on any premises served by the municipal water system and which are unused, unsafe, or fail to comply with NR 812, Wis. Adm. Code, shall be permanently abandoned in accordance with the terms of this Section and NR 811, Wis. Adm. Code. Only those wells for which a well operation permit has been granted by the City of Glendale under Subsection (e) of this Section may be exempted from this requirement, subject to conditions of maintenance and operation.
  - (2) Existing wells for which a well operation permit has been issued shall be abandoned within thirty (30) days after the expiration or revocation of the well operation permit. All wells on private property undergoing City water conversion must be permitted within thirty (30) days after the final inspection of the conversion work or be abandoned.
- (c) **Methods.** Wells to be abandoned shall be filled according to the methods as regulated by NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners, and any other obstructions must be removed prior to the filling of the well shaft. Well casings shall be cut off below grade. Interior basement well piping, and well floor drainage to ground shall be permanently sealed. All associated electrical and well equipment shall be removed.
- (d) **Reports.** A State of Wisconsin Department of Natural Resources Well Abandonment Report form must be submitted by the well owner to the Department of Natural Resources, with a copy to the City of Glendale. The report shall be submitted within thirty (30) days upon completion of the well abandonment.

- (e) **Well Operation Permits.** A renewable permit may be granted to a private well owner, automatically transferred to a subsequent owner if sale occurs during a five (5) year permit, to operate a well for a period not to exceed five (5) years providing all conditions of this Section are met. All initial and renewal applications must be accompanied by a fee of Thirty-five Dollars (\$35.00). The City of Glendale, the Glendale water utility, or its agent, may conduct inspections and water utility tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. The following conditions must be met for issuance or renewal of a well operation permit.
- (1) There is a demonstrated need for continued current use as determined by the Director of Public Works or City Engineer. "Demonstrated need" shall include all usual and customary uses of water from a private well, including and not limited to watering of vegetation and trees, filling of swimming pools and human consumption. The phrase "demonstrated need" shall be liberally interpreted to permit the retention of a private well when all of the other requirements of this Section are satisfied.
  - (2) The well and pump shall produce bacteriologically safe water, as evidenced by one (1) sample, testing negative for coliform bacteria. In areas where the Department of natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water. The well owner shall be responsible for providing the safe sample test data with the permit application.
  - (3) A licensed well contractor or pump installer must be hired by the well owner, at the owner's expense, to inspect and certify the well on an inspection form provided by the City of Glendale. The well and pump installation must meet, or be upgraded to meet, NR 812.42, Wis. Adm. Code, standards for existing installations. Should repairs be needed, electrical and/or plumbing permits may be required.
  - (4) The well shall have a functioning pumping system.
  - (5) Well plumbing may not be connected to any plumbing served by the Glendale water utility as verified by the well contractor or pump installer on the inspection form.
  - (6) The well water shall not discharge into the sanitary sewer system.
  - (7) The well is safe and in compliance with NR 812, Wis. Adm. Code.
- (f) **Penalties.** Any well owner violating any provision of this Section shall upon conviction be punished by forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), plus the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than thirty (30) days after receiving written notice of the violation, the City may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special charge against the property pursuant to Sec. 66.0703, Wis. Stats.

### 8.1.15 RODENT CONTROL.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the City, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Health Officer or his/her designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.
  - (2) **A Rodent-Proof Container** shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
  - (3) **Rodent-Proofing** shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the City.
  - (4) **Rodent Harborage** shall mean any place where rodents can live and nest without fear of frequent molestation or disturbance.
  - (5) **Hardware Cloth** shall mean wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
- (b) **Elimination of Rodent Harborage.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.
- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.

- (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the City, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
- (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the City of Glendale 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.

### 8.1.16 COMPOSTING.

- (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 controlled biological reduction of organic waste to humus. Yard waste shall mean the organic waste produced from the growing, trimming, and removal of grass, branches (not exceeding 1" in diameter) bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
  - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
  - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the City to proceed under Section 8.1.17.
  - (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 City in general.
  - (5)
    - a. All compost bins shall be located not less than ten (10) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
    - b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being

submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.

- (6) No compost bin shall be located in any yard except a rear yard, as defined in Section 13.1.200(70). A compost bin may be located in a side yard as defined in Section 13.1.200(74) 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.
  - (8) Each residence shall be limited to one compost bin of the size described in sub (1) or smaller and all compost materials shall be stored within the bin.
- (d) **Ingredients.**
- (1) No compost bin shall contain any of the following:
    - (a) Lakeweeds;
    - (b) Cooked food scraps of any kind or type;
    - (c) Fish, meat or other animal products;
    - (d) Manures;
    - (e) Large items that will impede the composting process.
  - (2) Permitted ingredients in a compost bin shall include the following:
    - (a) Yard waste;
    - (b) Coffee grounds and used tea leaves;
    - (c) Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
    - (d) Commercial compost additives.
    - (e) Owner Responsibility. Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.
    - (f) Penalty. Any person violating this Section shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) or more than Five Hundred Dollars (\$500.00). Each day such violation continues shall be considered a separate offense.

### **8.1.17 ENFORCEMENT.**

- (a) Whenever the Health Officer or designee determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, he/she shall issue the violator a written order to include:
  - 1. a description of the real estate involved.
  - 2. a statement of violations and corrective actions required.
  - 3. a reasonable time limit for the performance of any corrective act required.

Such notice shall be served upon the owner, operator or occupant as the case may require, and may be served by certified mail or in the manner provided by Ch. 801, Wisconsin Statutes, for service of summons.

- (b) **Exception to Written Order.** In cases where a violation poses an immediate health hazard to the public as determined by the Health Officer or designee, or in the case of repeating occurrences of the same violation by the same person, the Health Officer or designee can take all reasonable steps to abate the hazard without a written order. The cost of the abatement will be assessed to the property owner.

**8.1.18 PENALTY.**

Except as otherwise specifically provided in this Code, and in addition thereto, violations of this Title shall be subject to the penalties as set forth in Section 1.1.7 of the Glendale Code of Ordinances.

**8.1.19 APPEAL.**

Appeal from the determination or order of the Sanitarian, Director of Inspection Services, or action of any other City agent shall be taken in accordance with Title 4 of the Glendale Code of Ordinances.

