

## TITLE 8

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# Health and Sanitation

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# Health and Sanitation

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

The Village Board, acting as Board of Health, 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 Board 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 Village Board, acting as the Board of Health, shall abate health nuisances pursuant to Ch. 823, Wis. Stats., which is adopted by reference and made a part of this Section.

*State Law Reference:* Ch. 823, Wis. Stats.

### **Sec. 8-1-3      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/her 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. 8-1-4      Destruction of Noxious Weeds.**

- (a) The Village Clerk-Treasurer 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 Village which he/she 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 Village 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 Sec. 66.0407, Wis. Stats. 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. 66.0407, Wis. Stats., the Village 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 ten (10) inches in height from the ground surface shall be prohibited within the Village of Cadott corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-6, 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)

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 8-1-6, shall include but not be limited to the following:

Agrostia alba (Redtop)  
Sorghum halepense (Johnson)  
Setaria (Foxtail)

Noxious weeds are also the following plants and other rank growth:

Ragweed  
Thistles  
Smartweed  
Dandelions (over 10 inches in height)

*State Law Reference:* Sec. 66.0407, Wis. Stats.

## **Sec. 8-1-5      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 ten (10) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-4 of this Chapter. The growth of a natural lawn in excess of ten (10) inches in height from the ground surface shall be prohibited within the Village of Cadott corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village 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 ten (10) 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.
- (2)
  - a. Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information to the Village. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner.
  - b. Applicants are strictly prohibited from developing a natural lawn on any Village-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.
- (3) 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. Such waiver may be revoked, in writing, by the abutting property owner at a later time, a copy to be filed with the permittee and the Village Clerk-Treasurer.
- (4) 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 Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board 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 Village Board 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 Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village 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 file an application with the Village Clerk-Treasurer. The completed application shall

include a Natural Lawn Management Plan. Upon submitting a completed application, a non-refundable filing fee as prescribed by Sec. 1-3-1 will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village 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 Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village Clerk-Treasurer shall 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 Village Clerk-Treasurer shall issue permission to install a natural lawn. Such permit shall be valid for two (2) years. Permit renewals shall follow the procedures in this Section.

- (d) **Application For Appeal.** The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board 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 Village Board shall be final and binding.

- (e) **Safety Precautions For Natural Grass Areas.**

- (1) When, in the opinion of the Fire Chief of the Department serving the Village of Cadott, 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, and appropriate Village open burning permits have been obtained. 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 Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).

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- (f) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Village President, upon the recommendation of the Weed Commissioner, 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 Village Board. 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 reviewed by the Village Board in an open meeting. The decision rendered by the Village Board 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 Village 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 Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State statute.
  - (3) The failure of the Village Clerk-Treasurer 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 Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.
- (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 1-1-6.
  - (2) In addition to any penalties herein provided, the Village 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. 8-1-6 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 Village of Cadott.



- (b) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Village Zoning Code, within the Village of Cadott which exceed ten (10) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting 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 Village. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds ten (10) 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 8-1-5 above.
- (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/her within the Village.
- (d) **Inspection.** The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection (b) above exists.
- (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, the Weed Commissioner shall immediately cause written notice to be served that the Village proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5.
  - (2) The notice shall be mailed or served on the owner of the lot or parcel of land or, if he/she is not known and there is a tenant occupying the property, then to the tenant.
- (f) **Due Process Hearing.** If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a Twenty-five Dollar (\$25.00) bond. If a decision is rendered in the property owner's favor, the Twenty-five Dollars (\$25.00) will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Village Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Village until such time as the hearing is held by the Village Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his/her own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his/her own case. At the close of the hearing, the Village Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Village Board determines that a public nuisance did exist, the Village Board shall order the Weed

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Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Village Board' decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

- (g) **Village's Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the Village may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) The Village shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a statement to the Village Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Village Clerk-Treasurer 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. 66.0627, Wis. Stats.

**Sec. 8-1-7      (Reserved for Future Use).**

**Sec. 8-1-8      Unhealthy, Hazardous or Unsightly Materials  
on Public or Private Property.**

- (a) **Inspections.**
- (1) Whenever the Building Inspector, Fire Inspector or other authorized Village official shall, upon inspection of any premises within the Village of Cadott find that there is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish, rubble, trash, abandoned, construction materials, rotting yard and orchard waste, merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or

health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Village of Cadott in general, such official shall issue his/her written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, construction materials, rotting yard and orchard waste, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or other unhealthy, hazardous or unsightly materials or things.

