

# **TITLE 8**

## **Health and Sanitation**

<b>Chapter 1</b>	<b>Health and Sanitation</b>
<b>Chapter 2</b>	<b>Pollution Abatement</b>
<b>Chapter 3</b>	<b>Refuse Disposal and Collection</b>
<b>Chapter 4</b>	<b>City Cemetery</b>

# Chapter 1

## Health and Sanitation

8-1-1	Rules and Regulations
8-1-2	Health Nuisances; Abatement of
8-1-3	Animals Excluded from Food Handling Establishments
8-1-4	Deposit of Deleterious Substances Prohibited
8-1-5	Destruction of Noxious Weeds
8-1-6	Regulation of Natural Lawns
8-1-7	Regulation of Length of Lawn and Grasses
8-1-8	Rodent Control
8-1-9	Smoking Prohibited in Designated Municipal Buildings

### **Sec. 8-1-1 Rules and Regulations.**

The Common Council may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Council shall be subject to the general penalty provided for in this Code.

### **Sec. 8-1-2 Health Nuisances; Abatement of.**

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Common Council shall abate health nuisances pursuant to Sec. 146.14, Wis. Stats., which is adopted by reference and made a part of this Section.

*State Law Reference:* Section 146.14, Wis. Stats.

### **Sec. 8-1-3 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.

## **Health and Sanitation**

### **8-1-4**

#### **Sec. 8-1-4 Deposit of Deleterious Substances Prohibited .**

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

#### **Sec. 8-1-5 Destruction of Noxious Weeds.**

- (a) The Weed Commissioner shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the City which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the City shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Section 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (c) As provided for in Sec. 66.96(2), Wis. Stats., the City shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the City corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-7, 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)

## Health and Sanitation

### 8-1-5

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)

Noxious grasses, as defined in this Section and in Section 8-1-7, shall include but not be limited to the following:

Agrostia alba (Redtop)  
Dactylis glomerata (Orchard)  
Phleum pratensis (Timothy)  
Poa pratensis (Kentucky Blue)  
Sorghum halepense (Johnson)  
Setaria (Foxtail)

*State Law Reference:* Section 66.96, Wis. Stats.

### Sec. 8-1-6 Regulation of Natural Lawns.

- (a) **Natural Lawns Defined.** Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-5 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the City corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the City as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- (b) **Natural Lawn Management Plan Defined.**
- (1) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.

## Health and Sanitation

### 8-1-6

- (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the City. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current City records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any City-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.
  - (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the City Clerk by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Common Council shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Common Council shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the City provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the City between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.
- (c) **Application Process.**
- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the City Clerk. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-five Dollar (\$25.00) non-refundable filing fee will be assessed by the City. Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the Office of the City Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the City receives written objections from fifty-one percent (51 %) or more of the neighboring

## Health and Sanitation

### 8-1-6

- property owners, the City Clerk shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.
- (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51 %) of the neighboring property owners provide written objections, the City Clerk shall issue permission to install a natural lawn. The permit shall expire one (1) year after issuance and may be reapplied for.
- (d) **Application For Appeal.** The property owner may appeal the Clerk's decision to deny the natural lawn permit request to the Administration Committee at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Administration Committee shall be final and binding.
- (e) **Safety Precautions For Natural Grass Areas.**
- (1) When, in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.
- (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the City as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).
- (f) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Mayor, upon the recommendation of the Building Inspector, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Administration Committee. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be

## Health and Sanitation

### 8-1-6

reviewed by the Administration Committee in an open meeting. The Administration Committee shall make a recommendation to the Common Council. The decision rendered by the Common Council shall be final and binding.

(g) **Public Nuisance Defined - Abatement After Notice.**

- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the City as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter those charges onto the tax roll as a special tax as provided by State statute.
- (3) The failure of the City Clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the public nuisance as provided

(h) **Penalty.**

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-7.
- (2) In addition to any penalties herein provided, the City may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

### Sec. 8-1-7 Regulation of Length of Lawn and Grasses.

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the City
- (b) **Public Nuisance Declared.** The Common Council finds that lawns, grasses and noxious 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 floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-6 above.

## Health and Sanitation

### 8-1-7

- (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 within the City.
- (d) **Inspection.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (b) above exists. If the Weed Commissioner is denied entry to the premises, he may seek an inspection warrant pursuant to Sec. 66.122, Wis. Stats.
- (e) **Abatement of Nuisance.**
  - (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he/she shall immediately cause written notice to be personally served, delivered or mailed to the owner. of the property informing said owner that if the nuisance is not abated within five (5) days, the City will have the lot grass, weeds or lawn cut so as to conform with the requirements of this Section.
  - (2) For any second or subsequent notification under Subsection (e)(1) above within a calendar year, the time for notification shall be reduced to twenty-four (24) hours.
  - (3) In the event the nuisance is not abated, the City shall abate or cause to be abated the nuisance and shall charge the expenses of doing so to the owner at a rate as established by the Weed Commissioner. The charges shall be set forth in a statement is not paid in full within thirty (30) days thereafter, the City Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.60(16), Wis. Stats.
- (f) **Appeal.** If the owner believes that he has not created a nuisance, he may appeal the Weed Commissioner's determination to the Common Council which shall then hold a hearing. Any appeal must be in writing, stating the reasons therefore and be filed with the City Clerk within (5) days of the date of notification from the Weed Commissioner under Subsection (e)(1) or (2) herein. Upon appeal, the owner shall deposit the sum of Twenty-five Dollars (\$25.00) as a bond. If a decision is rendered in the owner's favor, the bond shall be refunded to the owner and no charge for abatement shall be levied against him. In the event the owner fails to appear at the hearing or if a decision is rendered against him, the bond shall be forfeited and shall be applied to any cost incurred by the City for abatement of the nuisance.