## 8.2 Pollution Abatement

- 8.2.1 CLEANUP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES
- 8.2.2 STORAGE OR DISCHARGE OF WASTE OR POLLUTING SUBSTANCES

### 8.2.1 CLEANUP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES.

- (a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the City.
- (b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Police Department so that assistance can be given by the proper agency.
- (c) **Financial Liability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the City, or its designated agent, in an effort to minimize the pollutorial effects of the discharged waste.
- (d) **Safety Standard.** It is the legislative intent of these provisions to establish such standard of care as may reasonably protect the public health, welfare, property and safety from damages arising out of failure to comply with this Section.

### 8.2.2 STORAGE OR DISCHARGE OF WASTE OR POLLUTING SUBSTANCES.

It shall be unlawful for any person, firm or corporation to store, discharge, or accidentally spill any potentially polluting substances, or any materials as set forth in Section 8.2.1(a), 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 drainage way, lake, or stream within the jurisdiction of the City. Violations of this Section shall be subject to penalty as provided in Section 1.1.7 of this Code of Ordinances.

## 8.3 Refuse Disposal and Collection

8.3.1	TITLE; COLLECTION SERVICE
8.3.2	DECLARATION OF POLICY
8.3.3	DEFINITIONS
8.3.4	REFUSE STORAGE AREAS
8.3.5	APPROVED WASTE AND REFUSE CONTAINERS
8.3.6	COLLECTION OF REFUSE
8.3.7	PROHIBITED ACTIVITIES AND NON-COLLECTIBLE MATERIALS
8.3.8	GARBAGE ACCUMULATION; WHEN A NUISANCE
8.3.9	REFUSE FROM OUTSIDE THE MUNICIPALITY
8.3.10	BURNING OF RUBBISH

### 8.3.1 TITLE; COLLECTION SERVICE.

- (a) **Title.** This Chapter shall be known as the Solid Waste Management Ordinance of the City of Glendale, hereinafter referred to as Ordinance or Chapter.
- (b) **Collection and Disposal Services Provided by City.**
- (1) Refuse collection and disposal services will be provided by the City only to one (1), two (2), three (3) and four (4) family residential units.
  - (2) Refuse collection and disposal services will not be provided by the City to the following:
    - a. Any industrial, manufacturing, commercial, business or mercantile building or property;
    - b. Any school, college, church, synagogue, private or public institution, non-profit or charitable organization or any governmentally owned building, other than City-owned buildings;
    - c. Any residential building in excess of four (4) units.
  - (3) For purposes of this Chapter, residentially used units in one (1), two (2), three (3) and four (4) family building(s) which have an approved home occupation, per the definition contained in the Glendale Zoning Code, will be provided refuse collection and disposal services by the City.

### 8.3.2 DECLARATION OF POLICY.

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the City by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

### 8.3.3 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context:

- (a) **Agricultural Establishment** - An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
- (b) **Bulky Waste** - Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- (c) **Commercial Unit** - Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.
- (d) **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.
- (e) **Demolition Wastes** - That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.
- (f) **Disposal** - The orderly process of discarding useless or unwanted material.
- (g) **DNR** - The Wisconsin Department of Natural Resources.
- (h) **Dump** - A land site where solid waste is disposed of in a manner that does not protect the environment.
- (i) **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.
- (j) **Garbage**- Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables originally used for food- stuffs.
- (k) **Hazardous Waste**-- Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
- (l) **Industrial Waste** - Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (m) **Landfill** - A landsite where solid waste is disposed of in a manner to provide protections for the environment, in accordance with state regulations.
- (n) **Litter** -Solid waste scattered about in a careless manner, usually rubbish.
- (o) **Newsprint** - Newsprint shall mean a common and inexpensive machine-finished paper made chiefly from wood pulp and used mostly for newspapers.
- (p) **Non-Residential Solid Waste** - Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four (4) or more dwelling units.
- (q) **Person** - Individuals, firms, corporations and associations, and includes the plural as well as the singular.
- (r) **Private Collection Services** - Collection services provided by a person licensed to do same by the DNR.

- (s) **Recyclable Waste** - Waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.).
- (t) **Refuse.**
  - (1) Refuse includes all waste material, including garbage, rubbish and industrial waste and shall, by way of enumeration but not by way of limitation, include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, garden debris.
  - (2) Yard Waste, as used in this Chapter, shall include leaves, garden debris and small twigs.
  - (3) Brush shall include small tree limbs, bush and hedge trimmings less than four (4) inches in diameter and four (4) feet in length, but does not include stumps, logs, root systems, brush mixed with garden debris or grass, clippings, brush materials generated from sight clearing activities, or materials resulting from pruning or removal at an address other than the address serving as the collection point.
- (u) **Residential Solid Waste** - All solid waste that normally originates in a residential environment from residential dwelling units.
- (v) **Residential Unit** - Residential unit shall mean an individual household capable of independent habitation by a family unit. A single-family dwelling shall be considered to be one ) residential unit; multi-family dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.
- (w) **Rubbish** - Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building and shall include, by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboard, sweepings.
- (x) **Scavenging** - The uncontrolled removal of materials at any point in solid waste management.
- (y) **Solid Waste** - Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- (z) **Storage** - The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (aa) **Storage Areas** - Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

#### 8.3.4 REFUSE STORAGE AREAS.

Storage areas shall be kept in a nuisance and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be

responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provision of this and other City Ordinances.

### 8.3.5 APPROVED WASTE AND REFUSE CONTAINERS.

- (a) **General Container Standards.** Suitable containers of a type approved by the City shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- (b) **Approved Containers.** All garbage created, accumulated or produced shall be deposited in containers of a type approved by the Director of Public Works. Each container for a residential unit shall be equipped with suitable handles and tight-fitting covers, shall be watertight and shall have the capacity of not less than five (5) gallons and not more than thirty (30) gallons. All garbage containers shall be kept in a neat, clean and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags, and shall not exceed thirty (30) gallon capacity. Other containers for multi-family residential units (such as dumpsters) may be used only with the express approval of the Director of Public Works. Containers including contents shall not exceed in weight that which one (1) person can safely lift [sixty (60) pounds]. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags must be closed with a tie and shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.
- (c) **Householder to Provide Containers.** It shall be the duty of every occupant, tenant and proprietor of any residential unit to provide, and at all times keep in a suitable place readily accessible to the garbage collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant thereof to furnish proper garbage containers. Garbage containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.
- (d) **Ashes.** Cold, completely extinguished ashes may be left for collection in cardboard containers.

