

Chapter 38

HEALTH AND SANITATION*

Sec. 38.100. Exposure prohibited.

Sec. 38.101. Vehicles giving offensive odor or noise or spilling loads.

Sec. 38.102. Rat control and extermination.

Sec. 38.103. Solid waste disposal.

* **Cross References**--Animals, ch. 10; buildings and building regulations, ch. 14; mobile homes, ch. 46; nuisances, ch. 50; tobacco and smoking, § 54.107 et seq.; solid waste, ch. 66; utilities, ch. 86.

Sec. 38.100. Exposure prohibited.

No person shall place, throw, permit to flow or leave any slops, dirty water or other liquid of offensive smell or otherwise nauseous or unwholesome, or any dead carcass, carrion, meat, fish, entrails, manure or other rubbish, or any ashes, garbage, dirt, paper or refuse of any kind or description in or upon any street, gutter, sidewalk, alley, public ground or upon any private lot or lands in the village; nor shall any putrid or decaying matter be kept in a house, cellar or adjoining outbuilding for more than 24 hours, except in receptacles and in the manner provided in section 66.103.

(Code 1982, § 6.07(3))

Sec. 38.101. Vehicles giving offensive odor or noise or spilling loads.

(a) *Parking or stopping.* No operator of any vehicle carrying any livestock, fertilizer or other commodity or material that gives off any offensive or unusual odor or noise shall park, stop or leave such vehicle standing, whether attended or unattended, upon the streets or alleys or upon any public or private property in any inhabited residence or business district in the village for a longer period than five minutes, except for the necessary and lawful loading or unloading of such vehicle or in case such vehicle is disabled in such a manner or as to such an extent that it is impossible to avoid stopping or temporarily leaving such vehicle in such position or place.

(b) *Escape of contents.* No vehicle shall be operated, moved, parked or left standing in the streets of the village unless such vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping.

(c) *Penalty.* Any person violating any of the provisions of this section shall be assessed a forfeiture of not less than \$10.00 nor more than \$200.00 and in default of payment shall be confined in the county jail for not exceeding 30 days.

(Code 1982, § 6.10)

Cross References--Solid waste, ch. 66; traffic and vehicles, ch. 82.

Sec. 38.102. Rat control and extermination.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Hardware cloth means wire screen of such thickness and spacing as to afford reasonable protection against the entrance of rats and mice.

Owner or manager includes any person having actual possession, charge, care or control of any property or premises in the village.

Rat harborage means any place where rats can live and nest without fear of frequent molestation or disturbance.

Ratproof container means a container constructed of concrete or metal or the container shall be lined with metal or other material that is impervious to rats; and openings into the container, such as doors, shall be tightfitting to prevent the entrance of rats.

Ratproofing means closing openings in buildings, foundations and openings under and around doors, windows, vents and other places that could provide means of entry for rats with concrete, sheet iron, hardware cloth or other types of ratproofing material approved by the health officer.

(b) *Elimination of rat harborages.* Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rat harborage, the person owning or in control of such materials shall cause the materials to be removed or the materials stored as to eliminate the rat 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 reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for the disposal or proper piling of the materials.

(c) *Elimination of rat feeding places.* No person shall place or allow to accumulate any materials that may serve as a food for rats in a site accessible to rats. Any waste material that may serve as food for rats shall be stored in ratproof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rats.

(d) *Extermination.* Whenever rat holes, burrows or other evidence of rat infestation is 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 rats or to cause the rats to be exterminated. Within ten days after extermination, the owner or manager shall cause all of the rat holes or burrows in the ground to be filled with earth, ashes or other suitable material.

(e) *Ratproofing.* It shall be the duty of the owner or manager of any building in the village to make such building reasonably ratproof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rats from entering the building through such window openings. The owner or manager of any premises upon which sheds, barns,

coops or similar buildings are located shall eliminate the rat harborages from within and under such buildings by ratproofing, raising the buildings above the ground, or by some other suitable method; or such sheds, barns, coops or other buildings shall be razed.

(Code 1982, § 6.08)

Cross References--Animals, ch. 10.

Sec. 38.103. Solid waste disposal.

- (1) *Purpose.* The purpose of this ordinance is to regulate the disposal of waste, garbage, refuse, and sludge by individuals, corporations, and municipalities within the Village of Weston. Because of the possible danger to the health, safety, and welfare of the public, such disposal within the village shall be permitted only under the terms and conditions of this section.
- (2) Definitions.
 - (a) *Disposal.* Disposal includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, spreading onto open fields, or burying waste, garbage, refuse, or sludge on, into, or under any property or lands, whether publicly or privately owned within the Village of Weston.
 - (b) *Waste.* Waste is garbage, refuse, and all other discarded or salvageable material, including materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities.
 - (c) *Garbage.* Garbage is discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
 - (d) *Refuse.* Refuse is combustible and non-combustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes,

litter, and street rubbish, industrial waste, dead animal tissue, blood or parts, mine tailings, gravel pit and quarry spoils, and materials and debris resulting from construction or demolition.

(e) *Sludge*. Sludge is sewage treatment residue or residue which represents waste material generated from the industrial or commercial slaughtering of farm animals which residue is in any form whatsoever, whether solid or semisolid, or liquid. This definition includes septage as defined by Wis. Stats. § 281.48(2)(d).

(f) *Municipality*. Municipality is any city, village, village or county.

(g) *Farm*. Land owned, rented, or leased that is used for agricultural purposes.

(3) *Permit required*. Except as expressly permitted in subsection (4), no person, corporation, or municipality shall dispose of waste, garbage, refuse, or sludge within the Village of Weston unless a permit to engage in such dumping or disposal is first obtained from the village under the conditions prescribed herein.