### Sec. 8-1-8 Rodent Control.

- (a) All buildings, places and premises shall be so constructed and maintained as to prevent rats from being harbored underneath the same or within the walls thereof; and all food products or other products, goods, wares and merchandise likely to attract or become infested with

## **Health and Sanitation**

### **8-1-8**

or infected by rats, whether kept for sale or for any purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith.

- (b) All buildings, places and premises shall continuously be kept by the owner, person in charge or the occupant thereof in a clean and sanitary condition and free from rats.
- (c) All buildings, structures or premises that are infected with rats are hereby declared to be public nuisances.
- (d) Whenever rat holes, burrows or other evidence of rat infestation are found on any premises or in any building, it shall be the duty of the owner or occupant to exterminate the rats or to cause the rats to be exterminated.
- (e) No person shall permit buildings or ground to accumulate food, waste, debris or any material which would serve to attract or serve as a harboring place for rats.

### **Sec. 8-1-9 Smoking Prohibited in Designated Municipal Buildings.**

- (a) **Definition.** As used in this Section, "smoke" or "smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- (b) **Where Prohibited.** No person shall smoke in any enclosed, indoor area of any City owned buildings, motorized machinery or vehicles, excluding park shelters and/or pavilions or at special events.

# Chapter 2

## Pollution Abatement

- 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2 Storage of Polluting Substances

### Sec. 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 pollutional effects of the discharged waste.

### Sec. 8-2-2 Storage of Polluting Substances.

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances 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 drainageway, lake or stream within the jurisdiction of the City.

# Chapter 3

## Refuse Disposal and Collection

8-3-1	Title; Collection Service
8-3-2	Declaration of Policy
8-3-3	Effective Date
8-3-4	Definitions
8-3-5	Refuse Storage Areas
8-3-6	Approved Waste and Refuse Containers
8-3-7	Preparing Refuse and Recyclables
8-3-8	Collection of Refuse
8-3-9	Prohibited Activities and Non-Collectible Materials
8-3-10	Garbage Accumulation; When a Nuisance
8-3-11	Refuse from Outside the Municipality
8-3-12	Restriction on Hours of Refuse Collection

### Sec. 8-3-1 Title; Collection Service.

- (a) **Title.** This Chapter shall be known as the Solid Waste Management Ordinance of the City of Onalaska, hereinafter referred to as Ordinance or Chapter.
- (b) **Garbage and Refuse Collection Service.** All residential and commercial garbage and refuse collection service shall be provided by City personnel or by private firms under contract with the City.

### Sec. 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. It is also the intent of this Chapter to promote recycling, composting and resource recovery through the effective refuse collection and recycling program, as provided in Sec. 159.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

## Refuse Disposal and Collection

### 8-3-3

#### Sec. 8-3-3 Effective Date.

The provisions of this Chapter regarding recycling collection and enforcement shall take effect as of January 1, 1995. All other provisions shall take effect and be in force from and after passage and publication.

#### Sec. 8-3-4 Definitions.

- (a) 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.
- (1) **Agricultural Establishment.** An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
  - (2) **Aluminum Container.** An aluminum container for food or beverages.
  - (3) **BI-Metal Container.** A container for beverages that is made primarily of a combination of steel and aluminum.
  - (4) **Board of Public Works.** The City of Onalaska, Board of Public Works.
  - (5) **Brush Site.** A site designated by the City of Onalaska Board of Public Works where citizens may drop off brush, shrubs, branches, and other tree waste meeting criteria established by the Board.
  - (6) **Bulky Waste.** Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
  - (7) **City Service Dwelling.** Any building containing four (4) or less dwelling units or any condominium that receives refuse collection service from the City of Onalaska.
  - (8) **Commercial Unit.** Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.
  - (9) **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.
  - (10) **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.
  - (11) **Disposal.** The orderly process of discarding useless or unwanted material.
  - (12) **DNR.** The Wisconsin Department of Natural Resources.
  - (13) **Dump.** A land site where solid waste is disposed of in a manner that does not protect the environment.
  - (14) **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.

## Refuse Disposal and Collection

### 8-3-4

- (15) **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 foodstuffs.
- (16) **Glass Container.** A container in which food or beverages are sold that are made of clear, green, or brown glass. Drinking glasses or crystal are not included.
- (17) **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.
- (18) **Household Non-Combustible Recyclable Materials.** Aluminum, steel, and bi-metal containers and glass containers.
- (19) **Industrial Waste.** Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (20) **Landfill.** A landsite where solid waste is disposed of in a manner to provide protections for the environment, in accordance with state regulations.
- (21) **Litter.** Solid waste scattered about in a careless manner, usually rubbish.
- (22) **Major Appliance.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnaces, boilers, dehumidifiers, water heaters, and any other appliances designated by the Board of Public Works.
- (23) **Multiple Family Dwelling.** A building under one (1) ownership containing five (5) or more dwelling units, including those which are occupied seasonally.
- (24) **Newspaper.** Newspapers printed on newsprint.
- (25) **Non-Residential Facilities and Properties.** Commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwellings.
- (26) **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.
- (27) **Person.** Any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (28) **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.
- (29) **Postconsumer Waste.** Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)1, Wis. Stats.
- (30) **Private Collection Services.** Collection services provided by a person licensed to do same by the DNR.

## Refuse Disposal and Collection

### 8-3-4

- (31) **Recyclable Materials.** Includes lead acid batteries; major appliances, waste oil; yard waste; aluminum containers; glass containers; newspaper; steel containers; waste tires; and bi-metal containers, and other items or materials that may be designated by the Board of Public Works.
- (32) **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.).
- (33) 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.
- (34) **Residential Solid Waste.** All solid waste that normally originates in a residential environment from residential dwelling units.
- (35) **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 (1) 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.
- (36) **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.
- (37) **Scavenging.** The uncontrolled removal of materials at any point in solid waste management.
- (38) **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. [Meaning specified in Sec. 144.01(15), Wis. Stats.].
- (39) **Solid Waste Facility.** Has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (40) **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.
- (41) **Steel Container.** A steel food or beverage container, commonly referred to as a tin can.
- (42) **Storage.** The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (43) **Storage Areas.** Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.
- (44) **Waste Tire.** A tire that is no longer suitable for its original purpose because of wear, damage, or defect.