- (e) **Other Refuse.** Parts of trees, tree branches or other debris, which, because of its size, weight or shape, cannot be placed in receptacles as above provided shall be placed for City collections as follows:
- (1) Where garbage is regularly collected from the alley, such refuse shall be placed for collection on the private premises as near to the public alley and access facility to the premises as is practicable.
  - (2) Where garbage is regularly collected from the street, such refuse shall be placed between the public sidewalk and street immediately in front of the private premises. If no such sidewalk adjoins the premises, such refuse shall be placed on the premises at a location adjacent to the public road and as near as practicable to the access facility of such premises; and if there is a public drainage ditch, it shall be placed on the premises side of such ditch as near as practicable to the access facility of such premises.
  - (3) In any case where Subsections (e)(1) and (2) above do not apply, in such place as the Director of Public Works may, by written notice, direct such refuse to be placed.
  - (4) Tree branches and parts of trees shall not exceed six (6) feet in length.
  - (5) No individual piece of refuse shall be so large or so heavy or of such a shape that it cannot be handled by a single collector.
  - (6) In the event that pickup of refuse is denied to any premises because of failure of the owner or occupants thereof to comply with these regulations or any other applicable regulation of the City, the owner of such premises shall dispose of refuse through his own private means.
- (f) **Newsprint.**
- (1) Newsprint shall be separated from garbage and all other rubbish or refuse and shall be collected separately. It shall be tied in bundles not exceeding sixty (60) pounds and shall be placed in such a manner that it will not become frozen to the ground at the locations specified for the placement of other refuse in Subsections (e)(1) through (3) hereof. When newsprint is so placed at the above-specified locations, it shall be presumed that it is left for collection by the City and that it is the property of the City.
  - (2) Containers holding clean newsprint and other refuse (unless such newsprint has been used to wrap other refuse) will not be serviced by the City until the clean newsprint has been removed therefrom. A notice shall be affixed to such container by City crews informing the refuse disposer that City ordinances require the separation of newsprint as a condition to the servicing of such container by the City.
- (g) **Illegal Containers.** Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight. The collector shall not be obligated to pick up any garbage, rubbish or trash in open boxes or bags.

### 8.3.6

### 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. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb on the residents' own property. Yard wastes shall not be placed on cul-de-sac islands, at the end of "dead end" or "no outlet" alleys, on city owned lots, on school property or on boulevards. 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/her wastes or he/she shall place it in his/her 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 public right-of-way for collection. Should 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 City shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Director of Public Works 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) All receptacles and containers for refuse, rubbish, and yard waste and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above only after 4:00 p.m. on the evenings prior to the regular collection time. Brush must be placed at the collection site by 7:00 a.m. on Monday prior to the scheduled brush collection. Before March 20 and after November 6, brush will be collected by request only, weather permitting, and shall not be placed at a collection site unless arrangements for collection have been made.
- (2) All receptacles, bags, containers, and any refuse, rubbish, brush or yard waste not collected shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.
- (3) City employees or employees of licensed collectors will not enter any structures to remove garbage or refuse.

**(c) Collection Schedule.**

- (1) The designation of the day or days of refuse collection shall be made by the Director of Public Works, and such information shall be advertised so that all occupants, tenants and proprietors of all residential units will be advised of the correct collection schedule. Unless hardship is shown,

caused by extreme weather conditions or other hazardous situations, refuse shall be collected from all residential units weekly.

- (2) The occupant, tenant or proprietor of a new residential unit shall notify the City that collection of refuse from such place is required.
- (d) **Collection and Disposal of Refuse Other Than by City.** Refuse which is not collected by the City, its agents, employees or contractors may be collected and disposed of by private rubbish haulers. All vehicles used to transport rubbish shall be provided with equipment to prevent rubbish from blowing out of, falling from or otherwise escaping from such vehicle. All rubbish haulers shall comply with all applicable rules and regulations established by the Common Council or Committee thereof.

### 8.3.7 PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.

- (a) **Dead Animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (b) **Undrained Food Wastes.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- (c) **Ashes.** It shall be unlawful to place hot ashes for collection. [See Sec. 8-3-5 (c)]
- (d) **Improper Placement.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the City contrary to the provisions of this Chapter.
- (e) **Compliance With Chapter.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the City contrary to the provisions of this Chapter.
- (f) **Improper Transportation.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak proof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- (g) **Interference With Authorized Collector.** No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any authorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- (h) **Scavenging.** It shall be unlawful for any person to scavenge any solid waste placed for collection.
- (i) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.
- (j) **Burning of Waste.** It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.

- (k) **Non-Collectible Materials.** It shall be unlawful for any person to place for 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. Tires.
- (l) **Animal or Human Wastes.** It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as "kitty litter" may be placed for collection if animal wastes are removed prior to disposal.
- (m) **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- (n) **Building Waste.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.

### **8.3.8 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 City 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 other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

### **8.3.9 REFUSE FROM OUTSIDE THE MUNICIPALITY.**

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the City of Glendale.

### **8.3.10 BURNING OF RUBBISH.**

- (a) No person shall burn any rubbish upon any residence premises except in an incinerator approved under the South Eastern Wisconsin Uniform Building Code without first obtaining a permit from the City Fire Department.
- (b) Application for such permit shall be in writing, signed by the person desiring the same. Said application shall specify the location of the premises by house

number or proper description and the general size or dimensions of the property upon which such burning is sought to be authorized.

- (c) Before such permit shall be issued, the City Fire Department shall make a proper inspection of the premises covered by the said application and shall satisfy itself that no nuisance shall be created by the burning of such rubbish.