- (2) Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection (b).
- (3) Prosecution of violators under this Section shall not preclude other enforcement actions allowed by law, including other actions under this Code of Ordinances.
- (b) **Appeal.** Any person feeling himself/herself aggrieved by any order of a Village official under this Section may, within ten (10) days from the date of receipt of such order, appeal such order to the Village Board.
- (c) **Exceptions.** Nothing contained in this Section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or nonsalable merchandise or parts or unsightly materials or things which are:
  - (1) Lawfully sited pursuant to the Village Zoning Code and operated in a manner not constituting a nuisance; or
  - (2) Temporarily deposited due to an emergency; or
  - (3) Materials during construction; or
  - (4) Collected and piled for immediate pickup and disposal by the Village or by private means.
- (d) **Nonconforming Uses.** It shall not be a defense to the provisions of this Section that the owner or occupant of the premises involved has a nonconforming use under the provisions of the Village Zoning Code, but the provisions of this Section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.

*Cross-Reference:* Section 10-5-8.

## **Sec. 8-1-9      Rodent Control.**

- (a) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village, as executor,

administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his/her designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.

- (2) **A Rodent-Proof Container** shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
  - (3) **Rodent-Proofing** shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the Village.
  - (4) **Rodent Harborage.** Any place where rodents can live and nest without fear of frequent molestation or disturbance.
  - (5) **Hardware Cloth.** Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
- (b) **Elimination of Rodent Harborage.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.
- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
- (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Village, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause

all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.

- (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the Village of Cadott to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

## **Sec. 8-1-10    Composting Regulations.**

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the organic waste produced from the growing, trimming, and removal of grass, branches [not exceeding one (1) inch in diameter] bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
  - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
  - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Village to proceed under Section 8-1-9.
  - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
  - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or the Village in general.
  - (5)
    - a. All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
    - b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
  - (6) No compost bin shall be located in any yard except a rear yard, as defined in the Village Zoning Code. A compost bin may be located in a side yard as defined in the

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Village Zoning Code subject to the annual variance procedure contained in Subsections (c)(5)b and must be screened from view to the street.

- (7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.
- (d) **Ingredients.**
  - (1) No compost bin shall contain any of the following:
    - a. Lakeweeds;
    - b. Cooked food scraps of any kind or type;
    - c. Fish, meat or other animal products;
    - d. Manures;
    - e. Large items that will impede the composting process.
  - (2) Permitted ingredients in a compost bin shall include the following:
    - a. Yard waste;
    - b. Coffee grounds and used tea leaves;
    - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
    - d. Commercial compost additives.
- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.
- (f) **Municipal Exception.** Any municipal composting site maintained by the Village shall be exempt from the provisions of this Section.

## **Sec. 8-1-11 Discharge of Clear Waters.**

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer or to any adjacent properties.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village of Cadott and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Village Board, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall

discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **Conducting Tests.** If a designated Village agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists. In addition, Village inspectors may inspect for illegal clear water discharges as a part of a routine inspection without cause.

## **Sec. 8-1-12 Fencing of Anhydrous Ammonia Tanks.**

- (a) **Purpose.** The Village of Cadott has determined that anhydrous ammonia storage tanks located within the Village pose a threat to public health and safety if access to such tanks is not restricted through appropriate fencing. Specifically, public health and safety may be at risk if tampering or vandalism to the tanks results in unauthorized release of the tanks' dangerous contents into the atmosphere; furthermore, anhydrous ammonia is known to be a substance used in the illicit manufacture of prohibited controlled substances, and that persons engaged in such illegal activity may tamper with unsecured storage tanks. This ordinance is adopted pursuant to the municipality's police powers, which are to be liberally construed in favor of the municipality's authority to enact measures to protect public health and safety.
- (b) **Requirements.** Within ninety (90) days of the effective date of this Section, the owners of all parcels on which anhydrous ammonia storage tanks are located, either presently or proposed, shall erect adequate fencing enclosing such tanks. The fencing shall be of a design approved by the Village Board prior to construction. Such fencing shall be kept locked and be properly maintained.
- (c) **Penalty.** Persons found to be in violation of this ordinance shall be subject to the general penalty provisions of Section 1-1-6 of the Cadott Code of Ordinances. Each day shall constitute a separate violation.

