

# CHAPTER 10

## PUBLIC HEALTH

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### **10.00 VILLAGE UNDER JURISDICTION OF SAUK COUNTY FOR PUBLIC HEALTH MATTERS**

The Sauk County Health Committee and/or the Sauk County Health Officer shall have the same powers and authority that a Village Health Officer and/or Village Board of Health would have within the Village. [In this Code, references to Health Officer shall mean the Sauk County Health Officer.]

#### **10.01 FLOURIDATION OF VILLAGE WATER**

The Public Works Director is authorized and directed to provide the means to introduce approximately one part of Fluoride to every million parts of water distributed in the water supply system of the Village of Rock Springs.

#### **10.02 COMPULSORY CONNECTION TO VILLAGE WATER AND SEWER**

- (1) **WHEN REQUIRED.** Whenever a sewer or water main becomes available, as provided in Chapter 6 of this Code of Ordinances, to a building used for human habitation, the Utility Board shall notify, in writing, the owner or his or her agent to connect the building thereto and to install such facilities as may be reasonably necessary to accomplish such connection. The manner of connection shall be prescribed by the Utility Board and shall be set forth in the notice given by the Public Works Director.
- (2) **CONTENTS OF NOTICE.** The notice required by this section shall be given by registered mail to the last known address of the owner or his or her agent.
- (3) **UTILITY BOARD MAY CUASE CONNECTION AT EXPENSE OF OWNER.** If the owner or his or her agent fails to comply after thirty (30) days notice as herein provided, the Utility Board may cause the connection or connections to be made and the expense thereof assessed as a special assessment tax against the property.
- (4) **INSTALLMENT OPTION.** The owner, or his or her agent, may within thirty (30) days after completion of the work file a written option with the Village Clerk stating that he or she cannot pay the cost of the connection in one sum and that he or she elects that such sum be levied in five (5) equal annual installments, with interest on the unpaid balance. Interest rate shall be equal to the primary loan rate of the local Bank.
- (5) **PRIVIES, CESSPOOLS, ETC., PROHIBITED AFTER CONNECTION WITH SEWER.** After Connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with or upon the premises of such human habitation.

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### 10.03 ABANDONMENT OF PRIVATE WELLS

- (1) PURPOSE. (a) To protect the useable groundwater by eliminating sources of contaminated surface waters or other materials; or, (b) To provide for Public Safety.
- (2) APPLICATION All unused and/or improperly constructed private wells shall be properly filled and sealed as required by the Wisconsin Administrative Code, NR 112. Only those wells for which a well operation permit has been granted by the Village Board may be exempted from this required; subject to conditions of maintenance and operation.
- (3) WELL OPERATION PERMITS. A permit may be granted to a well owner for a period not to exceed three (3) years if the following requirements are met (application shall be made on forms provided by the Village Clerk). See Licensees and Permits
  - (A) The well and pump installed meet the requirements of Chapter NR 112, Wisconsin Administrative Code.
  - (B) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by samples processed by a certified laboratory.
  - (C) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
  - (D) No physical connection shall exist between piping of the public water system and the private well.
  - (E) A fee of \$60.00 will be charged at the time of application. All well permits must be renewed and justified every three years.
- (4) METHOD. Wells to be abandoned shall be filled according to the procedure outlined in Chapter NR 112, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.
- (5) REPORTS AND INSPECTIONS. A well abandonment report must be submitted by the well owner to the Department of Natural Resources and the Village on forms provided by that agency. The report shall be submitted immediately upon completion of the filling of the well.

