

**CHAPTER 11**  
**PUBLIC HEALTH**

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**11.01 REGULATION OF NUISANCE-TYPE BUSINESSES.**

- (1) PERMIT REQUIRED. No person shall conduct within the Village or within one mile of the Village limits any business which has a tendency to create a public nuisance, except upon permit issued by the Village Board and subject to such conditions as the Board 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. 10.02 of this Code.
- (3) AUTHORITY. This section is enacted pursuant to §66.0415, Wis. Stats.

**11.02A SOLID WASTE COLLECTION. *(Revised 6/9/2020)***

- (1) DEFINITIONS. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
  - (a) Bi-metal Container means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
  - (b) Brush means trimmings from shrubs and trees that are 6” in diameter or less but does not include brush or yard waste generated by a service contractor.
  - (c) Bulky Waste means discarded items that are larger than three (3) feet in any dimension, and or heavier than 50 pounds in weight, and/or otherwise will not fit within an empty Cart, thus too large or too bulky to be collected by Contractor, including, but not limited to, items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, sofas, chairs, tables, carpets and other similar items.
  - (d) Cart means a rollout receptacle for Residential Solid Waste with a capacity of 95 gallons, constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight-fitting lid. Carts shall remain with the parcel address to which they are assigned. Carts are specifically designated for garbage or collectable recyclable use.
  - (e) Collectable Recyclables means all plastic bottles and containers including all food, beverage and household bottles, jars, jugs, dairy containers and lids, deli, bakery, produce containers and lids; all paper including newspapers and inserts, magazines, books, catalogs, milk, juice and soup cartons, junk mail and office paper; all metal and glass including aluminum bottles and cans, steel, tin and bi-metal cans, empty aerosol cans, food and beverage glass bottles and jars. The items listed as collectable recyclables in this definition may be modified by the Public Works Supervisor in accordance with the effective date of state law or applicable State Department of Natural Resources regulations or variances therefrom. The Public Works Supervisor shall be responsible for informing the public of all acceptable collectable recyclables.
  - (f) Collectable Solid Waste means garbage, collectable recyclables, brush and yard waste.
  - (g) Commercial or Manufacturing Source means any private business enterprise including, but not limited to, offices, stores, taverns, service stations, restaurants and similar businesses whether non-profit or profit making in nature, excluding hazardous, toxic, noxious or offensive waste, brush, yard waste, refuse or commercial debris.
  - (h) Construction Debris means discarded solid wastes resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. The wastes include, but are not limited to, bricks, concrete and other masonry materials, soil, rock, lumber, road spoil, paving material, and tree and brush stumps, but does not include solid waste from agricultural or silvicultural operations.
  - (i) Container Board means corrugated paperboard used in the manufacture of shipping containers and related products.
  - (j) Disposable Bag and Bag mean a one-way disposable bag made of polyurethane or other plastic material with a securing twist tie consisting of a minimum of two-ply paper and minimum of 1-1/2 mils thickness for plastic. Whenever the terms “disposable bag” and “bag” are used in this chapter, such words will mean disposable bag as described in this definition.
  - (k) Garbage means miscellaneous waste material, excluding recyclables, including, but not limited to, discarded material resulting from handling, processing, storing, consumption of food, paper, metals, rubber,

wood, cloth and litter. Garbage shall specifically exclude hazardous, offensive, noxious or toxic wastes, refuse, construction debris, yard waste or brush.

(l) Hazardous and/or Toxic Waste means waste materials or substances which, during normal storage in handling, may be a potential cause of harm, sickness or death, such as explosives, petroleum products, metal or pharmaceutical materials, batteries, waste paints, solvents, wood preservatives, sealers, adhesives, corrosive chemicals, poisonous or pathogenic substances, pesticides, chemicals, radioactive materials, toxic materials, and all other similar harmful substances, whether in solid, liquid or gaseous form.

(m) Biomedical Waste means infectious waste including sharps, cultures and stocks of infectious agents and associated biologicals, human blood and blood products, pathological waste, contaminated animal carcasses, body parts and bedding of animals intentionally exposed to pathogens, and isolation waste pursuant to the "Guidelines for Isolation Precautions in Hospitals," Centers for Disease Control.