## Refuse Disposal and Collection

### 8-3-4

- (45) **Yard Waste.** Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than one-half (1/2) inch in diameter. This term does not include stumps, roots, or shrubs with intact root balls.
- (46) **Yard Waste Site.** A site designated by the City of Onalaska Board of Public Works where citizens may drop off non-woody yard waste.
- (47) **Enclosures for Dumpsters.**
  - a. All dumpsters shall be enclosed in an appropriately sized enclosure so as to ensure the safety of persons providing garbage collection. Enclosures are required for all refuse and recycling dumpsters.
  - b. Appropriately sized enclosures are:
    - 1. For one (1), one and one-half (1.5) or two (2) cubic yard dumpsters the enclosure must be no less than:
      - 60" deep
      - 120" wide
      - 110" minimum, unobstructed, gate opening (when gate is fully open).
    - 2. For a three (3) and four (4) cubic yard dumpsters the enclosure must be no less than:
      - 118" deep
      - 140" wide
      - 110" minimum, unobstructed, gate opening (when gate is fully open).
    - 3. For a six (6) cubic yard dumpster the enclosure must be no less than:
      - 150" deep
      - 140" wide
      - 110" minimum, unobstructed, gate opening (when gate is fully open).For dumpsters over six (6) cubic yards, location and access approval from the City Department is necessary prior to installation.
  - c. All enclosures shall be six (6) feet in height and be constructed of an opaque material on all four (4) sides.
  - d. All dumpsters shall have a side gate opening for access to recycling carts which opening shall be no less than thirty-six (36) inches in width (when gate is fully open).
  - e. Multiple dumpsters within the same enclosure require the sum of their enclosure size requirements as stated above.
  - f. No garbage shall be collected from dumpsters in inappropriately sized enclosures.
  - g. All persons who presently have dumpsters in inappropriately sized enclosures shall have until June 1, 1996 to comply with its provision.

## **Refuse Disposal and Collection**

### **8-3-4**

- (48) **Dumpster Sizing.** Recommend dumpster size for multiple family residential use shall be a minimum of one-half (0.5) cubic yard per unit. E.g. four (4) unit = two (2) cubic yards; six (6) unit = three (3) cubic yards, etc. If the property owner wishes to utilize a smaller size he/she shall provide adequate proof of the Inspection Department that refuse generation will be less than average at the proposed site. If loose debris becomes a problem at any dumpster location, the Inspection Department in its discretion, may require pick-up more frequently or larger sized dumpster.

### **Sec. 8-3-5 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.

### **Sec. 8-3-6 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 Common Council, or committee thereof. Each container for a residential unit shall be equipped with suitable handles and tight-fitting covers, shall be watertight and shall have a capacity of not less than five (5) gallons and not more than thirty-three (33) gallons. All garbage containers for residential units shall be of metal, durable plastic or other suitable, moisture-resistant materials, including clear, heavy-duty refuse disposal plastic bags, and shall not exceed thirty-three (33) gallon capacity. Other containers for multi-family residential units (such as dumpsters) may be used with the express approval of the Common Council, or committee thereof. Containers including contents shall not exceed in weight that which one (1) person can safely lift

## Refuse Disposal and Collection

### 8-3-6

[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) **Brush.** Brush is to be secured in bundles less than four (4) feet in length and weighing less than seventy (70) pounds. Leaves and grass clippings placed in closed garbage containers will be picked up as described in Sec. 8-3-6(f).
- (f) **Construction Debris.** One (1) bundle of waste lumber or other construction material not longer than four (4) feet or heavier than sixty (60) pounds may be placed for collection weekly, so long as such material is not produced from a significant remodeling, construction, or demolition project that would create more than three (3) such bundles in total. This bundle will be picked up upon notice to the City's Contractor (currently Thursday).
- (g) **White Goods.** Major appliances will be picked up upon payment of a fee to the City's Contractor; said fee shall be established by the Board of Public Works. Said appliances will be picked up upon receipt of payment and notice weekly, (currently Fridays). Furniture, carpet and other approved large items will be picked up weekly (currently Thursdays). Non-woody yard waste shall be composted on site of origin or residents of City serviced dwellings may place it in clear bags or approved containers according to Section "(O) Approved Containers." Said bags or containers shall be picked up by the City's Contractor on the approved pick-up day [currently two (2) days prior to refuse pick-up].
- (h) **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.
- (i) **Enclosures for Dumpsters.** All dumpsters shall be enclosed in an appropriately sized enclosure so as to insure the safety of persons providing garbage collection.
  - (1) Appropriately sized enclosures are:
    - a. For a one(1) to one to two (2) cubic yard dumpster, an enclosure of not less than one hundred twenty inches (120") by one hundred inches (100", with a door on the wider side of not less than forty-two inches (42").

## Refuse Disposal and Collection

### 8-3-6

- b. For a three (3) to four (4) cubic yard dumpster, an enclosure of not less than one hundred twenty inches (120") by one hundred thirty two inches (132"), with a door on the wider side of not less than forty two inches (42").
  - c. For a five (5) to six (6) cubic yard dumpster, an enclosure of one hundred fifty-seven inches (157") by one hundred thirty two inches (132"), with a door on the wider side of not less than forty-two inches (42").
  - d. For a seven (7) to eight (8) cubic yard dumpster, an enclosure of not less than one hundred eighty inches (180") by one hundred thirty-two inches (132"), with a door on the wider side of not less than forty two inches (42").
- (2) All enclosures shall be at least six (6) feet high and be constructed of an opaque material.
  - (3) No garbage shall be collected from dumpsters in inappropriately sized enclosures.
  - (4) All persons who presently have dumpsters in inappropriately sized enclosures shall have sixty (60) days from the effective date of this Subsection to comply with its provisions.