### 10.04 SOLID WASTE

- (1) PURPOSE. It is hereby declared to be the purpose and intent of this section to enhance and improve the environment and promote the health, safety and welfare of the Village by establishing minimum standards for the storage, collection, transportation, processing, separation, recovery and disposal of solid waste.
- (2) SOLID WASTE DEFINITIONS.
  - (A) "Bulky Waste". Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
  - (B) "Cardboard". That portion of corrugated cardboard commonly used as packing boxes or containers which remain substantially in their original condition at the time of disposal such that the material is suitable for commercial grade recycling. "Cardboard" does not include the cardboard used in cereal boxes, cake mix boxes, etc., which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:

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- (i) The cardboard has been put to another use, such as a container for other wastes, and is thus rendered unfit for commercial recycling.
  - (ii) The cardboard is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate cardboard from other discarded materials outdoors or in publicly accessible buildings.
  - (iii) The cardboard has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.
- (C) "Collector". A person licensed under this section to collect, remove and dispose of garbage, refuse, rubbish, solid waste and recyclable.
- (D) "Collection". The act of removing solid waste from the storage area at the source of generation.
- (E) "Curb". The back edge of curb and gutter along a paved street or where one would be if street was paved and had a curb and gutter.
- (F) "Demolition Wastes". That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other matters resulting from the demolition of buildings and improvements.
- (G) "Disposal". The orderly process of discarding useless or unwanted material.
- (H) "DNR". The Wisconsin Department of Natural Resources.
- (I) "Dump". A land site where solid waste is disposed of in manner that does not protect the environment or is not licensed by the DNR for the disposal of solid waste.
- (J) "Dwelling Unit". A place of habitation occupied by a normal single family unit of one person or a combination of persons who may be considered as equivalent to a single family unit for the purposes of this section.
- (K) "Garbage". Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use cooking, consumption, dealing in or storing of meat fish fowl, fruit, vegetables or other foods.
- (L) "Hazardous Waste". Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illnesses or injury to persons or damage to property and the environment and as this term is defined in Wis. Adm. Code NR 181.
- (M) "Industrial Waste". Waste material, except garbage, rubbish and refuse, director indirectly resulting from an industrial processing or manufacturing operation.
- (N) "Litter". Solid waste scattered about in a careless manner, usually rubbish.
- (O) "Newsprint". That portion of newspapers or periodicals which remain substantially in their original condition at the time of disposal such that the material is suitable for commercial grade recycling. "Newsprint" does not include the paper commonly used in the production of magazines, books and other physical media for written material, of paper which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:
- (i) The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling.
  - (ii) The paper is no longer flat and folded to the approximate dimensions of its original condition.
  - (iii) The newspaper is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings.
  - (iv) The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.

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- (P) "Nonresidential Recyclable". Recyclable from agricultural, commercial, industrial or institutional activities; mobile home parks; building or group of buildings or housing; or apartment complexes consisting of four (4) or more dwelling units.
  - (Q) "Nonresidential Solid Waste". Solid waste from agricultural, commercial, industrial or institutional activities; mobile home parks; building or group of buildings or housing; or apartment complexes consisting of four (4) or more dwelling units.
  - (R) "Persons". Individuals, firms, corporations and associations, and includes the plural as well as the singular.
  - (S) "Private Collection Services". Collection services provided by a person licensed to do same by DNR.
  - (T) "Recyclable". Includes all materials that can be re-manufactured into usable products and reused, and shall include by way of example but not by way of limitation, glass containers, plastic containers, newsprint, cardboard, cans and waste paper products.
  - (U) "Refuse". Includes combustible and noncombustible rubbish, including but not limited to, paper, wood, metal, glass, cloth and products thereof, litter, street rubbish and ashes.
  - (V) "Residential Solid Waste". All solid waste that normally originates in are residential environment from residential dwelling units.
  - (W) "Residential Unit". A single family home, duplex, townhouse, condominium or a building with three or fewer dwelling units.
  - (X) "Scavenging". The uncontrolled removal of materials at any point in solid waste management.
  - (Y) "Solid Waste". Garbage, refuse and all other discarded or salvageable solid materials resulting from domestic and residential use and from Village-owned facilities, but does not include solids of dissolved materials in waste water effluent or other water pollutants.
  - (Z) "Storage". The interim containment of solid waste in approved manner after generation and prior to collection and ultimate disposal.
  - (aa) "Storage Areas". Areas where persons place containers during non-collection days as well as area where containers are set out on collection day.
  - (bb) "Waste Paper Products". Reusable paper other than newsprint and shall include by way of example, but not by way of enumeration, magazines, paper, food cartons, bags and wrapping paper.
  - (cc) "Yard Waste". All biodegradable waste such as leaves, grass clippings, garden debris and brush as defined by the broadest definition under state statutes and administrative rules and Sauk County ordinances.
- (3) APPROVED WASTE AND REFUSE CONTAINERS.
- (A) General Container Standards. Suitable containers of a type approved by the Village shall be provided by the property owner or occupant for storage of all solid waste, garbage and refuse. An approved container shall provide for efficient, safe and sanitary handling of solid waste. The container shall be sufficient to prevent the scattering of contents by weather conditions or animals.
  - (B) Approved Containers. Approved residential solid waste containers shall consist of metal or plastic containers with tight fitting covers and suitable handles, or plastic garbage bags which are closed by means of a tie. Approved containers shall not exceed fifty (50) pounds in weight. Metal garbage cans shall be of sufficient thickness to prevent denting during normal handling by collection crews. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting. Containers shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing. Cardboard boxes no larger than 9 cubic feet in volume may only be used to dispose of refuse provided the contents therein are covered