## **8.4 Food Establishment Licensing, Rules and Regulations**

<b>8.4.1</b>	DEFINITIONS
<b>8.4.2</b>	FOOD LICENSES
<b>8.4.3</b>	EXAMINATION AND CONDEMNATION OF UNWHOLESOME OR ADULTERATED FOOD AND DRINK
<b>8.4.4</b>	FOOD ESTABLISHMENT INSPECTIONS
<b>8.4.5</b>	SANITATION REQUIREMENTS FOR FOOD ESTABLISHMENTS
<b>8.4.6</b>	FOOD ESTABLISHMENTS PERMITTED TO OPERATE
<b>8.4.7</b>	DISTRIBUTION AND TRANSPORTATION OF FOOD
<b>8.4.8</b>	CERTAIN STATUTES AND PROVISIONS OF WISCONSIN ADMINISTRATIVE CODE ADOPTED

### **8.4.1 DEFINITIONS.**

The following definitions shall apply in the interpretation and the enforcement of this Chapter:

- (a) This article is adopted pursuant to authority provided by Section 97.41 of the Wisconsin Statutes which authorizes local health departments to become the designated agent of the state Department of Agriculture Trade and Consumer Protection (ATCP) for the purpose of issuing permits, making investigations or inspections and enforcing the applicable state administrative codes for the operations of retail food establishments, restaurants, hotels and motels, tourist rooming houses, bed and breakfast establishments, campgrounds, recreational and educational camps, tattoo and body piercing establishments, public swimming pools, and establishments possessing class A, class B, or class C alcohol beverage licenses (for sanitation and health purposes and not alcohol licensing purposes), and in making investigations and inspections of food vending machines, their operators, vending machine commissaries, and the national school lunch and breakfast program and establishing permit and inspection fees related to the inspections and issuance of such permits.
- (b) The City, as a member of the North Shore Health Department and North Shore Environmental Health Consortium (NSEHC) grants authority to the NSEHC, as an agent of the ATCP, to enforce the provisions of the Code and State Statutes and Administrative Codes.
- (c) The North Shore Health Department, acting through the NSEHC is required to enter into a contract with the ATCP regarding the powers and duties that it will be authorized to perform under the applicable statutes, this article and the contract.

#### 8.4.2 APPLICABILITY

The provisions of this article shall apply to the owner, operator or agents thereof, of any hotel, motel, tourist rooming house, restaurant, food establishment, bed and breakfast establishment, campground, recreational and educational camp, public swimming pools, tattoo and body piercing establishments, establishments possessing class A, class B, or class C alcohol beverage licenses, vending machine commissaries or vending machines and the national lunch and breakfast program in the City.

#### 8.4.3 REGULATIONS, RULES, AND LAWS ADOPTED BY REFERENCE.

The applicable laws, rules, definitions and regulations as sets forth in Chapters 97, 125, 251, 254 of the Wisconsin Statutes; Chapters ATCP 72, 73, 74, 75, 76, 78, 79 of the Wisconsin Administrative Code; and Chapter SPS 390 of the Wisconsin Administrative Code, and any future amendments thereof are hereby incorporated herein and adopted by reference, and shall be made available for public inspection.

#### 8.4.4 DEFINITIONS.

The following definitions shall apply in the interpretation and the enforcement of this Chapter:

- (a) **Department or local health department.** North Shore Health Department.
- (b) **Duplicate permit fee.** The fee for the replacement of the original permit.
- (c) **Environmental health consortium.** The North Shore Health Department for the purposes set forth in Section 8.4.1.
- (d) **Health officer.** The Director of the North Shore Health Department, which is the health department for the City.
- (e) **Inspection Fee.** The fee charged for inspection services required or a fee charged for inspecting a mobile food establishment or temporary food establishment that has a valid license from another jurisdiction or the Department.
- (f) **Late fee.** The fee for failure to pay established fees by June 30 or the due date, if different.
- (g) **Licensed establishment.** An establishment that has a current and valid license that is required under this article.
- (h) **Permit or license.** The document issued by the Department that authorizes a person to operate an establishment. The terms "permit" and "license," as used throughout this article, shall be interchangeable.

- (i) **Preinspection fee.** The fee paid for an inspection made before issuance of an initial permit or when there is a change of operator.
- (j) **Reinspection.** The mandatory inspection to ensure that priority, critical or recurring violations have been corrected, including:
  - 1) An observed violation of immediate danger to public health (priority or critical) that is not corrected during the inspection;
  - 2) Six or more priority (critical) violations observed and noted,
  - 3) Repeat violations noted during two (2) previous inspections (three (3) consecutive times); or
  - 4) With consultation from a supervisor, an excessive number of violations that show a lack of managerial control observed during an inspection.
- (k) **Reinspection fee.** The fee for the second and subsequent reinspections needed to address compliance issues with the statutes and administrative codes.
- (l) **Routine inspection.** The annual evaluation of a licensee's operation of its establishment.

#### 8.4.5 ENFORCEMENT AND RIGHT TO ENTER PREMISES.

After the Health Officer or designee presents official credentials and provides notice of the purpose of, and an intent to conduct an inspection, the person in charge shall allow the regulatory authority to determine if the establishment is in compliance with applicable codes by allowing access to the establishment, allowing inspection, and providing information and records to which the regulatory authority is entitled according to law, during the establishments hours of operation and other reasonable times.

#### 8.4.6 OBSTRUCTION OF HEALTH DEPARTMENT EMPLOYEES.

No person may assault, restrain, threaten, intimidate, impede, interfere with or otherwise obstruct the Department or its authorized agent or designee in the performance of their duties under this section, and the operator shall not give false information with the intent to mislead the Department or its authorized agent or designee.

If the person in charge denies access to the regulatory authority, the regulatory authority shall:

- (a) Inform the person in charge that:
  - 1) The permit holder is required to allow access to the regulatory authority as specified under Section 8.4.5 of this ordinance.
  - 2) Access is a condition of the acceptance and retention of an establishments permit to operate as specified under Section 8.4.7.
  - 3) If access is denied, an order issued by the appropriate authority allowing access, hereinafter referred to as an inspection order, may be obtained according to law
- (b) Make a final request for access.
- (c) If denied access to an establishment for an authorized purpose and after complying with Subsection (a) above, the Department may apply for the issuance of an inspection order to gain access as provided in law.
- (d) The regulatory authority may order access for one or more of the following purposes, subject to law for gaining access:
  - 1) If admission to the premises of an establishment is denied or other circumstances exist that would justify an inspection order under law, to make an inspection including taking photographs;
  - 2) To examine and take samples of the food; and
  - 3) To examine the records on the premises relating to food purchased, received, or used by the establishment.
- (e) The Department's inspection order shall
  - 1) Stipulate that access be allowed on or to the described premises, food, or records under the order's provision;
  - 2) Provide a description that specifies the premises, food or records subject to the order; and
  - 3) Specify areas to be accessed and activities to be performed.