(n) Institutional Source means any institutional enterprise, including, but not limited to, county, state or federal government, churches, schools, hospitals, educational institutions and fraternal organizations, excluding property owned or operated by the Village of Port Edwards.

(o) Landscape/Lawn Care Operations means all landscape, lawn care, nursery, tree service, or other business which provides landscape and lawn care services to others for a fee or other consideration. See also service contractor.

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

(q) Major Appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, humidifier or water heater.

(r) Manufacturing Source means waste resulting from manufacturing or processes and operations, excluding hazardous, offensive, toxic or noxious wastes, refuse, yard waste, brush or construction debris.

(s) Multiple-Family Source means a property containing five or more dwelling units located within a structure or a complex of structures.

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

(u) Noxious and/or Offensive Waste means those wastes that are unwholesome or have an unpleasant smell or are otherwise noxious and/or offensive, such as manure, filth, slop, carcasses, carrion meat, fish, entrails, hides and hide scrapings, paint, kerosene, oil or greasy substances, and objects that may cause injury to any person or animal or damage to vehicles such as barbed wire, briar thorns or similar materials. The term "manure" herein shall not include the excrement/fecal waste of domesticated animals allowed in residentially zoned parcels provided such excrement/fecal waste is properly packaged and disposed of so as to not leak, leach or spill into the garbage container.

(v) 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.

(w) Patron means any person producing any type of waste material covered by the regulations of this chapter. In the case of a firm or corporation, the term "patron" will be construed to mean the principal agent, office or employee responsible for the firm or corporation.

(x) Person means any individual, corporation, partnership, association, educational institution or local governmental unit as defined in Wis. Stats. §66.0117(1)(a), state agency or authority, or federal agency.

(y) Plastic Container means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack that is originally used to contain a product that is the subject of retail sale.

(z) Postconsumer Waste means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Wis. Stats. §291.01 (including such amendments as may be made from time to time), waste from construction and demolition of structures, scrap automobiles or high-volume industrial waste as defined in Wis. Stats. §289.01 (including such amendments as may be made from time to time).

(aa) Residential Source means a property containing one, two, three or four residential units, including those which are occupied seasonally.

(bb) Service Contractor means a person, firm, entity or company which performs services for a property owner or occupant.

(cc) Solid Waste means garbage, recyclables, brush, yard waste, refuse, construction debris, hazardous, toxic, offensive or noxious wastes.

(dd) Solid Waste Facility means as specified in Wis. Stats. §289.01(35) including such amendments as may be made or enacted from time to time.

(ee) 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, including incineration.

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

(gg) Yard Waste means all materials originating in the yard and garden which are capable of natural decomposition, including leaves, grass clippings and other vegetation but does not include any yard waste generated by a service contractor.

**11.02B PREPARATION OF SOLID WASTE FOR COLLECTION. *(Revised 6/9/20)***

All garbage and collectable recyclables placed for collection shall be prepared as provided under this section.

- (1) GARBAGE. All residential garbage must be in a securely tied bag and placed inside the proper cart; no garbage shall be placed outside the cart for collection.
- (2) COLLECTION OF RECYCLABLES. Collectable recyclables shall be separated from garbage and other collectable solid waste and placed for collection in the proper cart in conformity with this subsection.
  - (a) Occupants of single to four unit residences shall separate collectable recyclables from garbage and other solid waste and shall keep the collectable recyclables clean and free of contaminants, such as produce 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 accordance with this chapter in a manner which protects them from wind, rain and other inclement weather, and shall be placed curbside for collection as provided in this chapter.
- (3) GENERAL RULES.
  - (a) Garbage from a residential source shall be collected once a week. Collectable recyclables from a residential source shall be collected once every two weeks.
  - (b) The owner and/or occupant of a residential source shall be responsible for the proper and sanitary storage of all garbage and collectable recyclables accumulated at the premises until collection.
  - (c) The owner and/or occupant shall be responsible for the proper and sanitary storage of all other solid waste and recyclable material and shall be responsible for its disposal according to law.
  - (d) Any solid waste not placed in accordance with the provisions of this ordinance may be rejected by the collector. Garbage or collectable recyclables or any other solid waste not picked up on a scheduled pickup must be removed within 12 hours of the time said waste was scheduled to be picked up. A property owner or tenant failing to remove the solid waste as outlined above shall be subject to a fine or forfeiture in accordance with this chapter.
  - (e) Accumulation of waste. If the owner, occupant or lessee of any premises shall neglect or refuse to clean up and remove from the premises any waste when ordered to do so by the county health department, the Village building inspector or his/her designee, or the Public Works Supervisor or his/her designee, the owner, occupant or lessee shall be liable for the penalty provided for violation of this chapter. The waste may be collected by the Public Works Department and the entire cost so incurred shall be entered in the tax roll as a special charge against said parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stats. §66.0627.