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and secured. Non-recyclable newsprint, cardboard and paper products shall be securely tied in bundles no greater than ten (10) inches high and shall be protected against weather conditions. Non-recyclable newsprint, cardboard and paper products that have become wet and soaked will not be collected, but must be stored by the owner thereof in an approved container for collection on the next collection day. Cardboard boxes will be considered disposable and will not be emptied and returned to the curb.

- (C) Defective Containers. A container that is incapable of continuing use due to holes, dents, damage, loss of handles, unsanitary condition or other factors shall be tagged by the collection crew. The collection crew shall also leave notification of the defects at the premises where the container has been placed for collection. After such notification, the collection crew shall not be obligated to pick up solid waste contained in the defective container. Where containers from several residential units are placed for collection at the same site, each container shall be identified with the address of the owner so that the collection crew can determine ownership of each container.
- (D) Illegal Containers. Containers such as metal barrels and drums, wooden or cardboard barrels, wheelbarrows, cardboard boxes (except as authorized) and other containers not specifically approved by this section shall not be considered approved containers under this section. Disapproved containers will not be emptied regardless of the contents or weight.

### (4) COLLECTION OF GARBAGE AND REFUSE.

- (A) Placement for Collection. Residential solid waste in approved containers shall be placed for collection immediately behind the curb of the public street. Bulky wastes from residential units shall also be placed in a neat and orderly fashion behind the curb. All garbage shall be well drained. During winter months, solid waste shall not be placed on top of the snow bank. Nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place the solid waste or shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. If a collection crew is unable to discharge the contents of a approved container into the collection vehicle using normal handling procedures, the container, into the collection vehicle using normal handling procedures, the container, including contents thereof, will be left at the curbside. The owner shall make provisions to assure that solid waste placed in approved containers can be collected. Collection crews will not empty containers by means other than dumping.
- (B) Restriction of time of Placement. No solid waste or recyclable shall be placed for collection sooner than twenty-four (24) hours before the regular collection time. All receptacles and containers for solid waste disposal shall be removed from the curb side collection point within twenty-four (24) hours after the regular collection time. Collection crews shall not enter and structures to remove solid waste.

### (5) PROHIBITED ACTIVITIES AND NONCOLLECTIBLE MATERIALS.

- (A) Improper Placement. No person shall place, or allow to be placed, any garbage, refuse or solid waste upon the roads, streets, public or private property within the Village contrary to the provisions of this section.
- (B) Compliance With Section. No person shall store, collect, transport, transfer, recover, incinerate, burn or dispose of any garbage, refuse or solid waste within the Village contrary to the provisions of this section.
- (C) Improper transportation. No person shall transport any garbage, rubbish or solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If litter should occur, it shall immediately be returned to the collection vehicle and the littered area shall be properly cleaned. All vehicles used for collection and transportation of garbage,

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refuse and solid waste shall be durable, easily cleanable and leak proof, considering the type of material being transported and its moisture content. Collection vehicles shall be

cleaned frequently to prevent nuisances, odors and insect breeding and shall be maintained in good repair.

