

## CHAPTER 14

### PUBLIC HEALTH AND WELFARE

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**14.01 BOARD OF HEALTH.** (1) DUTIES. The Board of Health of the City shall assume the general administration of health and sanitation laws and regulations in the City, supervise the work of the Health Officer and attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Department of Health and Social Services and the ordinances of the City.

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

**14.02 HEALTH OFFICER.** (1) POWERS AND DUTIES. The Health Officer under the supervision of the District State Health Officer, shall:

(a) Maintain continuous sanitary supervision over his territory.

(b) Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.

(c) Enforce the health laws, rules, and regulations of the State Department of Health and Social Services, the State and the City, including laws relating to contagious diseases contained in Ch. 143, Wis. Stats.

(d) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.

(e) Keep and deliver to his successor a record of all his official acts.

(f) Make reports to the State Department of Health and Social Services and to the Council as they may request.

(2) MATERIALS AND SUPPLIES. The Health Officer may procure, at the expense of the City, all record books, quarantine cards, and other material needed by the Board of Health, except such as are furnished by the State Department of Health and Social Services.

**14.03 RULES AND REGULATIONS.** The Health Officer and the Board of Health may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention 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 requirements, when approved by the Council Shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board of Health shall be subject to a penalty as provided in sec. 25.04 of this Code.

**14.04 HEALTH NUISANCES, ABATEMENT.** The Health Officer or the Board of Health may abate health nuisances in accordance with §146.14, Wis. Stats., which is adopted by reference and made a part of this chapter as if fully set forth herein.

**14.05 COMMUNICABLE DISEASES.** Chapter 143, Wis. Stats., and Wis. Adm. Code H45 are adopted by reference and made a part of this chapter and the Health Officer shall enforce the provisions thereof.

**14.06 REGULATION OF NUISANCE-TYPE BUSINESSES.** (1) **PERMIT REQUIRED.** No person shall conduct, within the City, any business which has a tendency to create a public nuisance, except upon permit issued by the Health Officer and subject to such conditions as the Health Officer may impose.

(2) **DEFINITION,** A business which has a tendency to create a public nuisance is one which, unless properly regulated, may create conditions creating a public nuisance as defined in sec. 13.02 of this Code.

(3) **AUTHORITY.** This section is enacted pursuant to §66.052, Wis. Stats.

**14.07 GARBAGE AND REFUSE COLLECTION.** (Ord. #05-2021) (1) **SERVICE PROVIDED.** Garbage and refuse collection service shall be provided to City residents, except for users enumerated in sub. (2) below, by a contractor hired by the City and the Public Works Department.

(2) **USERS EXCLUDED.** Garbage and refuse collection service shall not be provided by the City to the following users:

- (a) Industrial users.
- (b) Commercial users.
- (c) Five-family residential units or greater.
- (d) Schools.

(3) **COLLECTION TIME AND DAYS.** Except as provided in sub. (6) below, garbage and refuse shall be placed in approved containers or bundles and placed at the curb or roadside by 7:00 A.M. on the scheduled collection day. After collection, containers shall be removed from the curb or roadside within 12 hours. No pickup shall be made on legal holidays, but shall be made the following workday.

(4) CONTAINER AND BUNDLE REGULATIONS. (a) All securely wrapped garbage, cans, and paper refuse shall be placed in steel or plastic garbage cans with securely fitting lids or in sturdy plastic liners or bags securely tied.

(b) Newspapers and cardboard securely tied in bundles.

(c) Small amounts of stone, rubble, earth, and sod, in containers only.

(d) Small auto parts, e.g. mufflers, in containers only.

(5) ITEMS NOT TO BE PICKED UP. (a) Large amounts of stone, concrete, rubber, earth, or sod.

(b) Containers over 30 gallons or over 50 pounds.

(c) Construction debris.

(d) Large auto parts, e.g. engine blocks, heads, fenders.

(e) Tree trunks or stumps.

(f) Garbage or refuse strewn by animals or vandals prior to collection.