**Sec. 8-1-13 Sump Pump Discharge Regulated.**

- (a) **Statement of Purpose.** The Village Board finds that uncontrolled discharges of water from sump pumps, footing tiles, roofs, down spouts, eave troughs, yard drains, swimming pools, cistern overflows, and other means of transmitting natural precipitation and surface waters can overload the public sewerage system and contribute to flooding. Such overloading may result in sewage flowing into basements and/or residences and businesses, creating potentially hazardous public health and safety conditions and damage to properties. Such discharges into the public sewerage system increase system operating costs and maintenance. Furthermore, such uncontrolled discharges, particularly from sump pumps, can create frozen runoff onto public sidewalks and excess runoff from one lot to another.
- (b) **Prohibitions.** It shall be unlawful for any owner, occupant or user of any premises to direct into or allow any stormwater, surface water, ground water, well water or other sources specified in Subsection (a) above to drain into or connect into the public sewerage system. No rain spout or other form of surface drainage, foundation drainage, or sump pump shall be connected to or discharged into the public sewerage system.
- (c) **Sump Pump Discharge System Required.**
- (1) **Requirement For.** Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, etc., the use of a sump pump system shall have a permanently installed discharge line which shall not at any time discharge into a sanitary sewer system.
  - (2) **Discharge Line Requirements.**
    - a. A "permanently installed discharge line" shall be one which provides for uninterrupted year-around discharge capability to either an appropriate drainage area outside of the dwelling, building or structure, or is connected to the Village storm sewer system. In no event shall a drainage area include property owned by another party or any public right-of-way.
    - b. The permanently installed discharge line shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge. This line shall not be capable of connection or reconnection to the public sewerage system. The discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic, copper, galvanized or black pipe), one (1) inch inside diameter minimum. If the discharge line is directly connected to a storm sewer line or catch basin, the discharge pipe shall have a check valve within one (1) foot of the floor grade, an air gap, and a union or other approved coupling for easy disconnection for repair or replacement. The point of discharge shall be a minimum of two (2) feet from the basement foundation wall and ten (10) feet from the property line.
    - c. Discharge water shall not discharge to a street, alley or other public way or create any icy condition on any pedestrian walkways within or adjacent to the premise's lot lines.



- d. As an alternate method of installation with the approval of the Village, the discharge pipe may be connected directly to the Village of Cadott's underground storm sewer system provided the discharge is at a higher elevation than the normal flow level and than an approved backflow prevention device is installed.
  - e. When a storm sewer is not or will not be available in the future, as determined by the Village, the sump pump shall discharge to grade and must satisfy all of the following provisions, unless otherwise authorized by the Director of Public Works, Village Engineer or Building Inspector:
    - 1. The discharge pipe shall exit the building at one (1) foot above finished grade.
    - 2. The point of discharge shall be a minimum of two (2) feet from a basement foundation wall and ten (10) feet from a property line.
    - 3. The discharge shall flow parallel to or away from the nearest property line, and comply with the restrictions of Subsection (c)(2)c above.
- (d) **Foundation Drain Tile Systems.** For buildings and residences constructed after the effective date of this Section, groundwater from foundation drain tile shall not discharge into the sanitary sewerage system. The building/residence shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located a minimum of ten (10) feet from an inside sanitary floor drain. Groundwater flowing through the tile and draining to a sump pit shall be discharged to the exterior of the structure with the use of a sump pump.
- (e) **Sump Pump Connection Required.**
- (1) **Sump Pump Connections to Storm Sewer System.**
    - a. Each owner of a platted lot where storm sewer laterals have been installed, or will be installed in the future pursuant to Village of Cadott standards, shall be required to connect the building sump pump outlet directly to the storm sewer lateral as installed at the time of plat or certified survey map approval by the subdivider, or as subsequently installed by the Village pursuant to this Section or any other ordinance of the Village of Cadott. If a Village storm sewer system or Village drain tile system is available to the property, connection of said discharges to this system shall be mandatory.
    - b. Where no storm sewer is available or is not adequate to receive the anticipated flow (as determined by the Village) between the dates of November 15 and April 15 of the following year, the sump pump discharge shall drain onto the premises, not onto the roadway, curbing or sidewalk.
  - (2) **Compliance Responsibility.** It shall be the responsibility of the party who is issued a building permit to ensure that the sump pump discharge system from the building constructed on the property is installed underground from the building and is properly connected to the storm sewer laterals.