**11.02C CARTS. *(Revised 6/9/20)***

- (1) INITIAL PROVISION OF CARTS.

- (a) The Village will provide one cart/collection service for garbage and one cart/collection service for collectable recyclables per single family home.
  - (b) The Village will provide two carts/collection services for garbage and two carts/collection services for collectable recyclables to a duplex on a single lot.
  - (c) The Village will provide one cart/collection service for garbage and one cart/collection service for collectable recyclables to each unit of a zero-lot line duplex.
  - (d) The Village will provide four carts/collection services for garbage and four carts/collection services for collectable recyclables to each four-plex on a single lot.
- (2) CARE OF CARTS.
- (a) Carts have an expected life of more than 10 years, and normal wear and tear damage to wheels or covers may be repaired by the Disposal Company at no cost to the property owner at the discretion of the Disposal Company.
  - (b) Property owners are responsible for the care and protection of carts provided. Residents requiring a replacement cart will be responsible for the cost of said replacement.
  - (c) All carts shall be maintained in a good, clean and sanitary condition. Carts shall not be overloaded, bent, broken or otherwise maintained so as to prevent the cover from properly fitting thereon.
- (3) STORAGE OF CARTS IN BETWEEN COLLECTION PERIODS.
- (a) Carts shall be stored in a garage or other permitted enclosure or outbuilding on the parcel, or when such garage or other permitted enclosure or outbuilding is not available or is impracticable for storage, carts may be stored along the side of primary and accessory structures in the side yard or rear yard. Carts may be not stored in the front yard or street yard, nor in that part of the side yard of a corner lot that is in front of a vertical line extending from the front façade of the structure.
  - (b) Carts must be stored with the lids completely closed.
  - (c) Carts shall not be stored near a furnace, grill or any other heat source.
- (4) LOCATION AND PLACEMENT OF CARTS FOR COLLECTION.
- (a) Prior to the scheduled time of collection, carts shall be placed adjacent to the street or alley adjacent to the residence such that it shall be apparent which residence the cart is assigned.
  - (b) All garbage and collectable recyclables shall be placed in the proper cart.
  - (c) Carts shall be placed within 1 foot of the curb or edge of pavement with the wheels and handle closest to the house and 3 feet from another cart, object or parked car.
  - (d) Placement of carts will only be allowed within 12 hours prior to the scheduled time of collection, with required removal of containers within 12 hours after the scheduled collection.
  - (e) All garbage and collectable recyclables shall be placed as required by this chapter by 6:00 a.m. on the designated collection day. Collections will be made at the alley line where such parcels are served by an alley.
  - (f) Location of carts in winter. During winter months, carts shall be placed on the driveway apron or on an adjacent area to the curb line which has been shoveled free of snow. In cases where the Public Works Supervisor determines that collection would be best facilitated by allowing property owners to place carts at other acceptable points, this subsection may be waived by the Village. Carts shall not be placed on top of snowbanks.

**11.03 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, TREE AND SHURB WASTE AND YARD WASTE. (Revised 6/9/20)**

- (1) Occupants of single-family and 2 to 4 unit residences, multi-family dwellings, and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, tree and shrub waste, and yard waste as follows:
  - (a) Lead acid batteries shall be traded in on new purchases or should be taken to a recycling facility.