(6) SPECIAL COLLECTION. The Public Works Department shall collect the items and refuse listed below at certain times, as follows:

(a) Leaves. (Ord. #07-2014; Ord. 05-2021) In the fall of each year, leaves may be raked, left at the curb, and picked up according to the direction of the Director of Public Works.

(b) Tree Trimmings. Tree trimmings and branches, 4-inch diameter maximum and no longer than 7 feet, and securely tied and bundled, may be placed at the curb or roadside the second Tuesday of each month.

**14.08 SOLID WASTE RECYCLING AND DISPOSAL.** (1) PURPOSE. The purpose of this Ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in §159.11, Wis. Stats., Chapter NR 544, Wis. Administrative Code.

(a) Statutory Authority. This Ordinance is adopted as authorized under §159.09(3)(b), Wis. Stats.

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

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

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

(e) Applicability. The requirements of this Ordinance apply to all persons within the City of Darlington.

(f) Administration. The provisions of this Ordinance shall be administered by the Solid Waste Committee of the City of Darlington.

(2) DEFINITIONS. For the purpose of this Ordinance:

(a) Board means Solid Waste Committee.

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

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

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

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

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

(g) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

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

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

(j) "Office paper" means high-grade printing and writing papers from offices in nonresidential 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.

(k) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.299(1)(a), Wis. Stats., state agency of authority or federal agency.

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

(m) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §144.47(7)(a)1., Wis. Stats.

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

(o) "Solid waste" has the meaning specified in §144.01(5), Wis. Stats.

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

(q) "Solid waste treatment" means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.

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

(s) "Yard waste" means leaves, grass clippings, yard, and garden debris, and brush, including clean woody vegetative material no greater than 6 inches in diameter and 6 feet long. This term does not include stumps, roots, or shrubs with intact root balls.

(3) PROCEDURES TO BE DEVELOPED BY SOLID WASTE COMMITTEE. The Board is hereby authorized and directed to prepare written procedures for preparation, collection, and disposal of solid waste generated within the City, including such separation and cleaning as may be necessary to maximize the opportunity to market recyclable materials. Upon passage by the Board, such procedures shall be presented to the Council in the form of a resolution. The Board shall, from time to time, recommend to the Council such changes to the procedures as may be necessary to carry out and make effective the purpose of this chapter.

(4) SOURCE SEPARATION AND PREPARATION REQUIRED.

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

1. Lead-acid batteries
2. Major appliances
3. Waste oil
4. Yard waste
5. Aluminum containers
6. Bi-metal containers
7. Corrugated paper or other container board
8. Glass containers
9. Magazines or other materials printed on similar paper
10. Newspaper or other materials printed on newsprint
11. Office paper
12. Plastic containers made of PETE and HDPE
13. Steel containers
14. Waste tires

(b) Separation Requirements Exempted. The separation requirements of §14.08(4)(a) do not apply to the following:

1. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings, and nonresidential 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 §14.08(4)(a) from solid waste in as pure a form as is technically feasible.

2. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

3. A recyclable material specified in §14.08(4)(a) for which a variance or exemption has been granted by the Department of Natural Resources under §159.07(7)(d) or 159.11(2m), Wis. Stats. or §NR 544.14, Wis. Administrative Code.

(c) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with §14.08(4)(a) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

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

1. Lead-acid batteries shall be taken to battery retailers.

2. Major appliances shall be disposed of by contacting the garbage contractor for a fee set by the garbage contractor.

3. Waste oil shall be taken to a drop site at the City garage.

4. Yard waste shall be either composted by the resident



or picked up by City to be taken to the City's compost site. Brush shall be picked up by the City.