- (3) **Downspouts.** No downspouts shall be connected to the storm sewer lateral, except with the approval of the Public Works Director, Village Engineer or Building Inspector for unique hazard mitigation, and then shall be limited to one (1) such connection only.
- (f) **Connection Orders; Inspections; Variances; Noncompliance.**
  - (1) **Connection Order.** A connection order may be served, in person or by first class mail, upon either the owner of the property or its occupant. The order shall provide that connection to the storm sewer shall occur within thirty (30) days after order issuance and prohibited connections be discontinued, unless a written waiver or time extension request has been filed with the Director of Public Works, Village Engineer or Building Inspector.
  - (2) **Inspections.**
    - a. Within thirty (30) days after notice from the Village of Cadott, the property owner shall contact the Village to schedule an inspection by a Village inspector of each building and the utility service lines located on such property. The purpose of this inspection is to confirm that there is no sump pump or other prohibited discharges into the public sewerage system. In lieu of having the Village inspect the property, the property owner may, at the owner's expense, furnish a certificate from a Wisconsin-licensed plumber, in a form acceptable to the Village, certifying that the property is in compliance with this Section.
    - b. The Village may periodically re-inspect any building or premise to determine compliance with this Section.
    - c. All new residences shall be required to have their sump pump system inspected and be in compliance with this Section prior to issuance of a certificate of occupancy.
  - (3) **Waiver.**
    - a. The Director of Public Works, Village Engineer or Building Inspector shall hear and decide requests for waivers or time extensions from the applicability of the provisions of this Section where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or which would cause a significant public health or safety problem. This may also include situations where it would not be practical, as determined by the Village, to correct an otherwise prohibited discharge to the public sewerage system.
    - b. Applications for a waiver or time extension shall be made within fifteen (15) days of receipt of a compliance order. Such application shall be addressed in writing to the Director of Public Works, Village Engineer or Building Inspector. Applications shall, at a minimum, identify the subject property, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time, the Director of

Public Works, Village Engineer or Building Inspector shall make a decision on the request, providing a copy of such decision to the applicant in writing. Upon approval of an application for a waiver or time extension, a property owner shall be allowed to discharge directly into the sewerage system for a limited time specified in the written determination and in accordance with other terms and conditions specified.

(4) **Penalties.**

- a. A penalty surcharge of Three Hundred Dollars (\$300.00) per month shall be imposed on every sewer service bill to a property owner who:
  1. Is not in compliance with this Section;
  2. Has not obtained an inspection required by this Section or refuses property inspections required under this Section;
  3. Has not made necessary corrections within the time specified; or
  4. Is otherwise not in compliance with this Section.
- b. The surcharge shall be added every month thereafter for properties not in compliance with this Section until the property owner submits appropriate proof to the Village that the property has been brought into full compliance, with verification by Village inspection. Any property found during any re-inspection to be in violation of this Section shall be subject to the surcharge for all months between the two (2) most recent inspections. If the surcharge is not paid, the Village reserves the right to assess the property the unpaid balance as a special charge under the Wisconsin Statutes.
- c. In addition to the penalty surcharge, a citation may also be issued for violations, with all court costs payable by the property owner.



## Title 8 ► Chapter 2

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# 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 Village.
- (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 Village Clerk-Treasurer 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 Village, 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 Village of Cadott.



## Title 8 ► Chapter 3

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# Recycling

<b>8-3-1</b>	Title
<b>8-3-2</b>	Purpose and Authorization
<b>8-3-3</b>	Applicability and Administration
<b>8-3-4</b>	Definitions
<b>8-3-5</b>	Mandatory Recyclable Materials
<b>8-3-6</b>	Rules and Procedures for Curbside Collection
<b>8-3-7</b>	Scavenging
<b>8-3-8</b>	Special Multi-Family and Non-Residential Provisions
<b>8-3-9</b>	Large Outdoor Events
<b>8-3-10</b>	Parks, Waysides, Ballfields and Recreational Areas
<b>8-3-11</b>	Dumping
<b>8-3-12</b>	Hauler Provisions

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

This Chapter shall be referred to as the Solid Waste and Recycling Ordinance for the Village of Cadott.

