

CHAPTER 12

HEALTH AND SANITATION

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12.02 MILK AND MILK PRODUCTS.

- (1) No person shall sell, offer or expose for sale any milk or milk product which is adulterated or misbranded as those terms are defined in the Wisconsin Statutes.
- (2) No person shall sell, offer or expose the sale, any milk or milk products other than Grade A pasteurized milk or milk products as those terms are defined in the Wisconsin Administrative Code, Ch. Ag. 80, issued by the State Department of Agriculture, a certified copy of which is filed in the office of the City Clerk.

12.03 GARBAGE AND REFUSE.

- (1) Garbage and Refuse shall be under the direction of the Recycling Committee.
- (2) Placing of any garbage or refuse at the curb or alley more than 24 hours prior to pickup shall be prohibited.
- (3) Placing of garbage or refuse in a container owned or leased by another without authorization shall be prohibited.
- (4) No person shall allow filth, garbage and other material to accumulate on the premises or in alleys of the City.
- (5) Garbage, refuse and other material which is to be disposed must be placed in proper containers and if this is not done then such garbage, refuse and other material shall be disposed of by the owner or occupant at his expense after receiving a 24 hour notice to do so by the Public Works Committee.
- (6) Brush shall be picked up as scheduled by the Public Works Committee.

12.04 COMPULSORY CONNECTION TO SEWER OR WATER.

- (1) All buildings used for human habitation in the City and located adjacent to a sewer or water main or in a block through which the system extend must be connected to the City water and sewer system in the manner prescribed by the Public Works Committee.
- (2) If any person fails to comply for more than 10 days after notice in writing to connect to the City system, the City may cause connection to be made and the expense thereof shall be assessed as a special tax against the property, pursuant to Sec. 281.45, Wis. Statutes.

12.05 RESERVED.

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12.06 **ABATEMENT OF HEALTH NUISANCES.** The Chief of Police together with the Protection of Persons and Property may abate health nuisances in accordance with Sec. 254.59, Wis. Statutes, which is hereby adopted by reference and made a part of this Chapter as if fully set forth herein.

12.07 **PENALTY.** Any person who shall violate any provisions of this Chapter shall be subject to a penalty as in Sec. 20.04 of this Municipal Code.

12.08 RECYCLING IN THE CITY OF ALGOMA.

- (1) **PURPOSE.** The purpose of this ordinance is to promote recycling, composting, resource recovery and solid waste management through the administration of an effective recycling program as provided in Sec. 287.11, Wis. Statutes and NR 544 Wis. Administrative Code.
- (2) **STATUTORY AUTHORITY.** This ordinance is adopted as authorized under Sec. 287.09 (3)(b), Wis. Statutes. And NR 544 Wis. Administrative Code.
- (3) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- (4) **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wis. Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wis. Statutes or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wis. Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- (5) **SEVERABILITY.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (6) **APPLICABILITY.** The requirements of this ordinance apply to all persons within the City of Algoma.
- (7) **ADMINISTRATION.** The provisions of this ordinance shall be administered by the Common Council of the City of Algoma through the Recycling Committee of the Common Council.

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- (8) **EFFECTIVE DATE.** The provisions of this ordinance shall take effect on January 1, 1995.
- (9) **DEFINITIONS.** For the purpose of this ordinance:
- (a) “Bi-metal Container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - (b) “Container Board” means corrugated paperboard used in the manufacture of shipping containers and related products.
 - (c) “Foam Polystyrene Packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (I) is designated for serving food or beverages,
 - (II) consists of loose particles intended to fill space and cushion the packaged article in a chipping container,
 - (III) consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
 - (d) “HDPE” means high density polyethylene, labeled by the SPI code #2.
 - (e) “LDPE” means low density polyethylene, labeled by the SPI code #4.
 - (f) “Magazines” means magazines and other materials printed on similar paper.
 - (g) “Major Appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
 - (h) “Multiple-Family Dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
 - (i) “Newspaper” means a newspaper and other materials printed on newsprint.
 - (j) “Non-residential Facilities and Properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
 - (k) “Office Paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
 - (l) “Other Resins or Multiple Resins” means plastic resins labeled by the SPI code #7.

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- (m) "Persons" includes any individual, corporation, partnership, associations, local governmental unit, as defined in S. 66.299(1)(a), Wis. Statutes, state agency or authority or federal agency.
- (n) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (o) "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 a retail sale.
- (p) "Post-consumer Waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 291.01(7), Wis. Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 289.01(17), Wis. Statutes.
- (q) "PP" means polypropylene, labeled by the SPI code #5.
- (r) "PS" means polystyrene, labeled by the SPI code #6.
- (s) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (t) "Recyclable Materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum container; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers; including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (u) "Solid Waste" has the meaning specified in Sec. 289.01(33), Wis. Statutes.
- (v) "Solid Waste Facility" has the meaning specified in Sec. 289.01(35), Wis. Statutes.
- (w) "Solid Waste Treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste "Treatment" includes incineration.
- (x) "Waste Tire" means a tire that is no longer suitable for its original purpose because the wear, damage or defect.
- (y) "Yard Waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 4 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (z) "Household Mix" means all uncontaminated paper products. Examples include magazines, catalogs, phone books, paper sacks, junk mail, labels from tin cans, books, pasteboard boxes, cake mix boxes, other dry food boxes. Wax inserts and metal cutting edges should be removed. Boxes should be flattened.
- (aa) "Glass" means glass containers of green, brown, or clear glass. No broken glass will be allowed.