(e) Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Solid Waste Committee, occupants of single-family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in §14.08(4)(a)5 through 14 and place the same in the approved recycling bin and placed upon the curb on the day designated for collection:

1. Aluminum containers shall be rinsed clean and drained of liquid.
2. Bi-metal containers shall be rinsed clean and lids removed.
3. Corrugated paper or other container board shall be flattened, kept dry, and in pieces no larger than 3-foot squares and bundled no higher than 12 inches.
4. Glass containers shall be rinsed clean with lids and any metal rings removed.
5. Magazines or other materials printed on similar paper shall be kept dry and tied in bundles no higher than 12 inches.
6. Newspapers or other materials printed on newsprint shall be kept dry and tied in bundles of 8" or less or placed in brown paper bags.
7. Office paper shall be kept dry and placed in brown paper bags or tied in bundles of 8" or less.
8. Plastic containers shall be prepared and collected as follows:
  - a. Plastic containers made of PETE #1 for grocery packaging, shall be rinsed clean and lids removed. Lubricant and chemical containers shall not be collected.
  - b. Plastic containers made of HDPE #2, including milk containers shall be rinsed clean and lids removed.
9. Steel containers shall be rinsed clean and lids removed.

10. Waste tires shall be taken to a retailer or the garbage contractor for a fee designated by the contractor.

(f) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings. 1. Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in §14.08(4)(a)5 through 14.

a. Provide adequate, separate containers for the recyclable materials.

b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

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

d. 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 contact person or company, including a name, address and telephone number.

2. The requirements specified in §14.08(4)(f)1 do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in §14.08(4)(a) 5 through 15 from solid waste in as pure a form as is technically feasible.

(g) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties. 1. Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in §14.08(4)(a)5 through 15:

a. Provide adequate, separate containers for the recyclable materials.

b. Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.

c. Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling facility.

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

2. The requirements specified in §14.08(4)(g)1 do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer 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 §14.08(4)(a) 5 through 15 from solid waste in as pure a form as is technically feasible.

(h) Prohibitions on Disposal of Recyclable Materials. 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 §14.08(4)(a)5 through 15 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(i) Enforcement. 1. Any authorized officer, employee, or representative of the City of Darlington may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collections areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this Ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the City of Darlington who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

2. Any person who violates a provision of this Ordinance may be issued a citation by the City of Darlington to collect forfeitures. The issuance of a citation shall not

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

(j) Penalty. Penalties for violating this ordinance may be assessed as follows:

1. Any person who violates §14.08(4)(h) may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

2. Any person who violates a provision of this ordinance, except §14.08(4)(h), may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

(5) GARBAGE COLLECTION AND DISPOSAL. The collection, transportation, and disposal of garbage shall be conducted under the direction of the Director pursuant to procedures established pursuant to this chapter.

(a) Garbage Containers Required and Placement of Containers. The owner of each residence shall provide or cause to be provided waterproof, disposal containers for the disposal of garbage generated by occupants of such residence. Such containers shall be of sufficient strength to withstand stress resulting from handling during collection. Containers shall be placed at the curb line for collection on the days designated by the Board. Containers shall be placed no earlier than 5:00 P.M., on the day prior to the day scheduled for collection, and no later than 7:00 A.M. on the day scheduled for collection.

(b) Prohibited Disposal of Garbage. No person shall cause or permit garbage, other than garbage generated on the premises owned or controlled by such person, to be placed in a garbage container required by this section without a permit from the City, and then only in accordance with the terms and conditions of such permit.

(c) Mandatory Garbage Collection for One- and Two-Family Residences. Garbage collection by collectors employed by the City shall be compulsory for all persons living in structures housing one or 2 residences.

(d) Optional Garbage Collection. The owner or owners of each multi-family residential structure and the owner or owners

of each structure housing one or more residences, together with one or more nonresidential enterprises, shall have the option to obtain garbage collection service for each residence within such structure from the City or from a commercial collection service at the owner's expense.

1. Charges for City garbage collection service shall commence when the property served obtains services from the City Water Department.

2. Each person who elects to use commercial garbage collection services, pursuant to this section, shall provide or cause to be provided waterproof, disposable containers for the disposal of garbage by occupants of the structure generating such garbage. At no time shall garbage be placed outside of this container.

(6) COLLECTION AND TRANSPORTATION OF SOLID WASTE. (a) License Required. No collector shall engage in the collection, transportation, or disposal of solid waste generated within the City without having first obtained a license from the City unless:

1. The person is employed by the City to collect and transport solid waste.

2. The person is collecting and transporting solid waste generated at his own residence or nonresidential enterprise.

3. The person is collecting and transporting solid waste generated at the residence of a relative of that person if:

a. No license is otherwise required by the State.

b. The person makes no charge for the service.