### Sec. 8-3-7 Preparing Refuse and Recyclables.

#### (a) City Serviced Dwelling Units.

- (1) **Recyclables to Be Separated.** Occupants of City serviced dwellings shall separate all household non-combustible recyclable materials from refuse and prepare them for recycling according to requirements established and publicized by the Board of Public Works.
- (2) **Special Handling Recyclables.** No person shall place any lead acid battery, waste oil, motor vehicle tire or tractor tire with post-consumer waste. Any person having waste oil, lead acid battery, or said tires shall take it to an appropriate private retail recycler, or designated City disposal site if available.
- (3) **White Goods.** All discharged major appliances shall be delivered to a facility licensed by the Wisconsin Department of Natural Resources to recycle appliances. Citizens may arrange to have major appliances collected at their home by contacting the City's Contractor and paying a fee to the Contractor. Said fee shall be established by the City of Onalaska Board of Public Works.
- (4) **Refusal to Collect Refuse In Violation.** The City and its contracted refuse hauler may refuse to collect refuse, recyclables, yard waste or woody yard waste if they are not prepared in accordance with the requirements established by the City. The City and its Contractor shall refuse to collect any refuse containing combustible recyclable materials.

- (b) **Refuse Collection for Multiple Family Dwellings.** The owner or operator of any multiple family dwelling [consisting of five (5) or more dwelling units) shall be required to provide a dumpster or dumpsters of appropriate size as recommended by the City's Inspection Department for the deposit of refuse. All dumpsters shall be placed at safe convenient locations for use and pick-up. All new dumpsters shall be enclosed on all sides by a minimum of six (6) foot opaque fence. Any existing dumpster that proves to be an

## Refuse Disposal and Collection

### 8-3-7

ongoing problem for scattered debris will be required to be enclosed by a six (6) foot opaque fence on all sides.

- (c) **Business Refuse.** Every business establishment shall provide for the prompt removal and proper disposal of all refuse generated by or at that business establishment. This shall include all buildings or facilities used wholly or partly for non-residential purposes, including those owned or occupied by non-profit organizations. Refuse generated by or at a business establishment shall not be placed along with or mixed with refuse generated at a City serviced dwelling for collection by the City.
- (d) **Prohibition on Placing Recyclable Materials in Refuse.**
  - (1) **General Prohibition.** The following materials shall be separated from post consumer solid waste. Mixing of these recyclable materials with post-consumer solid waste from residential, commercial, industrial, or other sources is prohibited.
    - a. Aluminum containers.
    - b. Lead acid batteries.
    - c. Waste oil.
    - d. Waste tires from motor vehicles, trailers or tractors.
    - e. Glass containers.
    - f. Steel or bi-metal containers.
    - g. Major appliances.
    - h. Yard waste.
  - (2) **Prohibition of Combustible Recyclables in Waste Delivered to Landfill.** The following combustible materials may be mixed with post consumer waste that is delivered to NSP, but shall not be mixed in significant quantities with waste delivered to a landfill or other disposal site:
    - a. Corrugated paper or other container board.
    - b. Foam polystyrene packaging.
    - c. Newspaper and other materials printed on similar paper.
    - d. Office paper.
    - e. Magazines and other materials printed on similar paper, including glossy newspaper inserts.
    - f. Rigid plastic containers, including those made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6) and other resins or multiple resins (#7).
  - (3) **Prohibition on Disposal of Recyclable Materials.** Materials separated and collected for recycling shall not be mixed with refuse or disposed of at any landfill or incinerator, without the written permission of the Board of Public Works, except waste tires may be burned with energy recovery in a facility licensed by the Wisconsin Department of Natural Resources. Board of Public Works permission may be granted only to allow disposal of contaminated or unmarketable recycle materials.
- (e) **Recycling Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**
  - (1) **Responsibilities of Owners.** Owners or designated agents of multiple-family dwellings shall do all of the following to recycle household non-combustible recyclable materials:

## Refuse Disposal and Collection

### 8-3-7

- a. Provide adequate, separate containers for the recyclable materials at a location convenient to tenants.
  - b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - c. Provide for the collection of the recyclable materials separated from the solid waste by the tenants.
  - 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 a contact person or company, including a name, address and telephone.
- (2) **Exemptions.** The preceding requirements of Subsection (e)(1)a. - d. for the owners or designated agents of multiple-family dwellings do not apply if the refuse generated within the multi-family dwelling is delivered to and treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling all non-combustible recyclable material in a pure form as is technically and practically feasible.
- (3) **Compliance Audit.** The City's Inspection Department shall audit up to fifteen percent (15%) of all non-residential recycling programs for compliance annually.
- (f) **Recycling Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**
- (1) **Owners Responsibilities.** Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle all non-combustible materials:
    - 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 recyclable materials separated from the solid waste by the users, tenants, occupants and the delivery of the materials to a recycling facility.
    - d. Notify users, tenants, and occupants 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.
  - (2) **Exemptions.** The preceding requirements of Subsection (f)(1) a. - d. for the owners or designated agents of non-residential facilities or properties dwellings do not apply if the refuse generated within the facility or property is delivered to and treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling all non-combustible recyclable materials in as pure a form as is technically and practically feasible.
  - (3) **Compliance Audit.** The City's Inspection Department shall audit up to fifteen percent (15%) of all non-residential recycling programs for compliance annually.