**8.4.7 LICENSING.**

- (a) No person may operate or provide the services, food or other products that requires a license under this article without first having obtained a current and valid license.
- (b) No permit shall be granted to any person under this article without a preinspection by the Department of the premises for which the permit shall be granted.

- (c) No permit shall be issued until all application fees have been paid.
- (d) A food vendor may be exempt from licensing if the vendor has obtained a valid Mobile Retail Food License from the ATCP and is able to provide a copy of the license to the Department.
- (e) A food vendor may be exempt from licensing if the vendor has obtained a valid Processing Plant License for non-potentially hazardous, pre-packaged food which pertains specifically to the items that wish to be sold and is able to provide a copy of the license to the Department.

#### **8.4.8 SANITATION REGULATIONS APPLICABLE REGARDLESS OF LICENSE EXEMPTION.**

Statutory exemptions from the requirement to obtain a food license does not exclude any person handling food for public consumption from inspection and compliance with all sanitation requirements of this article and shall pay all necessary fees as it pertains to the fee schedule associated with such action.

#### **8.4.9 APPLICATION.**

All applicants must apply on forms furnished by the Department. All applications for permits shall be made in writing to the local department where the business is located. All applications shall list the true, legal names of the owners or operators of the business, including partners and managing members of limited liability companies and the addresses. All corporations and limited liability companies applying for licensure shall be registered with the state, and the name of the registered agent shall be placed on the application. The agent's name and address shall be kept current. The applicant shall provide documents which reflect the aforementioned registration to the Department. The Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

#### **8.4.10 CONSTRUCTION OR ALTERATION OF FOOD ESTABLISHMENTS.**

- (a) No person shall erect, construct, enlarge or alter a food establishment without first submitting to the Department or its designee plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving approval of submitted plans. Such plans shall include a floor plan, equipment plan and specifications, wall, floor and ceiling finishes, and plans and specifications for food service kitchen ventilation and plumbing, an intended menu, anticipated volume of food to be stored, prepared, and sold or served, HACCP (Hazard Analysis Critical Control Points) plans, variance requests and standard procedures that ensure compliance with the Wisconsin Food Code. Submitted plans shall give all information necessary to show compliance with applicable health codes. Submitted plans shall be retained by the Department or its designee and shall

treat as confidential in accordance with law. Information that meets the criteria specified in law for a trade secret and is contained on inspection report forms and in plans and specifications submitted.

- (b) At the option of the Department or its designee, plans need not be submitted to execute minor alterations to a food establishment. Approved plans shall not be changed or modified unless approval of such changes or modifications shall have first been obtained from the Department or its designee.

#### **8.4.11 INSPECTION AND REINSPECTION.**

- (a) Except as specified in subsection (b) of this section, a permit holder shall at the time of the inspection correct a violation of a Priority Item or Priority Foundation Item of the Food Code, or any item of critical nature within the applicable code associated with license held by that establishment, or if deemed critical by the regulatory authority and implement corrective actions.
- (b) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame as specified in policy for critical, priority, priority foundation, and core items.
- (c) At the conclusion of the inspection the regulatory authority shall provide a copy of the completed inspection report and the notice to correct violations to the permit holder or to the person in charge, and request a signed acknowledgement of receipt.
  - 1) If the permit holder or the person in charge refuses to sign acknowledgment the regulatory authority shall:
  - 2) Inform the person who declines to sign an acknowledgement of receipt of Inspectional findings that a signature does not represent agreement with findings,
  - 3) Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified; and
  - 4) Make a final request that the permit holder or the person in charge sign an acknowledgment receipt of inspectional findings.
- (d) As a condition of license renewal, all establishments licensed under this article shall consent to an annual inspection and reinspection and all unscheduled or complaint based inspections. License renewal may be withheld pending inspection, reinspection and compliance with these regulations.
- (e) Whenever an order or directive is issued on a health code violation which requires a reinspection to determine compliance, one reinspection shall be

made without charge in a timely manner as determined by local policy and documented by the Department following the time period given in the order or directive. If, upon the first reinspection, the order or directive is found not to have been complied with and additional reinspections are required, a fee shall be assessed to the responsible party for each additional reinspection to compensate for the costs of such reinspections. Payment is due on written demand from the Department.

#### **8.4.12 HOLD ORDER, WARNING OR HEARING NOT REQUIRED.**

- (a) The regulatory authority may issue a hold order according to policy to a permit holder or to a person who owns or controls the food, as specified previously in this ordinance, without prior warning, notice of a hearing, or a hearing on the hold order.
- (b) According to time limits imposed by Section 97.12 of the Wisconsin Statutes, the regulatory authority may place a hold order on a food that:
  - 1) Originated from an unapproved source;
  - 2) May be unsafe, adulterated, or not honestly presented;
  - 3) Is not labeled according to law, or, if raw molluscan shellfish, is not tagged or labeled according to law; or
  - 4) Is otherwise not in compliance with this ordinance.
- (c) If the regulatory authority has reasonable cause to believe that the hold order will be violated, or finds that the order is violated, the regulatory authority may remove the food that is subject to the order to a place of safekeeping.

#### **8.4.13 PROCEDURE FOR ISSUING NEW OR RENEWAL LICENSE.**

- (a) The Department shall issue a license to each applicant for a new or renewal license that meets all the requirements of this article and has paid to the Department all applicable fees.
- (b) If an applicant for a permit to operate is denied, the regulatory authority shall provide the applicant with a notice that includes:
  - 1) The specific reasons and citations to the Code for the permit denial;
  - 2) The actions, if any, that the applicant must take to qualify for a permit; and
  - 3) Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in law.

**8.4.14 NONPAYMENT OF FEES.**

- (a) A license will not be issued until all applicable fees, late fees and processing charges are paid.
- (b) No license shall be issued to any person that owes the City for overdue forfeitures, unpaid real or personal property taxes, assessments or special charges, late fees, permit fees or license fees relating to a current or previous licensed establishment until all such outstanding amounts are paid.
- (c) No license shall be issued for any premises or property for which there are outstanding real or personal property taxes, assessments or special charges, late fees, permit fees or license fees relating to a current or previous licensed establishment until all such outstanding amounts are paid.

**8.4.15 CHANGES TO BE REPORTED.**

- (a) A licensee shall notify the Department whenever there is a change in any information that is reported in the application form. The licensee shall make this notification in writing within five days after the change occurs.
- (b) The owner of any premises for which a license has been granted shall promptly notify the Department in writing of their intention to cease operations.