- (D) Interference With Authorized Collector. No person other than an authorized collector shall collect or interfere with the collection of any garbage, refuse or other solid waste placed in the proper place for collection nor shall any unauthorized person hinder, delay or in any manner interfere with an authorized collector in the discharge of his duties.
- (E) Scavenging. No person shall scavenge any garbage, refuse or solid waste placed for collection.
- (F) Private Dumps. No person shall use or operate any property within the Village as a dump.
- (G) Burning of Waste. No person shall burn garbage, refuse or solid waste within the Village except as specifically authorized by Village ordinances.
- (H) Noncollectable Materials. No person shall place for collection by the collector under contract with the Village any of the following:
  - (i) All substances and materials which are prohibited by Sauk County ordinances from the Sauk County Landfill including, but not limited to, hazardous waste, fly ash waste, and other wastes generated primarily from the combustion of coal or fossil fuels, foundry wastes, sludge, domestic waste from private sewage disposal systems, infectious wastes, free liquid wastes, etc
  - (ii) Toxic wastes, chemicals, explosives and ammunition
  - (iii) Drain or waste oil or flammable liquids
  - (iv) Paint
  - (v) Tires and automobile parts
  - (vi) Yard waste
  - (vii) Large amounts of stone, concrete, rubble, earth or sod
  - (viii) Demolition waste and construction debris, including materials from remodeling, construction or removal of a building, roadway or sidewalk
  - (ix) Tree trunks and stumps
  - (x) Hospital wastes, needles and syringes
  - (xi) Household appliances and household furniture
  - (xii) Dead animals
  - (xiii) Animal waste and human waste
  - (xiv) Undrained food waste
  - (xv) Industrial waste
  - (xvi) Recyclable materials (see Subsec. 11 below)
- (I) Disposal of Non-collectable Material. All materials that are non-collectible materials under this section shall be disposed of by the owner, custodian or generator thereof or in the case of demolition wastes and construction and tree trimming debris by the builder or contractor. No license shall be required under this section if the disposal is by the owner, custodian, generator, contractor or builder.

### (6) COLLECTION AND REMOVAL PROCEDURES.

- (A) The collection, removal and disposition of garbage, refuse, solid waste and recyclable from all dwelling units and residential units and from all Village owned properties, including Village parks, shall be performed by a person under contract with the Village as follows:

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- (i) The specifications and terms of the contract must be approved by the Village Board.
    - (ii) The Village may in its discretion advertise for bids or proposals for such collection, removal and disposition for a contract term not exceed five (5) years. The contract shall be awarded to the bidder selected by the Board. The contractor awarded the contract must have a minimum of 2 years continuous experience in private or municipal collection services and may be required to execute a corporate surety bond in the sum of three thousand dollars (\$3000) for the faithful performance of such contract.
    - (iii) The collector awarded the contract with the Village shall be subject to all the terms and provisions of this section, including any amendments thereto.
  - (B) The collection, removal and disposition of nonresidential solid waste and nonresidential recyclable shall not be performed under any contract between the Village and a collector licensed under this section.
- (7) LICENSING OF COLLECTORS.
- (A) License Required. No person shall engage in the garbage, refuse or solid waste collection business within the Village without having first procured a license as provided in this section nor without complying with all provisions of this subsection and all statutes, ordinances and regulations applicable thereto. Applications shall be made to the Clerk Treasurer and shall be accompanied by an annual license fee of \$25. Licenses shall be issued on a calendar year basis commencing on January 1 of each year and the shall be no probation of the license fee for portions of the year.
  - (B) Insurance. No license shall be granted to an applicant for a collector's license unless the collector first files with the Clerk Treasurer satisfactory proof that he has in full force and effect a comprehensive general liability and auto liability policy issued by a reputable insurance company licensed and authorized to do business in the State of Wisconsin in amounts of not less than three hundred thousand dollars (\$300,000) per person for bodily injury and five hundred thousand dollars (\$500,000) per accident for bodily injury and not less than one hundred thousand dollars (\$100,000) for injury or destruction of any property.
  - (C) Supervision. The collection, removal and disposal of garbage, refuse, rubbish and solid waste shall be conducted in strict conformity with the provisions of this section and with respect to the collector under contract with the Village, also in accordance with the contract between the Village and the collector.
- (8) COLLECTION RATES. The rates for garbage, refuse and solid waste collection for the collector under contract with the Village shall be in accordance with the contract between the Village Board and the collector. Pursuant to Wis. Stat. § 66.60(16), the contract costs to the Village for collection services performed pursuant to the contract between the Village and the collector shall be allocated in whole or in part to the owner of the property served, regardless of whether the property is occupied by a person not the owner thereof. No public hearing or published notice of a hearing establishing the special charge shall be required. The per dwelling unit charge shall be added to the tax roll.
- (9) ACCUMULATED GARBAGE, A NUISANCE.
- (A) The accumulation of garbage, refuse, trash, animal or vegetable matter, rotting lumber, bedding or any solid waste material whatsoever within the Village; which emits or causes any foul, offensive, noisome, nauseous, noxious or disagreeable odor, gas effluvia or

