

## CHAPTER 11

### HEALTH AND SANITATION

11.01	Board of Health, Powers and Duties
11.02	Health Officer, Powers and Duties
11.03	Rules and Regulations
11.04	Health Nuisances, Abatement
11.05	Sewer and Water Connections
11.06	Regulation of Nuisance-Type Businesses
11.07	Garbage and Rubbish Collection
11.08	Ambulance Service
11.09	
to	
11.14	(Reserved)
11.15	Penalty

## HEALTH AND SANITATION – CHAPTER 11

- 11.01 BOARD OF HEALTH, POWERS AND 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 Office 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.
- 11.02 HEALTH OFFICER, POWERS AND DUTIES.** It shall be the duty of the Health Officer to examine all nuisances, sources of filth and causes of sickness and report the same to the Board of health, and, for the purposes of such examination, the Health Officer shall have the power to enter any building or go upon any lot within the City where he has reason to believe that any nuisance, source of filth or cause of disease does or may exist. No person shall hinder, delay or obstruct the Health Officer in the performance of his duty.
- 11.03 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 published in the official newspaper of the City 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.
- 11.04 HEALTH NUISANCES, ABATEMENT.** The Health Officer may abate health nuisances in accordance with sec. 10.07 of this Code.
- 11.05 SEWER AND WATER CONNECTIONS.**
- (1) **REQUIRED.** Whenever City sewer or water mains are made available to any building used for human habitation within the City, the owner of such building shall connect all building sewer and water facilities to the City sewer and water mains within a reasonable time.
  - (2) **BUILDING INSPECTOR CONNECTION ORDERS.** If a building owner does not make sewer or water connections as provided in sub. (1) above, the Building Inspector shall serve the owner with a written order to make such connections within 10 days.
  - (3) **CONNECTION BY CITY.** In the event a building owner does not comply with the order set forth in sub. (2) above, the City shall make such connection as provided in §144.06, Wis. Stats., and the cost thereof shall be assessed against the property as a special charge, pursuant to §66.60(16), Wis. Stats.
- 11.06 Repealed 03/11/03**

**11.07 GARBAGE AND RUBBISH COLLECTION.**

11.07 WASTE HAULER REGULATIONS

(1) DEFINITIONS.

- (a) “Solid waste” shall refer to “garbage”, “refuse”, “commercial waste” and “industrial waste” as used herein which in turn shall mean and include the definitions as set forth in Section 11.07(2) of this Code.
- (b) “Hauler” refers to any person, partnership, corporation, or other public or private entity that provides for the collection and transportation of garbage, refuse, commercial or industrial waste or recyclable materials.
- (c) “Recyclable materials” includes lead-acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated containerboard, non-corrugated containerboard, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other multiple resins; steel containers, waste tires and bi-metal containers. Definitions of individual recyclable materials as listed under this definition are defined in the Waupaca County Recycling Ordinance, Section 20.10, which is incorporated herein by reference.

(2) LICENSE REQUIRED. No hauler may operate within the City without first having obtained a Waste Hauler Annual Operating License, as hereinafter provided. No licensed vehicle shall collect and/or transport garbage unless it has a “packer-type” facility for compressing and loading garbage.

(2a) EXEMPTIONS TO LICENSING. The following persons or entities are not required to obtain a Waste Hauler Annual Operating License:

- (1) A civic, community, benevolent, or charitable nonprofit organization that collects, transports, and markets materials for resource recovery solely for the purpose of raising funds for a civic, benevolent, or charitable activity.
- (2) A person who transports waste or recyclable materials produced by such person;
- (3) A property owner or agent thereof who transports waste recyclable materials left by a tenant upon such owner’s property, so long as such property owner does not

## HEALTH AND SANITATION – CHAPTER 11

provide waste collection service for compensation for tenants on a regular or continuing basis; and

- (4) A demolition or construction contractor or landscaper who produces and transports waste in the course of such occupation, where the waste produced is merely incidental to the particular demolition or construction work being performed by such person.