**8.4.16 CEASING OPERATIONS AND REPORTING.**

- (a) Whenever the department or permit holder finds a condition in a licensed establishment which is determined to be a direct and immediate hazard to public health such as fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstances that may endanger public health, the permit may be suspended without notice or warning or the permit holder shall immediately discontinue operations and notify the regulatory authority.
- (b) If operations are discontinued, the permit holder shall obtain approval from the regulatory authority before resuming operations.
- (c) A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard as deemed so by the regulatory authority.

**8.4.17 SUSPENSION OF A PERMIT OR LICENSE.**

- (a) Whenever the Department has reasonable grounds to believe there are violations that constitute a health hazard that are serious but not an immediate threat to the public health, or for recurring or repeated violations, a permit may be suspended if the Department serves a written notice of the violations and corrective actions required to the licensee, the agent or employee in charge of the licensed premises shall specify a reasonable time limit for any corrective action required, indicate a reinspection shall be made to certify that reasons for the suspension have been eliminated and that the permit holder may request an appeal hearing by submitting a timely request as specified in Section 8.4.18.
- (b) Upon notification of suspension, the permit must be surrendered to the Department until the time of reissuance.
- (c) The Department may suspend any permit or license issued under this article upon failure to pay any fees due under this article. The Department will notify the permit holder in writing that the permit has been suspended and the reason why. The suspension will continue until payment of all past due fees.

**8.4.18 REINSTATEMENT OF A SUSPENDED LICENSE.**

The license holder whose license has been suspended may at any time request reinstatement of the license. Accompanied by a signed statement by the applicant that the violations have been corrected, within seven (7) days after the request for reinspection, the Department or its designee shall make a reinspection and thereafter and as many additional reinspections deemed necessary to assure that the applicant has complied with the requirements. If the findings indicate compliance, the Department may reinstate the license.

**8.4.19 REVOCATION OF LICENSE.**

For serious or repeated violations of any of the requirements of this article, or for interference with the Health Officer or his designee in the performance of their duties, the Health Officer or his designee may permanently revoke the license issued under this article. Prior to such actions, the Health Officer shall notify the license holder in writing, stating the reasons for which the license is revoked. When a license is revoked, the owner or operator shall turn over the license to the Health Officer or his designee and cease operations immediately.

**8.4.20 REAPPLICATION OF A REVOKED LICENSE.**

A person whose license has been revoked may, at any time, make reapplication for a revoked license. Within seven (7) days after the receipt of satisfactory application, accompanied by a signed statement by the applicant that the violations have been corrected, the Department or its designee shall make a preinspection and thereafter as many additional reinspections as deemed necessary to assure that the applicant has complied with the requirements. If the findings indicate compliance, the Department may reinstate the license.

**8.4.21 APPEAL.**

Any person refused or denied a license or who has had a license revoked or suspended, or wishes to dispute any order issued by the regulatory authority may appeal through the appeal procedure provided under the provisions of Sections 68.07—68.16 of the Wisconsin Statutes.

**8.4.22 RIGHTS OF RECIPIENTS OF ORDERS OR DECISIONS.**

A recipient of an order or decision may file a petition for judicial review in a court of competent jurisdiction after available administrative appeal remedies are exhausted.

**8.4.23.1 CONDITIONS WARRANTING REMEDY.**

The regulatory authority may seek administrative or judicial remedy to achieve compliance with the provisions of this ordinance if an establishment:

- 1) Fails to have a valid permit to operate;
- 2) Violates any term or condition of a permit as specified within ordinance;
- 3) Allows serious or repeated code violations to remain uncorrected beyond time frames for correction approved, directed, or ordered by the regulatory authority;
- 4) Fails to comply with regulatory authority order issued concerning an employee or conditional employee suspected of having a disease transmissible through food by infected persons;
- 5) Fails to comply with a hold order;
- 6) Fails to comply with an order issued as of a hearing for an administrative remedy;
- 7) Fails to comply with a summary of suspension order issued by the regulatory authority.

**8.4.24 VIOLATION OF THIS ARTICLE.**

- (a) No person shall violate any provisions of this article.
- (b) The Department or its designee shall enforce any provision of this article, and the enforcement provisions of the statutes or state administrative code sections adopted by this article and Chapter 93 of the Wisconsin Statutes, Department of agriculture, trade and consumer protection which are hereby incorporated herein as though fully set forth pertaining to the authority for compliance and enforcement of these provisions: Section ATCP 75 of the Wisconsin Administrative Code.

**8.4.25 COMPLIANCE AND ENFORCEMENT.**

- (a) If upon inspection, the Department or its designee finds that any licensed or unlicensed establishment is conducted or managed in violation of the ordinances or regulations of the City, laws of the state, or regulation of any agency of the state prescribing standards of health or sanitation, the Department or its designee shall serve a written order upon the licensee, his agent or employee in charge of the licensed premises or the person responsible for the violation, notifying him of such violations.
- (b) In extreme cases where a violation poses an immediate health hazard as determined by the Department or its designee or in the case of repeating occurrences of the same violation by the same person, the actions specified in Subsection (c) of this Section may be initiated immediately.
- (c) If a person does not comply with a written order from the Department or its designee, the person may be subject to one or more of the following actions, and/or penalties:
  - 1) Issuance of a citation. The Departments' Health Officer or any other person duly authorized by the Health Officer is authorized pursuant to Section 800.02 of the Wisconsin Statutes to issue municipal citations for any violations of the provision of this article.
  - 2) A reinspection fee.
  - 3) Suspension of license.
  - 4) Revocation of license.
  - 5) Commencement of legal action against the person seeking a court imposed forfeiture.
  - 6) Commencement of legal action against the person seeking an injunction to stop, abate the violation and/or correct the damage created by the violation.

- 7) Any other action authorized by this article or by other applicable laws as deemed necessary by the Department or its designee.
- 8) The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section.
- 9) Operates without a Certificate of Occupancy issued by the City.

**8.4.26 FEES.**

- (a) Established; location. The fees for licenses, inspections, services and activities performed by the department in carrying out its responsibilities under the article shall be reviewed and approved by the Common Council and shall be on file and open to the public in the department's office and the office of the City clerk.
- (b) Fees to accompany application. Licenses fees imposed under this article shall accompany the license application. The Department shall issue the applicant a receipt for the license fee.
- (c) Refunds. No fee paid may be refunded, unless a refund is requested prior to receiving a completed application or for work not yet completed.
- (d) Fees kept separate. All fees shall be accounted for separately and applied to the expenses under this article.