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stench repulsive to the physical senses of ordinary persons; which annoy, discomfort, injure or inconvenience the health of any persons within the Village; or in which flies,

mosquitoes, disease-carrying insects, rats or other vermin may breed is prohibited and declared to constitute a nuisance.

- (B) No person shall permit litter to remain on any premises owned, occupied, leased or otherwise controlled by said person within the Village.
- (C) If the Village President or his designee determines that an owner or occupant has failed to comply with this subsection, he shall cause notice thereof to be given to the person causing or maintaining the nuisance and to the owner of the premises to remove the litter within five (5) days. Failure to remove the nuisance within the five (5) day period shall constitute a violation of this subsection by the owner and the occupant thereof and each day that a violation of this subsection continues shall be deemed a separate offense.

### (10) DEPOSITING OF NON-VILLAGE GARBAGE PROHIBITED.

- (A) No person shall deposit any garbage, refuse or solid waste accumulated outside the Village in or upon any public or private place within the Village.
- (B) No person shall transport within the Village any garbage, refuse or solid waste accumulated outside of the Village for the purpose of depositing the same in or upon any public or private place within the Village.
- (C) No person who owns or occupies property where the collection, removal and disposition of garbage, refuse or solid waste is performed by the collector under contract with the Village shall allow or permit any person to deposit any garbage, rubbish or solid waste for collection where the same is nonresidential waste or nonresidential recyclable or where it has been generated or accumulated outside the Village.
- (D) No person who generates, possesses or owns nonresidential solid waste or non-recyclable shall deposit the same at any collection site where the collection, removal and disposition of garbage, refuse or solid waste is performed by the collector who is under contract with the Village.

### (11) MANDATORY RECYCLING.

- (A) Program Established. The Villages hereby establishes a program for the mandatory separation and recycling of cardboard, newsprint, glass containers, plastic containers, cans and waste paper products.
- (B) Recyclable Materials. The following materials shall constitute recyclable materials under this section:
  - (i) Cardboard
  - (ii) Newsprint
  - (iii) Glass containers
  - (iv) Cans
  - (v) Plastic containers
  - (vi) Waste paper products
- (C) Mandatory Recycling. Every person disposing of recyclable materials shall separate such recyclable materials from all other garbage, refuse and solid waste materials as follows:
  - (i) Glass containers shall be thoroughly rinsed and shall be placed in a clear plastic bag.