- (b) Major appliances shall be traded in on new purchases. They may also be hauled to a landfill or disposal business and accepted there for a fee.
- (c) Waste oil should be taken to a recycling facility.
- (d) Tree and shrub waste shall be separated from all other wastes and shall be placed loose for pickup. Branches, bushes, logs, etc, shall be in lengths not exceeding 6 feet. In areas where legally opened alleys exist, tree and shrub waste shall be placed at the alley line. In other areas, tree and shrub waste shall be placed at the curb line but not in the gutter or street. Where there is no curb, the tree and shrub waste shall be placed at the edge of the shoulder of the roadway. Roots shall be removed and placed separately. Tree and shrub waste shall be collected only once every two weeks.
- (e) Yard waste shall be separated from all other wastes and shall be placed loose for pick up. Bagging of yard waste is not permitted as the wastes are picked up with the Village's leaf sucker. Yard wastes shall be placed in the same location as specified for tree and shrub wastes. Leaves may be raked into the gutter but only in the fall of the year. Yard wastes shall be collected once per week.

**11.04 ILLEGAL DUMPING PROHIBITED.** It shall be illegal for any person to dump, dispose, deposit, litter or store refuse in the Village outside of a container approved by the Village Board on either private or public lands.

**11.05 SMOKING PROHIBITED IN VARIOUS ENCLOSED PREMISES.** *(Revised 05-11-2010)*

1) ADOPTION OF CLEAN INDOOR AIR ACT. Section 101.123, Wis. Stats., is hereby adopted by reference to define offenses against the health, welfare and peace of the Village.

(2) STATE STATUTES ADOPTED. The provisions of Chapter 101.123 of the Wisconsin Statutes as amended by 2009 Wisconsin Act 12 relating to the prohibition of smoking in various enclosed places are hereby adopted and made part of this Code by reference. Penalties for violation shall be as provided in Chapter 101.123. As prescribed by state statutes, a warning notice shall be issued to the "person in charge" for the first violation.

(3) PENALTY. A violation of the provisions of Section 11.05 of the Municipal Code relating to the prohibition of smoking in various enclosed places shall be at least \$100 but not more than \$250 for the individual for each violation except that the forfeiture for a "person in charge" cannot exceed \$100 per day per the State Statutes -Chapter 101.123.

**11.06 REGULATION OF PETS IN RESIDENTIAL DISTRICTS.** *(Added 4/10/07 – See Ordinance #9)*

(1) DEFINITION. A pet is defined as a large animal such as a dog or cat older than five months of age, not to include small animals such as fish or birds.

(2) RESTRICTION. On any R-1 or R-2 zoned property, no more than four pets, three of which can be dogs, may be kept on any property.

**11.07 DISPLAY OF BUILDING ADDRESS/STREET NUMBER REQUIRED.**

(1) REQUIRED. Each principal building in the Village shall be assigned an official street number. All lots and parts of lots in the Village shall be numbered in accordance with a street numbering map on file in the office of the Village Engineer/Administrator. In the event a lot is not numbered, the Village Engineer/Administrator shall assign a number in cooperation with Wood County Emergency Management. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

(2) DISPLAY. The owner, occupant, or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by such person the official street number assigned to that building as provided in subsection (1) of this section. Each required number shall be affixed on the particular

building in such a contrast, size, and location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall so be affixed in such location that it may be seen in like manner from such alley. Buildings set back more than 75 feet from a street or alley shall have a street number affixed to a sign in the front or rear yard in addition to the required number on the building. All signs must comply with the requirements of Chapter 17.25. Script, spelled-out, or Roman numerals are not acceptable.

- (3) **NONCOMPLIANCE.** If the owner or occupant of any building neglects for 20 days to duly attach and maintain the proper numbers on the building, the Village shall serve such owner or occupant a notice requiring such owner or occupant to properly number the building. If such owner or occupant neglects to do so for ten days after service, such owner or occupant shall be subject to the provisions of 11.10, Penalty.

**11.10 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 unless State Statutes supersede.