**8.4.27 EXPIRATION DATES.**

- (a) All licenses issued under provisions of this article shall expire, unless otherwise ordered by the department or authorized agent, as follows:
  - 1) Food/drink: June 30.
  - 2) Hotel/motel: June 30.
  - 3) Public swimming pool: June 30.
  - 4) Boardinghouse/roominghouse: December 31.
  - 5) Bed and breakfast: June 30.
  - 6) Recreational and educational camps: June 30.
  - 7) Campgrounds: June 30.
  - 8) Tattoo or body piercing establishment: June 30.
  - 9) Vending machines: June 30.
- (b) The licenses shall expire at 12:00 a.m. of the last effective day of the license, unless otherwise provided by this article or applicable provisions of state law.

**8.4.28 RENEWAL.**

The department, prior to the expiration date, shall furnish renewal notices. It is the responsibility of the owner or operator to complete the application form and pay the appropriate fee before the expiration date of such license.

#### **8.4.29 CONFLICTS.**

Whenever conflicts between this article and other City ordinances or state and federal regulations occur, the more stringent rule shall apply.

### **8.5 Recycling**

<b>8.5.1</b>	PURPOSE OF CHAPTER
<b>8.5.2</b>	STATUTORY AUTHORITY
<b>8.5.3</b>	ABROGATION AND GREATER RESTRICTIONS
<b>8.5.4</b>	INTERPRETATION
<b>8.5.5</b>	SEVERABILITY
<b>8.5.6</b>	APPLICABILITY
<b>8.5.7</b>	ADMINISTRATION
<b>8.5.8</b>	EFFECTIVE DATE
<b>8.5.9</b>	DEFINITIONS
<b>8.5.10</b>	SEPARATION OF RECYCLABLE MATERIALS
<b>8.5.11</b>	SEPARATION REQUIREMENTS EXEMPTED
<b>8.5.12</b>	CARE OF SEPARATED RECYCLABLE MATERIAL
<b>8.5.13</b>	MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE
<b>8.5.14</b>	PREPARATION AND COLLECTION OF RECYCABLES
<b>8.5.15</b>	RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTI-FAMILY DWELLINGS
<b>8.5.16</b>	RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES
<b>8.5.17</b>	PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING
<b>8.5.18</b>	COMPLIANCE, ENFORCEMENT AND PENALTIES

#### **8.5.1 PURPOSE OF CHAPTER.**

The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Sec. 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

### **8.5.2 STATUTORY AUTHORITY.**

This Chapter is adopted as authorized under Sec.287.09(3)(b), Wis. Stats.

### **8.5.3 ABROGATION AND GREATER RESTRICTIONS.**

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.

### **8.5.4 INTERPRETATION.**

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. 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 Chapter, or in effect on the date of the most recent text amendment to this Chapter.

### **8.5.5 SEVERABILITY.**

Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

### **8.5.6 APPLICABILITY.**

The requirements of this Chapter apply to all persons, firms, organizations and corporations, both for profit and non-profit, within the limits of the City of Glendale.

### **8.5.7 ADMINISTRATION.**

The provisions of this Chapter shall be administered by the Director of Public Works or his designated representative.

### **8.5.8 EFFECTIVE DATE.**

The provisions of this Chapter shall take effect on January 1, 1995.

## 8.5.9 DEFINITIONS.

- (a) For the purposes of this Chapter:
- (1) Bi-Metal Container. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - (2) Container Board. Corrugated paperboard used in the manufacture of shipping containers and related products.
  - (3) Foam Polystyrene Packaging. Packaging made primarily from foam polystyrene that satisfies one (1) of the following criteria:
    - a. Is designed for serving food or beverages.
    - b. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
    - c. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
  - (4) HDPE. High density polyethylene, labeled by the SPI code #2.
  - (5) LDPE. Low density polyethylene, labeled by the SPI code #4.
  - (6) Magazines. Magazines and other materials printed on similar paper.
  - (7) Major Appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
  - (8) Multiple-Family Dwelling. A property containing five (5) or more residential units, including those which are occupied seasonally.
  - (9) Newspaper. A newspaper and other materials printed on newsprint.
  - (10) Non-Residential Facilities and Properties. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
  - (11) Office Paper. 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.
  - (12) Other Resins or Multiple Resins. Plastic resins labeled by the SPI code #7.
  - (13) Person. Includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
  - (14) PETE. Polyethylene terephthalate, labeled by the SPI code #1.
  - (15) Plastic Container. 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.
  - (16) Postconsumer Waste. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 289.01(17), Wis. Stats.

- (17) PP. Polypropylene, labeled by the SPI code #5.
- (18) PS. Polystyrene, labeled by the SPI code #6.
- (19) PVC. Polyvinylchloride, labeled by the SPI code #3.
- (20) 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.
- (21) Solid Waste. Has the meaning specified in Sec.289.01(33), Wis. Stats.
- (22) Solid Waste Facility. Has the meaning specified in Sec.289.01(35), Wis. Stats.
- (23) Solid Waste Treatment. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.
- (24) Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (25) Yard Waste. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

#### **8.5.10 SEPARATION OF RECYCLABLE MATERIALS.**

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:

- (a) Lead acid batteries.
- (b) Major appliances.
- (c) Waste Oil.
- (d) Yard waste.
- (e) Aluminum containers.
- (f) Bi-metal containers.
- (g) Corrugated paper or other container board.
- (h) Foam polystyrene packaging.
- (i) Glass containers.
- (j) Magazines.
- (k) Newspaper.
- (l) Office paper.
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins and multiple resins.
- (n) Steel containers.
- (o) Waste tires.

### **8.5.11 SEPARATION REQUIREMENTS EXEMPTED.**

The separation requirements of 8.5.10 do not apply to the following:

- (a) Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8.5.10 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 thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in Section 8-5-10(e) through (o) for which a variance has been granted by the Department of Natural Resources under Sec. 289.11(2m), Wis. Stats., or NR 544.14, Wis. Adm. Code.