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- (10) SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:
- (a) Lead Acid Batteries.
 - (b) Major Appliances.
 - (c) Waste Oil.
 - (d) Yard Waste.
 - (e) Aluminum Containers.
 - (f) Bi-Metal Containers.
 - (g) Corrugated paper or other container board.
 - (h) Foam Polystyrene packaging.
 - (i) Glass Containers.
 - (j) Magazines.
 - (k) Newspaper.
 - (l) Office Paper.
 - (m) Rigid Plastic Containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
 - (n) Steel Containers.
 - (o) Waste Tires.
- (11) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of Section 10 do not apply to the following:
- (a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the WDNR that recovers the materials specified in Section 10 from solid waste in as pure a form as is technically feasible.
 - (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
 - (c) A recyclable material specified in Section 10 (e) through (o) for which a variance has been granted by the WDNR under S. 287.07 (1m) Wis. Statutes or S NR 544.14, Wis. Administrative Code.
- (12) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with Section 10 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.
- (13) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

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- (a) Lead acid batteries shall be left with or taken to a retail shop where batteries are sold.
 - (b) Major appliances shall be taken to the designated drop off site in the City. Those appliances containing freon must be taken to the County Landfill. Microwave ovens can be hauled to the drop off site or the County Landfill provided the capacitor is removed.
 - (c) Waste oil shall be brought to the drop off site provided by the City. The site is located on the east side of the City Garage.
 - (d) Yard waste shall be deposited at the drop off site at the City garage. Leaves and brush can be hauled to the drop off site or will be picked up by the City at the curb on specific collection days.
- (14) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the City of Algoma, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in Section 10 (e) through (o):
- (a) Aluminum containers shall be rinsed to remove residue and placed in the recycling bin for pickup.
 - (b) Bi-metal containers shall be rinsed to remove residue and placed in the recycling bin for pickup. Only bi-metal can that contain food or beverages are acceptable.
 - (c) Corrugated paper or other container board shall be flattened and placed in grocery bags or tied in bundles not larger than 3 feet square and placed alongside or across the top of the recycling bin. All cardboard must be kept dry.
 - (d) Foam polystyrene packaging shall be placed in the recycling bin for pickup. This material will be collected when the variance is no longer in effect.
 - (e) Glass containers of brown, green or clear glass shall be rinsed and have the lids removed. Glass, unbroken, should be placed in the recycling bin for pickup.
 - (f) Magazines, newspaper, office paper and junk mail shall be combined in grocery bags or bundled and placed alongside or across the top of the recycling bin. Window envelopes must have the plastic removed. All paper must be kept dry.
 - (g) Rigid plastic containers shall be prepared and collected as follows:
 - (I) PETE #1 and ADPE #2 containers shall be rinsed and placed in the recycling bin. These are containers with #1 or #2 on the container.
 - (II) Plastic containers made of PVC #3, LDPE #4, PP #5, PS #6, and other resin or multiple resins #7 shall be rinsed and placed in the recycling bin. These containers will be collected when the variance is no longer in effect.

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- (h) Steele containers shall be rinsed and placed in the recycling bin. Only steel cans that contain food or beverages are acceptable.
 - (i) Waste tires shall be left with the retail store selling tires or taken to a designated tire drop off site.
- (15) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.
- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 10 (e) through (o):
 - (I) Provide adequate, separate containers for the recyclable materials.
 - (II) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (III) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (IV) 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 operations, and a contact person or company, including a name, address and telephone number.
 - (b) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 10 (e) through (o) from solid waste in as pure a form as is technically feasible.
- (16) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.
- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 10 (e) through (o):
 - (i) Provide adequate, separate containers for the recyclable materials.
 - (ii) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (iii) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility,
 - (iv) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet

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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.

- (c) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 10 (e) through (o) from solid waste in as pure a form as is technically feasible.
- (17) Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 10 (e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (18) Non-recyclable materials shall be placed in a transparent bag (not to exceed 30 gallons in size) with a "ALGOMA" sticker attached. The stickers are available for \$1.25 per sticker at outlets in the City. No garbage will be picked up unless a sticker is on the bag.
- (19) Enforcement.
 - (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Algoma may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of Algoma who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
 - (b) Any person who violates a provision of this ordinance may be issued a citation by the Algoma Police Dept. to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
 - (c) Penalties for violating this ordinance may be assessed as follows:
 - (l) Any person who violates Section 17 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

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- (II) Any person who violates a provision of this ordinance except Section 17 may be required to forfeit not less than \$10 nor more than \$1000 for each violation.