## **Refuse Disposal and Collection**

### **8-3-7**

- (g) **Reporting Requirements for Private Recyclers.** All licensed waste haulers or salvage dealers in the City of Onalaska shall report quarterly to the City the quantity in weight of each of the following materials that they have collected for recycling. Such data shall be reported to the Public Works Office no later than forty-five (45) days after the end of March, June, September and December each year.
- (h) **Enforcement.**
  - (1) **Inspections.** For the purpose of ascertaining compliance with the provisions of this Section, an authorized representative of the Board of Public Works 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 for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
  - (2) **Citations.** Any person who violated a provision of this Section may be issued a citation by the City of Onalaska Police Department or an authorized agent of the Board of Public Works. 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.

### **Sec. 8-3-8 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. 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 wastes or he shall place it in his 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 handing 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.

## **Refuse Disposal and Collection**

### **8-3-8**

- (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 Common Council 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 and rubbish 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.
  - (2) All receptacles, bags and containers for refuse and garbage disposal 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 Common Council, or committee thereof, 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 Clerk that collection of refuse from such place is required.
- (d) **Materials Deposited in Garbage Containers.** Rubbish, except broken glass, may be deposited in garbage containers. Liquid garbage shall not be deposited in such containers. Kitchen garbage shall be drained of all moisture and completely wrapped in paper or plastic before it is placed or deposited in garbage containers.
- (e) **Residential Rubbish Collected with Garbage.** The City will cause to be collected and disposed of all rubbish which is deposited in garbage containers for residential units as approved in Subsection (d) above.
- (f) **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.

### **Sec. 8-3-9 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.

## Refuse Disposal and Collection

### 8-3-9

- (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.

## **Refuse Disposal and Collection**

### **8-3-9**

- (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.
- (o) **Waste Motor Oil Recycling.** No person shall dispose of any waste motor oil by placing it with refuse for regular collection by the City, by pouring it on the ground, into storm sewers, ditches or waterways, or into gutters or City streets. Any person wishing to dispose of waste motor oil shall utilize the City recycling tank maintained at the site of the City Garage, or at any other legal waste motor oil site.
- (p) **Yard Waste.** Yard waste shall not be disposed of with any other type of waste or refuse. Yard waste shall be disposed of and deposited for pick up in accordance with the provisions of this Chapter.
- (q) **Waste Tires/Tires.** In order to prevent encephalitis infections, tires may not be disposed of or stored outside where they may collect rain, water and harbor a breeding place for mosquito's.

### **Sec. 8-3-10 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.

### **Sec. 8-3-11 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 Onalaska.

### **Sec. 8-3-12 Restriction on Hours of Refuse Collection.**

It shall be unlawful for any person, firm, or corporation to collect refuse in the City of Onalaska between the hours of 9:00 p.m. and 5:00 a.m..

# Chapter 4

## City Cemetery

8-4-1	Policy Statement
8-4-2	Platting of New Cemetery Lots
8-4-3	Purchase of Lots
8-4-4	Ownership Rights in Interment
8-4-5	Care of Lots
8-4-6	Privileges and Restrictions
8-4-7	Rules for Visitors
8-4-8	Interments and Disinterments
8-4-9	Monuments and Markers
8-4-10	Vaults and Mausoleums
8-4-11	Trees, Shrubs and Flowers
8-4-12	Miscellaneous

### Sec. 8-4-1 Policy Statement.

- (a) **Purpose.** The City of Onalaska Cemetery is owned and maintained by the City for the benefit of all citizens. Definite rules and regulations must be set up by the Common Council to insure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth in the Ordinances of this Chapter to govern the cemetery. The City reserves the right to amend or change any of these Ordinances to conform with newly developed cemetery practices.
- (b) **Management.**
- (1) **Management.** The management and control of the cemetery of the City of Onalaska shall be vested in the Council's Administration Committee.
  - (2) **Powers.**
    - a. The Committee shall have the power to adopt rules, regulations, terms and conditions of sales of lots, perpetual care, opening of graves and to make any and all regulations necessary to maintain and manage the cemetery.
    - b. The committee shall have the authority to employ necessary personnel for the proper care and maintenance of the cemetery and to determine the conditions and remuneration for the employees.

## City Cemetery

### 8-4-1

- c. The City Clerk shall be the Secretary-Treasurer of the Cemetery Fund and shall keep records of all receipts and disbursements and shall be responsible for the general administration of the cemetery. The Administration Committee shall set the compensation of the Secretary-Treasurer.
- (c) **Sexton.** The Administration Committee shall appoint a Sexton and shall prescribe his duties and fix the salary to be received by him for the discharge of such duties.

### Sec. 8-4-2 Platting of New Cemetery Lots.

- (a) **Platting.** Before any new block of a municipal cemetery is opened for the sale of lots, the City shall cause it to be platted and recorded in the office of the Register of Deeds.
- (b) **Single Grave Section.** The Common Council or its designee shall designate certain lots as a single grave section, and lots therein shall be platted and sold as single grave lots. Unused portions of lots repossessed for nonpayment of assessments for care may likewise be designated and sold as single graves or otherwise.