(b) Minimum License Requirements. Each applicant for a license to collect or transport solid waste shall meet the following minimum requirements:

1. All containers and vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable, and designed so as to prevent escape of any solid waste during transportation. The vehicles and containers shall be cleaned frequently to prevent nuisances and shall be maintained in good repair.

2. Containers and vehicles used for the collection and transportation of solid waste shall be loaded and moved in such a way that the contents will not fall, leak or spill out. Covers shall be provided for both the containers and the vehicles as necessary to prevent escape of solid waste during transportation. If solid waste shall escape from any container or vehicle, the operator shall immediately return the solid waste container or vehicle and clean the area thoroughly.

3. Each applicant requiring a license from the State for the collection and transportation of solid waste shall provide evidence of issuance of such license will be issued.

(c) License Year. The license year shall begin July 1 of each year.

(d) License Fee. The license fee shall be established by resolution of the Council. The full license fee shall be required for a year or any part of a year.

(7) SOLID WASTE CONTROL. (a) No person shall transport solid waste from outside the City into the City for collection and disposal by the City or its authorized agent. This paragraph shall not apply to persons who dispose of insignificant amounts of solid waste in appropriate litter receptacles placed by the City on the streets, sidewalks, or in the parks.

(b) No person shall deposit solid waste in a container placed by a commercial solid waste collection and disposal service unless the person depositing such solid waste is authorized to do so by the person or business paying for the commercial service.

(c) It shall be prima-facie evidence that a person has violated this section if solid waste containing that person's name or other reasonably satisfactory identifying characteristics are found among other solid wastes within the City awaiting collection and disposal, and the person either is not a resident of the City or, in the case of deposit in a commercial container, is not authorized to use the commercial container.

(8) COLLECTION CHARGES AND PAYMENT. The owner or owners of record of each structure receiving the service provided for by this chapter shall be liable for the expense of such service.

(a) Collection by Clerk-Treasurer. Collection fees charged pursuant to this chapter shall be made by the Clerk-Treasurer in such amounts and with such frequency as shall be fixed by action of the Council upon recommendation of the Board.

(b) Lien for Unpaid Charges. All charges established pursuant to this section shall be a direct lien upon the property served in accordance with the statutes of the State and may be levied as a charge against the real estate. A minimum penalty of 1% per month on the unpaid balance shall be added to garbage service charges not paid within 20 days from the due date.

(9) ENFORCEMENT. It shall be the duty of the Director to enforce the provisions of this section and to see that all violations thereof are promptly abated and the violators thereof prosecuted, and it shall be the duty of the Chief of Police and police officers of the City to give attention throughout the City to any case of violation thereof and to report such violations to the Director.

(10) LICENSE SUSPENSION OR REVOCATION. In addition to other penalties herein provided, a person may have any solid waste hauling or junk dealer license issued by the City suspended or revoked for a period not exceeding 6 months.

(a) The following shall be grounds for revocation or suspension of a solid waste hauling or junk dealer license:

1. Any violation of this section.
2. Failure to hold a required license from the State.
3. Transporting solid waste in violation of any condition of a license.
4. Failure to maintain vehicles used for transportation leaving of solid waste standing in a vehicle for more than 24 hours.
5. Failure to pay any invoice from the City for disposal of solid waste at the Lafayette County solid waste landfill within 30 days of the date of the invoice.

(b) No part of the license fee for the license which has been revoked or suspended pursuant to this subsection shall be refunded.

(c) Notice of the hearing of revocation or suspension of any such license shall be given by the Clerk-Treasurer in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice

shall be mailed, postage prepaid, to the person holding the applicable license at his last known address at least 5 days prior to the date set for the hearing, or shall be delivered by a police officer in the same manner as a summons at least 3 days prior to the date set for the hearing.

**14.09 ILLEGAL DUMPING PROHIBITED.** It shall be illegal for any person to dump, dispose, deposit, litter, or store solid waste in the City outside of a licensed sanitary landfill facility on either private or public lands.

**14.10 PENALTY.** Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code.