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- (ii) Cans shall be thoroughly rinsed and the labels removed and cans shall be placed in clear plastic bags.
  - (iii) Plastic containers shall be thoroughly rinsed and the plastic containers shall be placed in a clear plastic bag. Plastic milk containers may be tied together with heavy string or cord.
  - (iv) Cardboard and newsprint shall be securely tied, in both directions, with heavy string or cord, in bundles not exceeding ten (10) inches in height.
  - (v) Waste paper products shall be securely tied in both directions, with heavy string or cord, in bundles not exceeding 10 inches in height or said products shall be placed in a cardboard box not exceeding nine (9) cubic feet in size.
- (D) Collection of Recyclable Materials. Recyclable materials, except cardboard, newsprint, waste paper products and plastic milk containers, shall only be placed for collection in clear plastic bags. All recyclable materials shall be placed for collection at the place and time on the scheduled collection day for the collection of recyclable. The owner of any recyclable material, as an alternative to the collection of the recyclable materials by a collector, may dispose of said materials in any other lawful manner that results in recycling thereof.
- (E) Collection For Persons Not Served By Collector Under Contract With Village. All persons not served by the Village's collector, but who are Sauk County Landfill users, shall facilitate and provide for the separation of recyclable materials in a manner conducive to recycling thereof. Owners of businesses, schools, mobile home parks, apartment and condominium buildings or groups of buildings consisting of four (4) or more dwelling units per building, retail, industrial and other facilities not served by the Village's collector shall make arrangements for the recycling of recyclable materials by public or private means or by any other lawful manner which will result in recycling thereof.
- (F) Recyclable Material Not to be Mixed With Solid Waste. Collectors of garbage, refuse and solid waste materials shall not place recyclable materials which have been separated from solid waste into containers used for or containing solid waste, but shall maintain the recyclable materials separately so as not to destroy their value for recycling.
- (G) Unlawful to Remove Recyclable Materials. It shall be unlawful for any person, except collectors and their employees, acting within the scope of their employment, to collect or remove recyclable materials which have been placed by any person for collection by a licensed collector.
- (12) **DISPOSAL OF YARD WASTE.** No person shall place yard waste into containers used for or containing garbage, refuse, solid waste or recyclable materials. Yard waste shall be disposed of in a lawful manner that will not result in such waste being deposited in the Sauk County Landfill contrary to the ordinances of Sauk County.

### **10.05 DEASESED AND INFECTED TREE CONTROL**

- (1) **PUBLIC NUISANCES DECLARED.** The following are hereby declared to be public nuisances wherever they may be found within the Village:
- (A) Any living or standing tree or part thereof infected with the Dutch Elm disease or other tree diseases.
  - (B) Any dead or diseased or infected tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned or

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- (C) sprayed with an effective fungicide or insecticide.  
Any living or standing female box elder, *Acre negundo*.
- (2) NUISANCES PROHIBITED. No person shall permit any public nuisance as defined in sub. (1) above to remain on any premises owned or controlled by him within the Village.
- (3) INSPECTION. The Village Health Inspector may enter upon private premises at all reasonable times for the purpose of carrying out any of the provisions of this section.
- (4) ABATEMENT OF DISEASE NUISANCES.
- (A) Whenever the Village Health Inspector shall find, with reasonable certainty on examination or inspection, that any public nuisance as defined in this section exists within the Village, he shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of the disease fungus or the insect pests or vectors known to carry such disease.
- (B) Before abating any such nuisance on private premises or in any tree bank between the sidewalk and the curb, the Village Health Inspector shall proceed as follows:
- (i) If the Inspector shall determine that danger to other trees from said nuisance is not imminent, he shall make a written report of his findings to the Village Board who shall proceed as provided in Wis. Stat. § 27.09(4).
- (ii) If the Village Board shall determine that danger to other trees within the Village is imminent, they shall notify the owner or abutting owner of the property on which such nuisance is found in writing, if he can be found, otherwise by publication in the official Village newspaper that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than ten (10) days from the date of such notice unless the Inspector shall find that immediate action is necessary to prevent spread of infection. If the owner fails to comply with the notice within the time limited, the Inspector shall cause the abatement thereof.
- (iii) No damage shall be awarded to the owner for destruction of any tree, wood or material or any part thereof pursuant to this section.
- (5) SPRAYING OF TREES.
- (A) Whenever the Health Inspector shall determine that any tree or material within or near the Village is infected with a disease, he may cause to be sprayed all high value trees within a one thousand (1000) foot radius thereof with an effective spray, provided such spraying shall be performed prior to July 15 or after October 15 of any year.
- (B) Before causing the spraying of any tree on private property in accordance with section, the Inspector shall notify the owner, as provided in (4)(b)(2) above.
- (6) ASSESSMENT OF COSTS OF ABATEMENT AND SPRAYING. The entire cost of abating any public nuisance as defined above or of spraying any tree in accordance with sub. (2) above may be charged to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with Wis. Stat. § 66.60(16).