### Sec. 8-4-3 Purchase of Lots.

- (a) **Sale of Lots.** Persons or their agents desiring to purchase a lot in the cemetery shall be referred to the Cemetery Sexton or to his duly authorized agent. The Sexton will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Sexton will issue a lot order to the prospective purchaser, or his agent, who will present the order at the office of the City Clerk. Upon receipt of proper payment, the City Clerk shall issue a deed to the lot in the form prescribed by the City Attorney. The deed shall be signed by the City Clerk and Mayor and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the La Crosse County Register of Deeds.
- (b) **Price of Lots.** The price of a lot shall be Five Hundred Twenty Five Dollars (\$525.00) and includes perpetual care. The price for an infant grave site in the infant section of the Cemetery shall be One Hundred Sixty-Five Dollars (\$165.00) and includes perpetual care. The price of a lot(s) shall be paid at the office of the Financial Services Director no later than 5:00 P.M. two (2) business days prior to the day of the grave opening or the grave will not be opened.
- (c) **Opening of Graves.** The fee for the opening for a burial of an infant shall be One Hundred Sixty-Five Dollars (\$165.00) and the opening for the burial of all ashes meaning to include infants, children and adults shall be One Hundred Sixty-Five (\$165.00) from Monday through Friday and shall be Two Hundred Twenty Dollars (\$220.00) on weekends and holidays. All other grave openings and closings shall be Four Hundred Fifteen (\$415.00) from Monday through Friday; Five Hundred Fifty Dollars (\$550.00) on Saturday; and Six Hundred Five Dollars (\$605.00) on Sundays and Holidays. All fees shall be paid at the office of the City Clerk no later than 5:00 P.M. two (2) business days prior to the day of the grave opening or the grave will not be opened.

## **City Cemetery**

### **8-4-3**

#### **(d) Cemetery Deed and Transfer Charges.**

- (1) The consideration for the cemetery lots must be paid in full prior to the transfer of the deed.
- (2) There shall be a charge for the transfer of ownership of cemetery lots in order to cover the various administrative costs in effecting a transfer. Each transfer of a parcel, regardless of the number of lots transferred, shall cost Fifty Dollars (\$50.00) and this expense is to be borne by the seller of the lot or parcel.

#### **(e) Marker and Monument Fees.**

- (1) Marker fee: Fifty-Five Dollars (\$55.00) per grave lot.
- (2) Monument fee: Fifty-Five Dollars (\$55.00) per grave lot.

### **Sec. 8-4-4 Ownership Rights of Interment.**

- (a)
  - (1) The lot owner or his authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of the cemetery rules and regulations.
  - (2) Upon full payment of the purchase price of a lot, the City Clerk will issue a cemetery deed, and the deed will be recorded in the records of the City as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the City, will not thereafter be divided except by consent of the City. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.
  - (3) All repossessed vacant grave spaces shall be subject to the same fees and charges.
  - (4) The lot owner shall have acquired the lot for interment of himself and members of his family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Clerk) for the burial of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein, or a relative, or the husband, or wife of such person, or his or her relative, except by the consent of all persons having an interest in the lot.
- (b) Unless otherwise directed in writing and filed with the City Clerk, the lot owner, his devisees, or his heirs, the cemetery will permit the interment of members of his family at the request of any interested person upon proof of eligibility for burial as follows:
  - (1) The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
  - (2) When there is no surviving spouse, the devisees, or heirs of the owners, may, by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the City Clerk.
  - (3) In the event the owner, his devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner, shall have the right to interment in order of their need.

## **City Cemetery**

### **8-4-4**

- (c) All burial rights in cemetery lots purchased from the City occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of lots. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the City Clerk before the City will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the cemetery lots and devise same to one (1) person.
- (d) Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
  - (1) The City Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the City Clerk until the transfer fee has been paid therefor. Said fee shall go into the general municipal fund.
  - (2) Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the City Clerk, the same to be approved by the Common Council. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.
  - (3) No owner of a cemetery lot shall sell, transfer or assign the same or the unused portion thereof to any other person without the City's consent. The City shall have the right of first refusal to repurchase such lot or part thereof at the current grave price. If the owner of any lot or part of a lot should sell or transfer the same without giving notice to the City, except through probate, of such transaction, such sale or transfer shall be null and void.
- (e) Whenever possible, repossessed lots will be used for burials before new areas of the cemetery are used or platted.

### **Sec. 8-4-5 Care of Lots.**

- (a) In order to assure reliable means for permanent care, a perpetual care fund is created. Income from this fund will provide partial maintenance costs of the cemetery. This fund is composed of fifty percent (50%) of the money received from each lot sale and opening and closing fees, with the remaining portion going into the General Fund. A record shall be kept on file in the office of the City Clerk. The fund may also be increased by gifts, bequests, a portion of memorial charges and other service revenues.
- (b) "Perpetual care" shall be construed to mean the obligation which the City assumes to use the net annual income received from the investments of the fund in furnishing such care as is furnished similarly endowed lots in the cemetery. Such perpetual care shall be limited to the maintenance of lawn, leaf disposal, filling sunken graves and raising of

## **City Cemetery**

### **8-4-5**

markers, caring for avenues, alleys, fences, buildings and grounds in general. It is understood that such expenditures shall be made at the discretion of the City. The City shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the same shall be added to the perpetual care fund of the City and the proceeds therefrom used by the City in the manner as heretofore provided. Nothing herein shall be construed as obligating the City to any alleged existing contract as to perpetual care.

### **Sec. 8-4-6 Privileges and Restrictions.**

- (a) No mound shall be raised upon any grave above the general level of the lot.
- (b) No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans and other such objects may not be placed on lots and, if so placed, will be removed by the City without notice. Urns are not permitted on lots.
- (c) Each block in the cemetery will, prior to sale, be suitably marked by the City with metal, brick or concrete.
- (d) The City reserves the right for its workmen and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.
- (e) The City, or its employees, assumes no liability for damages to property or of persons, or for physical or mental suffering arising out of the performance of its normal operations, or for loss by vandalism or other acts beyond its reasonable control.
- (f) The City reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

### **Sec. 8-4-7 Rules for Visitors.**

- (a) The cemetery will be open to visitors between the hours one-half (1/2) hour before sunrise and one-half (1/2) hour after the official sunset. Permission to enter the cemetery at any other time must be obtained from the Sexton.
- (b) Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
- (c) Persons or picnic parties with refreshments or alcoholic beverages are not permitted within any municipal cemetery.
- (d) Dogs will only be allowed in the cemetery when confined in a vehicle.
- (e) Firearms will not be allowed in the cemetery except in conjunction with military funerals. At all other times, firearms, bows and arrows, sling shots and other like articles will not be allowed.
- (f) Visitors are required to use the walks and drive whenever possible and shall not pick any flowers (either wild or cultivated), injure any shrub, tree or plant, or mar or deface any monument, stone or structure in the cemetery.