### **Sec. 8-3-2 Purpose and Authorization.**

#### **(a) Purpose.**

- (1) The purpose of this Chapter is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Sec. 159.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.
- (2) The Village has heretofore, pursuant to Sec. 159.09, Wis. Stats., designated Chippewa County as the responsible unit of government. The Chippewa County Board of Supervisors adopted Chapter 13 of the General Code of Ordinances titled "Chippewa County Responsible Unit Recycling Ordinance" to establish rules for the implementation of recycling in the Chippewa County responsible unit areas. Section 13.09 of the Chippewa County ordinance requires that local municipalities, singularly or joint,

establish a system of regularly scheduled collection of recyclables and/or establish a drop off center for the receipt of the recyclables and adopt a companion ordinance consistent with Chapter 13 which shall include rules and procedures for the preparation and collection of separated materials. The purpose of this Chapter is to set forth the rules and procedures for the Village of Cadott.

- (b) **Statutory Authority.** This Chapter is adopted and authorized under Sec. 159.09(3)(b), Wis. Stats.
- (c) **Abrogation and Greater Restrictions.** It is not intended by this Chapter 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 Chapter imposes greater restrictions, the provisions of this Chapter shall apply.
- (d) **Interpretation.** In its interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this Chapter is required by the Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Ch. NR 544, Wis. Adm. Code, standards in effect on the date of the most recent text amendment to the Chapter.

### **Sec. 8-3-3      Applicability and Administration.**

- (a) **Applicability.** The requirements of this Chapter shall apply to all persons within the Village of Cadott.
- (b) **Administration.** The provisions of this Chapter shall be administered by the Village Board.
- (c) **Unauthorized Garbage.**
  - (1) No person shall dispose of or dump garbage in any ditch, street, road or public place within the Village of Cadott or in any receptacles or private property without the owner's consent.
  - (2) No person shall bring refuse for disposal (and recyclables) from outside the Village limits unless authorized by agreement by the Village of Cadott.

### **Sec. 8-3-4      Definitions.**

- (a) The definitions of Chippewa County Ordinance §13.04 are hereby adopted by reference and made a part hereof.



- (b) "Recyclable materials" means the following:
- (1) Lead acid batteries.
  - (2) Major appliances.
  - (3) Waste oil.
  - (4) Yard waste.
  - (5) Aluminum containers.
  - (6) Bi-metal containers.
  - (7) Corrugated paper or other container board.
  - (8) Glass containers.
  - (9) Magazines and other materials printed on similar paper.
  - (10) Newspaper and other materials printed on newsprint.
  - (11) Office paper.
  - (12) Rigid plastic containers, made of PETE (#1) and HDPE (#2).
  - (13) Steel containers.
  - (14) Waste tires.
- (c) "Municipality" or "Village" means the Village of Cadott, Chippewa County, Wisconsin.

### **Sec. 8-3-5 Mandatory Recyclable Materials.**

- (a) **Separation of Recyclable Materials.** Occupants of single-family and two to four family residences, multiple family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:
- (1) Lead acid batteries.
  - (2) Major appliances.
  - (3) Waste oil.
  - (4) Yard waste.
  - (5) Aluminum containers.
  - (6) Bi-metal containers.
  - (7) Corrugated paper or other container board.
  - (8) Container glass.
  - (9) Magazines and other materials printed on similar paper.
  - (10) Newspapers and other materials printed on newsprint..
  - (11) Office paper.
  - (12) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
  - (13) Steel containers.
  - (14) Waste tires.
- (b) **Separation Requirements Exempted.** The separation requirements of Subsection (a) above do not apply to the following:

- (1) Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Subsection (a)(5)-(15) from solid waste in as pure a form as is technically feasible.
  - (2) Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (3) Recyclable materials specified in Subsection (a)(5)-(15) for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or Sec. NR 544.14, Wis. Adm. Code.
- (c) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Subsection (a) above shall be free and kept free of contaminants such as food or product residue, oil, grease or other 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 or other inclement weather conditions.
- (d) **Disposal of Recyclable Material.** All recyclable materials under this Chapter shall be delivered to a recycling center designed to receive and collect same, either by the person generating or possessing recyclables, designated agents, or licensed haulers.
- (e) **Transport to Recycling Center.** Recyclable materials, except yard waste, shall be transported by the owner or owner's designee or hauler to a recycling center designated to receive and collection same. Yard waste as described in §13.04(33) of the Chippewa County Ordinance may be delivered to a recycling center and managed open site in accordance with the Village of Cadott's guidelines or land spread at an approved location in accordance with NR518, Wis. Adm. Code.

### **Sec. 8-3-6 Rules and Procedures for Curbside Collection.**

The Village of Cadott authorizes haulers to implement a recyclable schedule of curbside collection for recyclable materials subject to the following:

- (a) **Collection Schedule.** Each hauler shall establish a regular schedule for collection for solid waste and recyclable materials. The schedule shall be delivered to each of the hauler's customers and the Village Clerk-Treasurer.
- (b) **Containers.** Each hauler shall prescribe specifications for containers and placement of the containers. The hauler may provide containers or require the owner to secure same according to hauler designation.
- (c) **Hauler's Charges.** Each hauler shall, at the time of license application, file with the Clerk-Treasurer a schedule of solid waste and recyclable collection charges to be in effect for the license year.

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**Sec. 8-3-7 Scavenging.**

- (a) No person may enter the recycling facility and take possession of any recycling materials without the express consent of the center manager.
- (b) No person shall enter the property of another and take possession of any recyclable materials without the expressed consent of the property owner.

**Sec. 8-3-8 Special Multi-Family and Non-Residential Provisions.**

Section 13.06 of the Chippewa County General Code of Ordinances is hereby adopted by reference and made a part hereof.

**Sec. 8-3-9 Large Outdoor Events.**

Section 13.07 of the Chippewa County General Code of Ordinances is hereby adopted by reference and made a part hereof.

**Sec. 8-3-10 Parks, Waysides, Ballfields and Recreational Areas.**

Section 13.08 of the Chippewa County General Code of Ordinances is hereby adopted by reference and made a part hereof.

**Sec. 8-3-11 Dumping.**

It shall be unlawful for any person to dispose of or dump garbage, refuse or recyclable materials in any roadway, street, alley, or other public place within the Village of Cadott or in any receptacles or on private property of another without the owner's expressed consent.

**Sec. 8-3-12 Hauler Provisions.**

- (a) **Hauler Restrictions.** Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Village that have been separated for recycling. Haulers have a right to reject and leave uncollected any recyclable materials that are not separated in accordance with the specifications of this Chapter or by the Chippewa County Ordinance Chapter 13.

- (b) **Reporting.** Recycling haulers are required to maintain records and report in writing to the Clerk-Treasurer and County Solid Waste Coordinator at such times as designated by the County Solid Waste Coordinator, but not less than quarterly. The report shall include the amount of solid waste and recyclables collected and transported from the municipality, the amount of solid waste and recyclables processed and/or marketed by item type, and the final disposal location of solid waste and recyclable materials. Failure to make such records shall be a cause for the Village to revoke the license or sever any contract with the hauler.
- (c) **Volume Based Rates.** Each hauler shall provide volume based rate schedule for garbage service to be assessed on a per container basis. The schedule and any revisions thereof shall be filed with the Clerk-Treasurer and County Solid Waste Coordinator prior to implementation or revision of said schedule.

### **Sec. 8-3-13 Hauler License.**

- (a) **DNR License.** No person shall engage in the business of hauling recyclables within the Village without being licensed by the Wisconsin Department of Natural Resources under Sec. NR 502.06, Wis. Adm. Code.
- (b) **License.** No person shall engage in the business of hauling recyclables or solid waste within the Village without a municipal license.
- (c) **Fee.** Each hauler shall pay an annual municipal license fee as prescribed in Sec. 1-3-1. The fee is for a calendar year and is not refundable. Application for license shall be made on or before December 1st prior to the license year, except that for 1994, the license application shall be made within thirty (30) days after original passage of this Chapter. License or permit fees paid pursuant to other ordinances or resolutions shall not be a credit to the fee required by this Chapter.