### 10.06 WEED CONTROL

- (1) NOXIOUS WEEDS AND RANK GROWTH PROHIBITED. No owner or occupant or any lot or

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parcel shall allow such property to become overgrown with any weeds or grass so as to constitute a public nuisance as defined in Section 4.05(8) of this chapter.

- (2) **NOXIOUS WEEDS.** For the purpose of this sub-section, the term “noxious weeds” shall be defined as follows:
- (A) All noxious weeds, as defined in Wis. Stat. §66.96(1).
  - (B) Other noxious weeds as follows:
    - (i) Lambsquarter (*Chenopodium album*)
    - (ii) Goldenrod (*Solidago nemoralis*)
    - (iii) Ragweed, common (*Ambrosia artemisiifolia*)
    - (iv) Giant ragweed (*Ambrosia trifida*)
    - (v) Common milkweed (*Asclepias syriaca*)
    - (vi) Black nightshade (*Solanum nigrum*)
    - (vii) Smartweed (*Polygonum pensylvanicum*)
    - (viii) Bull thistle (*Cirsium vulgare*)
    - (ix) Stinging nettles (*Urtica procera*)
    - (x) Sweet clover (*Melilotos officinalis*)
    - (xi) Pigeon grass or yellow foxtail (*Setaria lutescens*)
    - (xii) Poison Ivy (*Rhus radicans*)
    - (xiii) Poison Sumac (*Rhus vernix*)
  - (C) Other rank growth of vegetation, and all weeds, grasses and plants over twelve (12) inches in height, excluding trees and shrubs, which:
    - (i) Detract form the surrounding area and properties.
    - (ii) Become a possible fire hazard, as determined by the Fire Chief.
    - (iii) Become a health hazard due to their pollen or a potential cover for disease-carrying rodents and other small animals.
    - (iv) Are of infectious or poisonous nature in or adjacent to a populated area, regardless of height.
    - (v) Become a potential hazard to vehicular traffic in vision clearance triangles.
    - (vi) Water Pollution. The pollution of any public well on cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (3) **NOTIFICATION.** The President shall annually, on or before May 15, publish a Class 2 notice, under Wis. Stat. § 985, that every person is required by law to destroy all noxious weeds and other rank growth of vegetation as defined in Sec. 4.05(8) of this chapter, on lands in the Village which he owns, occupies or controls.
- (4) **ENFORCEMENT.** If a property owner fails to control the growth of vegetation on his property, the Weed Commissioner shall provide the property owner with written notice as to this fact. The notice shall be mailed by first class mail, postage prepaid, to the address of the property owner as shown on the Village tax rolls. If such owner fails to abate this nuisance within six (6) days after the date of mailing of the notice, the Weed Commissioner shall take action to abate such public nuisance.
- (5) **COSTS.** If the Village causes a nuisance to be removed as provided above, the actual cost thereof, together with an administrative fee equal to ten percent (10%) of the actual cost, shall be

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charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to ten percent (10%) of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to Wis. Stat. § 66.98.

### 10.07 OUTDOOR SOLID FUEL HEATING DEVICE

(1) Definitions:

(A) "Outdoor Solid Fuel Heating Device" means a free-standing solid fuel unit, apparatus or equipment installed, affixed or situated outside the envelope of the building it serves, the primary purpose of which device is for combustion of solid fuel to heat interior building space and/or water source.

(B) "Chimney" means a vertical structure or stack enclosing a flue or flues that carry off smoke or exhaust from an Outdoor Solid Fuel Heating Device.