## **City Cemetery**

### **8-4-7**

- (g) Vehicles traveling within the cemetery shall not exceed five (5) miles per hour. No vehicle shall be driven except on roads designated for that purpose, nor shall such be driven in a reckless manner.
- (h) No riding of bicycles, motor bikes, motorcycles or other such vehicles will be allowed in the cemetery unless such vehicles are present in conjunction with cemetery business.

## **Sec. 8-4-8 Interments and Disinterments.**

### **(a) Interments.**

- (1) Interments will be made only during daylight hours. Interments will not be made on Sundays or official City holidays, except by order of the local Board of Health.
- (2) All interments shall be made in a permanent outer container excluding the use of wood.
- (3) All graves shall be dug by the City under the direction of the Sexton or his authorized agent. Depth of graves shall conform to the Wisconsin State Board of Health specifications. A charge for opening and closing a grave, including the sodding and seeding of the plot will be made at a current rate set by the City. Said charge will be paid to the City Clerk prior to performance of the service. No burial will be allowed until all fees have been paid to the City Clerk and an authorization has been issued. This authorization must be presented to the Sexton.
- (4) No burial will be permitted until a legal burial transit permit has been presented to the Sexton. The interment of bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health.
- (5) There will be no responsibility on the part of the City for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
- (6) The lot owner or funeral director shall designate on the interment form the location of the graves on the lot to the Sexton and any change in location made after the opening of a grave has begun shall be at the expense of the lot owner. When definite information for locating a grave is not available thirty-six (36) hours prior to grave preparation to meet the time requested for interment, the cemetery may exercise its best judgment in making a location order that the requested time for interment may be met. The cemetery assumes no responsibility for any error or inconvenience of such location and an additional charge will be made for any change requested.
- (7) The Sexton or his agent shall, whenever possible, be given thirty-six (36) hours' notice to assure the opening and preparation of a grave prior to interment. Barring unforeseen or other untoward circumstances, such grave shall be opened and prepared in time for interment.
- (8) When several burials occur in a one (1) or two (2) day period, said burials may be scheduled at the discretion of the Sexton, but in a prompt and efficient manner.

## City Cemetery

### 8-4-8

- (9) The interments of two (2) adult bodies in one (1) grave will not be allowed, except in case of a mother and infant, twin children, or two (2) children buried at the same time or in special circumstances with the approval of the Sexton or his agent.
  - (10) An approved concrete liner or approved concrete vault shall be required when a body is interred.
  - (11) No interment of any body or cremains of any body other than that of a human being will be permitted in the cemetery.
  - (12) Where a human body has been cremated, the cremains may be interred. The Administrative Committee shall make proper regulations as to the receptacles and the number of interments allowed on a single lot. No cremains shall be scattered on private lots or on cemetery property.
  - (13) If any structure, display or inscription placed in or on any lot is determined by the Administrative Committee to be offensive or improper or injurious to the appearance of the surrounding lots or grounds, the Administrative Committee shall have the right to enter upon such lot and remove the offensive or improper object or objects.
  - (14) No tree growing within or beside any lot shall be cut down or disturbed or any structure upon or around any lot be removed or disturbed without the consent of the Administrative Committee.
  - (15) The interment of only two (2) cremains will be allowed in a single adult grave space. This grave space can have only one (1) single marker monument and may contain both names.
- (b) **Infant Burial.**
- (1) When infants are buried in the "Infant Burial Section" of the cemetery, all markers shall be placed at the head of the grave site and shall be flush with the ground.
  - (2) When infants are buried on existing occupied grave sites not designated as "Infant Burial Section," markers shall be flush with the ground. One (1) monument and one (1) marker shall be allowed.
  - (3) Infants buried on unoccupied grave sites other than in the "Infant Burial Section" shall be buried at the head of the grave site so as not to interfere with future burial in the same grave. One (1) monument with two (2) names will only be allowed.
  - (4) The interment of only one (1) cremains will be allowed in a single infant grave site.
- (c) **Disinterments.**
- (1) Disinterments of bodies from graves in the cemetery will be made only by the City in accordance with the requirements of the State Board of Health. Charges set by the City for removal must be paid in advance.
  - (2) Lot owners, or their heirs, desiring graves opened may secure the necessary disinterment permit from the State and deliver the same to the Cemetery Sexton. All removals will be made by the City under the supervision of a licensed embalmer.
  - (3) For sanitary reasons, graves will not be reopened for inspection except for an official investigation.