(2b) **SPECIAL LICENSE REQUIREMENTS REGARDING CURBSIDE COLLECTION OF RECYCLABLE MATERIALS.** All haulers licensed by the City of Clintonville shall make available to their non-commercial customers within the City of Clintonville, at the customer's option, effective December 1, 2004 curbside collection of the following recyclable materials (at a minimum) as designated by the Waupaca County Recycling Ordinance in accordance with Chapter NR 544, Wis. Administrative Code: newspaper, glass bottles and jars, aluminum containers, steel and bi-metal containers, PETE plastic bottles (#1), HDPE plastic bottles (#2), and either corrugated cardboard and other container board, or magazines and shall:

- (1) Obtain and maintain all applicable State, County and other Municipal licenses and permits;
- (2) Comply with all applicable sections of the Waupaca County Recycling Ordinance as well as all other applicable State, County and Municipal Laws, regulations and ordinances;
- (3) Provide, at a minimum, monthly collection of recyclables;
- (4) Require of their customers, at a minimum, material preparation standards as set forth by the Waupaca County Solid Waste Department as promulgated under the Waupaca County Recycling Ordinance;
- (5) Be restricted from the curbside collection of waste motor oil and lead-acid batteries.

(2c) **APPLICATION.** Application for a license hereunder shall be made to the Clerk.

(2d) **LICENSE FEE.** The license fee hereunder shall be set by Council resolution for the first vehicle in such business and for each additional vehicle. - Commercial haulers shall license all vehicles used for collecting and/or transporting garbage, refuse, commercial or industrial waste or recycling.

(2e) **INSPECTION.** Before any license shall be issued hereunder, each vehicle shall be inspected by the Police Department and determined to be fit for the transportation and collection of solid waste. No license shall be renewed without a similar inspection.

(2f) **INSURANCE:** No license shall be issued hereunder until the applicant shall file with the Clerk-Treasurer a certificate of insurance approved by the City Attorney showing public liability insurance coverage upon each licensed vehicle of \$250,000.00 for each injury or death, \$500,000.00

## HEALTH AND SANITATION – CHAPTER 11

for each accident and \$100,000.00 property damage. Such insurance shall not be cancelled, except upon 30 days' written notice to the Clerk. The cancellation or termination of such insurance shall automatically terminate the license for such vehicle unless a further certificate of insurance is provided.

(2g) LICENSE ISSUANCE. Upon compliance by the applicant with all the provisions hereof, the Clerk-Treasurer shall issue a license for each vehicle which shall be kept in such vehicle, and such shall be exhibited to any police officer, or solid waste landfill site operator or operation of the Waupaca County Processing Facility, upon request.

(2h) LICENSE NOT TRANSFERABLE. No license issued hereunder shall be transferable from one vehicle to another.

(2i) RATES. A schedule of rates to be charged customers by all licenses shall be filed with the Clerk. Any licensee changing customer rates shall file an amended schedule with the Clerk at the same time the licensee notifies its customers of rate changes.

### (3) GARBAGE COLLECTION REGULATIONS.

- a) Garbage and rubbish shall be collected from all commercial and domestic properties by a licensed private hauler hired by the property owner. The property owner, however, has the right to take their garbage/rubbish to the Clintonville Area Waste Service Site (CAWS). Haulers must comply with all rules and regulations of the Department of Public Works and local ordinances.
- b) Garbage and rubbish shall not be collected by the Department of Public Works from industrial property.; Garbage/rubbish generated from Industrial property must be picked up by a licensed private hauler and shall be delivered to CAWS.
- c) No garbage/waste may be placed at the curb line prior to 6 p.m. on the day prior to collection. All containers must be placed so as to be easily accessible by a private waste collector . All containers must be removed from the curb line within twelve (12) hours of collection.
- d) Property owners shall not permit garbage/waste to accumulate longer than from one collection day to the next collection day.
- e) No person shall disturb or remove any garbage/waste placed at the curb for collection unless prior permission has been granted by the Manager of Public Works.

### (4) RUBBISH COLLECTION REGULATIONS.

- a) Yard wastes consisting of plant material from vegetable and flower gardens and grass clippings will not be collected by the Department of Public Works, except during the annual cleanup described in 11.07(9).