### **8.5.12 CARE OF SEPARATED RECYCLABLE MATERIALS.**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8.5.10 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 secure manner, and in compliance with Section 13.1.144(e).

### **8.5.13 MANAGEMENT OF LEAD ACID BATTERIES; MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.**

Occupants of single family and two (2) to four (4) unit residences, multiple-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 recycled at local salvage yards or returned when purchasing a new battery.
- (b) Major appliances shall be recycled using the services of the City recycling contractor or local salvage yards.
- (c) Waste oil shall be recycled by depositing waste oil in the designated drop-off facility at the Glendale Public Works Garage or other waste oil collection drop-off centers.
- (d) Yard waste shall be managed by using the services of the City recycling contractor; contracting with a private yard waste contractor; or composting.

### **8.5.14 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.**

Except as otherwise directed by the Director of Public Works, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8.5.10(e) through (o):

- (a) Aluminum containers shall be rinsed free of product residue and recycled using the City-approved recycling program.
- (b) Bi-metal containers shall be rinsed free of product residue and recycled using the City-approved recycling program.
- (c) Corrugated paper or other container board shall be flattened and recycled using the City-approved recycling program.
- (d) Foam polystyrene packaging shall be recycled using the City-approved recycling program.
- (e) Glass containers shall be rinsed free of product residue and recycled using the City-approved recycling program.
- (f) Magazines shall be tied with twine and recycling using the City-approved recycling program.
- (g) Newspaper shall be tied with twine and recycled using the City-approved recycling program.
- (h) Office paper shall be separated from post consumer waste, tied with twine, and recycled.
- (i) Rigid plastic containers shall be prepared and collected as follows:
  - (1) Plastic containers made of PETE shall be rinsed free of product residue and recycled using the City-approved recycling program.
  - (2) Plastic containers made of HDPE shall be rinsed free of product residue and recycled using the City-approved recycling program.
  - (3) Plastic containers made of PVC shall be rinsed free of product residue and recycled using the City-approved recycling program.
  - (4) Plastic containers made of LDPE shall be rinsed free of product residue and recycled using the City-approved recycling program.
  - (5) Plastic containers made of PP shall be rinsed free of product residue and recycled using the City-approved recycling program.
  - (6) Plastic containers made of PS shall be rinsed free of product residue and recycled using the City-approved recycling program.
  - (7) Plastic containers made of other resins or multiple resins shall be rinsed free of product residue and recycled using the City-approved recycling program.
- (j) Steel containers shall be rinsed free of product residue and recycled using the City-approved recycling program.
- (k) Waste tires shall be recycled at local tire recycling centers.

#### **8.5.15 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTI-FAMILY DWELLINGS.**

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 8.5.10(e) through (o):

- (1) Provide adequate, separate containers for the recyclable materials, unless the size or weight of such materials renders placement in a container impracticable. All recyclable materials, whether within or without containers, shall be screened from view from streets and adjacent sites and shall not be located in any parking lot, except that the owner or lessee of the premises may apply to the City Administrator or his/her designee to place such materials in the parking lot for a period not to exceed six (6) months if the premises are undergoing construction, demolition or renovation. A permanent storage area may be allowed on the premises, including a designated area of a parking lot, in any area where the premises are screened from view of streets and surrounding lots. Landscape screens are preferred and shall provide a year round screen within two (2) years of installation. Landscape screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months. Visually impervious fencing is allowed in areas wherein the layout of the lot, property lines, and location of buildings make landscape screening impracticable. Any person aggrieved by a decision of the City Administrator or his/her designee pertaining to enforcement of this provision must appeal that decision to the Plan Commission within ten (10) days of receipt of such decision. When considering an appeal under this Subsection, the Plan Commission shall allow only such variances as will not substantially deviate from the requirements of this provision, and which shall promote the purpose and intent of this Chapter. Compliance with the provisions of this Subsection shall occur at the earlier of a change in ownership, use, exterior modification or renovation, or occupancy, or by December 31, 2002.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in Subsection (a) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer 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 Section 8.5.10(e) through (o) from solid waste in as pure a form as is technically feasible.

**8.5.16****RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS  
OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.**

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8.5.10(e) through (o):
- (1) Provide adequate, separate containers for the recyclable materials, unless the size or weight of such materials renders placement in a container impracticable. All recyclable materials, whether within or without containers, shall be screened from view from streets and adjacent sites and shall not be located in any parking lot, except that the owner or lessee of the premises may apply to the City Administrator or his/her designee to place such materials in the parking lot for a period not to exceed six (6) months if the premises are undergoing construction, demolition or renovation. A permanent storage area may be allowed on the premises, including a designated area of a parking lot, in any area where the premises are screened from view of streets and surrounding lots. Landscape screens are preferred and shall provide a year round screen within two (2) years of installation. Landscape screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months. Visually impervious fencing is allowed in areas wherein the layout of the lot, property lines, and location of buildings make landscape screening impracticable. Any person aggrieved by a decision of the City Administrator or his/her designee pertaining to enforcement of this provision must appeal that decision to the Plan Commission within ten (10) days of receipt of such decision. When considering an appeal under this Section, the Plan Commission shall allow only such variances as will not substantially deviate from the requirements of this provision, and which shall promote the purpose and intent of this Chapter. Compliance with the provisions of this Subsection shall occur at the earlier of a change in ownership, use, exterior modification or renovation, or occupancy, or by December 31, 2002.
  - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare 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.
- (b) The requirements specified in Subsection (a) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8.5.10(e) through (o) from solid waste in as pure a form as is technically feasible.

### 8.5.17 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 8.5.10(e) through (o) which have been separated for recycling except waste tires may be burned with energy recovery in a solid waste treatment facility.

### 8.5.18 COMPLIANCE, ENFORCEMENT AND PENALTIES.

- (a) **Compliance.** For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the City of Glendale may inspect recyclable materials separated for recycling, post-consumer 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 City of Glendale who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) **Enforcement.** Any person who violates a provision of this Chapter may be issued a citation by the City of Glendale 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 Subsection.
- (c) **Penalties.** Penalties for violating this Chapter may be assessed as follows:
  - (1) Any person who violates Section 8.5.18 may be required to forfeit Fifty Dollars (\$50.00) for a first violation, Two Hundred Dollars (\$200.00) for a second violation, and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation.
  - (2) Any person who violates a provision of this Chapter, except Section 8.5-17, may be required to forfeit not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.