(4) *Exceptions*. The following are not within the scope or meaning of this section:

(a) Sites used for the disposal of waste, garbage, or refuse from a single family or household, a member of which is the owner, occupant, or lessee of the property, provided, however, that such waste, garbage, or refuse is placed in suitable containers or stored in such other way as not to cause a public or private nuisance.

(b) The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable ordinances of the village, or the discharge of human waste products into any public sewerage system located within the village.

(c) A farm on which only animal waste resulting from the operation of the farm is disposed of.

- (d) Any waste disposal operation under the direction and control of the village.
- (5) *General regulations.* Persons or municipalities permitted to engage in disposal operations in the village are subject to the following regulations:
- (a) The disposal operations must be conducted in such a way as not to constitute a public or private nuisance.
- (b) Persons or municipalities engaged in dumping or disposal operations must conduct the operations in such a way that dust, dirt, debris, or other materials or substances will not be carried by wind or water across the boundary of the parcel of land being used for the operations.
- (c) A covering, which meets standards established by the Wisconsin Department of Natural Resources, shall be placed over all of the area used for the disposal operation within a reasonable time, not to exceed two days, after the disposal occurs. The covering must be done so as to make the area covered compatible with the surrounding and adjacent property in such a way as not substantially to depreciate property values within the immediate area unless property owners have been previously compensated for the loss.
- (d) All permits and licenses required by the State of Wisconsin must be obtained prior to any application having been filed with the Village of Weston.
- (6) *Application.* An application shall be filed with the village clerk at least 30 days before a public hearing is held. The application and accompanying information shall be followed by a sworn statement that they are true and factual. The information to be provided shall include:
- (a) Name, address, and telephone number of the applicant.

- (b) Location, current owners, and legal description of the proposed facility.
 - (c) Names, addresses, and telephone numbers of any persons who will represent the applicant.
 - (d) Copies of available site reports, feasibility reports, engineering plans, or other documents filed or to be filed with the department of natural resources, or the U.S. EPA, that are related to the proposed facility.
 - (e) A plan for construction, operation, maintenance, closure, and long term care of the proposed facility that describes the size, capacity, and other features of the site and its proposed future.
 - (f) A plan for financial, legal, and environmental protection of the village government, its employees and agents, for current and future residents living within one mile of the facility.
 - (g) Proposed traffic patterns to and from the proposed facility and for roadway usage for access to the site.
 - (h) Copies of current financial statements or other financial information.
- (7) *Public hearing.* A public hearing will be held at which the village board will invite all interested parties from the village and the applicant to provide information as to (1) the need for the permit; (2) positive and negative potential effects of the proposed facility on the village and its residents; and (3) the probability of reasonable compliance by the applicant with the general regulations of this section. The hearing will be of an informational nature for the village board. The hearing will be held under the following conditions:
- (a) A Class 3 notice as prescribed by statute will be given.

(b) The cost of the publication of such notice will be deposited in advance by the applicant.

(c) The hearing will be held on the date specified in the notice or on any adjourned date.

(8) *Application fee and costs.* An application for a permit for a solid waste facility shall be filed with the village clerk in writing. The initial application fee of \$5,000.00 shall accompany the application, unless waived or reduced by the village board. In addition, the village board may charge the applicant an additional fee to reimburse the village for appropriate and necessary costs and expenses incurred by the village for attorneys' fees and experts' fees related to the application process. The total application fees, both initial and subsequent, shall not exceed \$20,000.00 for any application.

(9) *Bond and revocation of permit.* A permit under this section shall not be effective unless there is on file with the village clerk a cash bond or a bond with a corporate surety duly licensed in the state of Wisconsin in the penal amount of \$500,000.00. This bond must be maintained for a period of 20 years after the operation or facility is terminated. This bond is to assure that the applicant will comply with all the provisions of this ordinance and will save harmless, indemnify, and defend the village, its officers, its representatives, and its agents from any expenses or costs incurred through action of the applicant with regard to the facility. If the ordinance is violated or if the disposal plan is not carried out, the village shall have the right to revoke the disposal permit after a public hearing and, if necessary, to obtain a court order terminating such operation. If the owner of the land does not cover the disposal area in accordance with the disposal plan, the village board shall have the right to correct the violation and to charge the expense against the bond. The applicant for a disposal permit, in making the

application, grants to the village the right to go on the land for necessary inspections at any time and to carry out the disposal plan if the owner or occupant of the land fails to do so after reasonable notice is given.

- (10) *Issuance.* The application for a permit shall be processed within 90 days of the receipt of a completed application accompanied by full documentation and required bond. It shall be issued if the village board is satisfied that there has been and will be reasonable compliance with the conditions of this section.
- (11) *Revocation.* The permit, once issued, may be revoked after public hearing upon a published Class 1 notice by the village at any time if any of the conditions upon which it was issued or any terms of the ordinance are violated.
- (12) *State law also applies.* Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this section.
- (13) *References.* References to the term "person", or "anyone", or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation, a municipal corporation, and also a responsible officer or a responsible managing agent of any single proprietorship, partnership, or corporation unless the context clearly indicates otherwise.
- (14) *Severability and conflict.* If any section, subsection, sentence, clause, phrase, or word of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.
- (15) *Penalty.* Any person violating this section shall be fined not less than \$200.00 nor

more than \$500.00 for each offense. Each day of violation shall constitute a separate offense under this section. Imprisonment in the county jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered for failure to

pay the fine, it shall be limited to one day of confinement for each \$10.00 of fine or fraction thereof.

(Ord. of 1-21-2002, § 1)