## City Cemetery

### 8-4-9

#### Sec. 8-4-9 Monuments and Markers.

- (a) Grave markers and foundations will be set only by the monument company according to regulations specified by the City. Except as herein otherwise provided, under no conditions will the City construct monument or marker bases or erect monument or markers on bases. The City reserves the right to require the construction of a foundation of such size, material and design as will provide ample insurance against settlement or injury to the stone work. The top of the concrete foundation will be constructed flush with the ground line. All foundations must be six (6) inches thick with a four (4) inch overlap and have a one and one-half (1-1/2) inch diameter hole on top for placement of a flower pot holder. Large monuments may require thicker foundations unless reinforcing is used. A permit shall be available from the office of the Sexton or his assistant. Monuments or markers are allowed on single grave sites with a maximum length of twenty-four (24) inches by twelve (12) inches wide, except in the "Infant Burial Section" where flush markers are allowed only. Two (2) grave lots can have either single or double markers or monuments of thirty-six (36) inches in length and twelve (12) inches in width. Three (3) graves may have a monument suitable to the size of the lot.
- (b) The setting and design of monuments, stones and markers and the transportation of all tools, materials, etc., within the cemetery ground shall be subject to the supervision and approval of the Sexton. Unless special arrangements are made with the Sexton, such work shall be conducted between the hours of 8:00 a.m. and 4:00 p.m., Mondays through Fridays, except on national holidays. Whenever possible, at least twenty-four (24) hours' notice shall be given to the Sexton that said work is to take place. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Sexton, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.
- (c) The City reserves the right to refuse permission to erect any monument work not in keeping with the good appearance of the grounds. The size of the monument and/or stone work must be given to the Sexton or his agent and approved before said work will be permitted on a lot. All monuments must be set in line with other monuments so far as possible as directed by the Cemetery Sexton or his assistant.
- (d) Stone work or monumental work, once placed on its foundation, shall not be removed, except by permission of the Cemetery Sexton.
- (e) The lot must be paid in full or other assurance given of payment before markers and monuments are set.
- (f) Temporary markers must be removed or replaced with a permanent marker within one (1) year.
- (g) All monuments and markers must be of granite which has a known reputation for durability and permanence in color. Veterans' Administration markers of bronze are acceptable.

## **City Cemetery**

**8-4-10**

### **Sec. 8-4-10 Vaults and Mausoleums.**

- (a) All vaults constructed, lots enclosed, monuments erected and other improvements made shall be under the supervision of the Administrative Committee.
- (b) Plans for a vault, tomb or mausoleum must be submitted to the Administrative Committee for its approval.

### **Sec. 8-4-11 Trees, Shrubs and Flowers.**

- (a) The planting of trees and shrubs on newly purchased lots or parts of lots will not be permitted except by approval of the Sexton. No yew trees or evergreens of any kind will be allowed on cemetery lots. If any existing yew trees or evergreens die, they cannot be replaced. If not taken care of properly, they will be removed. Nothing will be allowed to hang from any tree, shrub, monument or marker, etc. (e.g.: bird feeders, windsocks, bird houses, etc.)
- (b) Lot owners may remove under the direction of the Sexton large trees on gravesites that hinder the full usage of the gravesite. The expense of the tree and stump removal will be paid for by the lot owners.
- (c) Fresh cut flowers may be used anytime. Containers for cut flowers are to be a type level with the ground surface and not holding water when not in use, or of the type to be disposed of when flowers are removed. The planting of perennial flowers is prohibited. If these plants and flowers are not maintained and when they become unsightly or undesirable they will be removed by the City without notice.
- (d) Individual flowerbeds of growing non-perennial plants are permitted but must be of a reasonable size. Flowers can be planted in front of the stone within one (1) foot of the stone over the plot area. In case of doubt, the Sexton should be consulted. If these beds are not maintained and when they become unsightly or undesirable, they will be removed by the City.
- (e) Potted plants may be set on lots, without disturbing the sod, on special occasions, such as Memorial Day, birthday, anniversary, etc., but if not removed within five (5) days will be picked up and destroyed if unsightly, or preserved for use in beds within the cemetery if suitable. A flower vase as recommended by the cemetery in front of markers or monuments is permissible. Any vase or vase stand that is not in use for one (1) year or more will be removed by the cemetery Sexton. Shepherd's hooks will be allowed, one (1) per site, and must be at least 24 inches from the lowest part of the hanging pot to the ground, and installed immediately against the monument. Winter decorations will be allowed after November 15th but will be removed April 15th and destroyed. Other artificial pieces, including grave blankets and wreaths may be used during this period only. Wreaths on wire stands must also be placed at the head of the lot.
- (f) Artificial decorations are prohibited unless in a vase or pot, when used, will be treated as potted plants. All artificial flowers displayed in the cemetery must be in containers and placed at the head of the grave lot. Any artificial flowers not in containers will be removed from the cemetery by the Sexton. Urns are not permitted on lots sold after the passage of the ordinance codified herein. Existing urns shall be removed by the City as they become unsightly or deteriorated and shall not be placed. However before such an urn is destroyed or discarded the last owner of record of the lot shall be notified by

## **City Cemetery**

### **8-4-11**

registered or certified mail with return receipt requested that such urn has been removed from the grave and will be destroyed unless the owner thereof claims same within thirty days after mailing of such letter.

- (g) Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the Sexton or under his direction.
- (h) Vines that interfere with the proper care of lots or graves and injure the grass will be removed when found objectionable.
- (i) No benches will be allowed on private lots.
- (j) All landscaping, care of lots and other work in the cemetery will be done by the City, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. Their advice will be cheerfully given without charge and may be of much value to those contemplating the purchase or improvements to cemetery lots. The City shall retain the ownership of all aisles, including monument aisles.
- (k) Twice per year, spring and fall, all decorations, natural or artificial are to be removed from grave spaces to allow for the general clean up of the cemetery. Spring clean up will be from March 10 to April 15. Fall clean up will be from October 15 to November 1. New summer decorations may be placed after May 15. New winter decorations may be placed after November 15.
- (l) Wreaths on wire stands must also be placed at the head of the lot.
- (m) All landscaping, care of lots and other work in the cemetery will be done by the City, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. Their advice will be cheerfully given without charge and may be of much value to those contemplating the purchase of or improvements to cemetery lots. The City shall retain the ownership of all aisles, including monument aisles.

### **Sec. 8-4-12 Miscellaneous.**

- (a) It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire cemetery.
- (b) All fees and charges as outlined in the current schedule of fees and charged are payable at the office of the City Clerk, where receipts will be issued for the amounts paid.
- (c) The City will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of Providence, including wind, tornadoes, hail, snow, rain and frost, whether the damage be indirect or proximate.
- (d) For purposes of this Chapter, an infant shall be defined as a person under the age of 2 years old.