## HEALTH AND SANITATION – CHAPTER 11

- (b) During October of each year, the Department of Public Works will collect leaves which shall be placed near the curb but shall not be deposited in the street.
  - (c) The Department of Public Works will only collect brush properly placed at the curb no earlier than 72 hours prior to the scheduled brush collection day. Such brush must comply with sub. 1- 5 below.
    - 1. The brush shall be no shorter than two (2) feet in length and shall be no longer than nine (9) feet in length. The brush diameter shall not exceed six (9) inches.
    - 2. All brush must be loosely and neatly placed for collection. The butt end of the branches shall all face in the same direction.
    - 3. The brush pile shall not exceed nine (20) feet in length, four (4) feet in width, and four (4) feet in height.
    - 4. All roots shall be removed from brush.
    - 5. Any brush placed for collection which is in violation of this ordinance shall not be collected until such violation has been corrected.
  - (d) No person shall disturb or remove any rubbish placed at the curb for collection unless prior permission has been granted by the Manager of Public Works.
  - (e) No person shall place any live ashes, coals or cinders out for collection by City crews. All ashes, coals or cinders placed out for collection must be completely extinguished so as not to present a fire hazard, must be contained in an approved container, and must be clearly labeled as to the contents. Any person violating this paragraph may be held liable for damages to City equipment or public property caused by the disposal of such live ashes, coals or cinders.
  - (f) The Department of Public Works will remove Christmas trees during January.
- (5) COMPLAINTS. All complaints relating to City or private collection of garbage or rubbish must be made in writing to City Hall.
- (6) REJECTION OF GARBAGE OR RUBBISH. In the event that garbage or rubbish is not placed for collection in accordance with the provisions of this section, the collector may reject the same and shall leave a tag indicating thereon the reason for such rejection. Any garbage or refuse rejected by the Department of Public Works or

## HEALTH AND SANITATION – CHAPTER 11

collector shall be removed from the street curb within twelve (12) hour of the rejection by the individual controlling property whether owned, kept, rented, leased or otherwise controlled by such person.

(7) PRIVATE COLLECTION AND DISPOSAL.

- (a) Collection equipment shall be approved by the Manager of Public Works. Garbage trucks must be completely enclosed and kept clean. No person shall transport any garbage or rubbish in any manner that allows said materials to blow, fall, scatter, leak or spill upon public streets or alleys, or otherwise create a nuisance.
- (b) Disposal of garbage and rubbish collected shall be at a solid waste disposal facility licensed by the State and in accordance with the regulations of that facility.

(8) UNLAWFUL DISPOSITION OF GARBAGE. It is unlawful for any person:

- (a) To deposit, throw or place any garbage, offal, rubbish, dead animal, refuse, or other matter decaying or offensive to health, sight or comfort on or within any public street, alley, park, sidewalk or other public place, within any private property or premises whether owned, kept, rented, leased, or otherwise controlled by such person, except and unless placed in containers approved by this section, or upon the private property of another unless such property is a validly licensed landfill, collection center or transfer station, recycling center or other solid waste disposal facility and the placement is in accordance with the facilities rules and regulations.

(9) ANNUAL CLEANUP. It is hereby declared to be the duty of every resident in the City on and between the 15<sup>th</sup> day of April and the 15<sup>th</sup> day of May of each year to destroy or remove all garbage, refuse, ashes, manure, tin cans, and other waste materials which may be in or upon the premises owned or occupied by such resident, and from any boulevard lying between the curb and the interior line of the sidewalk. Upon failure to comply with this section, the City may remove such garbage, refuse, ashes, manure, tin cans, and other waste materials, and the expense thereof shall be charged against the premises and become a lien as a special charge against the same.

**11.08 AMBULANCE SERVICE.** Ambulance service shall be provided to City residents by the Clintonville Ambulance District in accordance with an agreement entered into by the City and other participating municipalities.

**11.09 RECYCLING.** The City of Clintonville hereby adopts the Waupaca County Recycling Ordinance Chapter 20, Waupaca County, Wisconsin.

**11.15 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 except that anyone violating Sec. 11.07(8)

## HEALTH AND SANITATION – CHAPTER 11

shall be subject to a forfeiture of up to \$500 and shall be liable for the actual costs of clean up. Revised 12-10-91.