(2) Regulation of Outdoor Solid Fuel Heating Devices:

(A) An Outdoor Solid Fuel Heating Device in existence at the time of enactment of this Ordinance shall be a non-conforming use under sec. 10.07 of the Code of Ordinances.

(3) Outdoor Solid Fuel Heating Devices. Outdoor Solid Fuel Heating Device within the Village shall meet the following requirements:

(A) The chimney for such device shall be as follows:

1. If located seventy five (75) feet or closer from the nearest residential structure must have a chimney height at least two (2) feet higher than the eave height of the nearest residential structure.
2. If located more than seventy five (75) feet but less than one hundred (100) feet from the nearest residential structure, the chimney height shall be not less than seventy five percent (75%) of the eave height of the nearest residential structure, plus two (2) feet.
3. If located more than one hundred (100) feet but less than one hundred fifty (150) feet from the nearest residential structure, the chimney height shall be no less than fifty percent (50%) of the eave height of the nearest residential structure, plus two (2) feet.
4. If located more than one hundred and fifty (150) feet but less than two hundred (200) feet from the nearest residential structure, the chimney shall be no less than twenty five percent (25%) of the eave height of the nearest residential structure, plus two (2) feet.

(B) The Outdoor Solid Fuel Heating Device shall comply with all applicable standards of the United States Environmental Protection Agency (EPA) and the Wisconsin Department of Commerce (WDC) and the Wisconsin Department of Natural Resources (WDNR) governing air quality and emissions, as amended from time to time, which standards are hereby adopted by reference.

(C) The Outdoor Solid Fuel Heating Device shall have a child proof locking device on the fire door or shall be in an enclosure with the access door having such a locking device.

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- (D) Every Outdoor Heating Device must have a spark arrestor securely attached to the chimney stack to prevent the passage of sparks and ashes to the outside atmosphere.
- (4) Solid Fuel Types Prohibited. The use of the following solid fuel types as combustible materials for an Outdoor Solid Fuel Heating Device are prohibited:
  - (A) Rubbish or garbage, including, but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business waste.
  - (B) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590 of the Wisconsin Administrative Code.
  - (C) Asphalt and products containing asphalt.
  - (D) Treated or painted wood, including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
  - (E) Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
  - (F) Rubber, tires, and synthetic rubber-like products.
  - (G) Newspaper, corrugated cardboard, container board, office paper, and other materials that must be recycled in accordance with the City's recycling ordinance, except that paper and cardboard products may be used as starter fuel.
- (5) Permits.
  - (A) The owner of an Outdoor Solid Fuel Heating Device shall obtain an annual burning permit from the Village Board.
  - (B) The burning permit shall be obtained within 60 days of the enactment of this Ordinance and annually by January 31 each year thereafter. The initial building permit issued for the Outdoor Solid Fuel Heating Device as an accessory building shall satisfy this requirement for the calendar year of issue of the building permit.
  - (C) The cost of the annual burning permit shall be \$25.00.
  - (D) A violation of the conditions of an annual burning permit shall be deemed a violation of this Ordinance.
  - (E) Permits issued pursuant to this section shall not be transferable to nor issued to the new owner of property having a pre-existing Solid Fuel Heating Device.
- (6) Enforcement and Penalties.
  - (A) The Sauk County Police Department, Fire Department, and Village Board are authorized to enforce the provisions of this Ordinance.
  - (B) Any person, firm, business or other entity violating the provisions of this Ordinance is subject to the penalty provisions of sec. 10.07 of the Code of Ordinances. Additionally, any such violation is hereby declared to be a public nuisance which may be abated through injunction

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or other equitable relief as may be allowed by law, which shall be in addition to the penalties that may be imposed under sec. 10.07.

### 10.08 FAIR AND OPEN HOUSING

- 1) The Village Board of the Village of Rock Springs recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein.
  - a) The Village Board of the Village of Rock Springs hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.
  - b) The officials and employees of the Village of Rock Springs shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Rock Springs by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.
  - c) The Village Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the Village of Rock Springs to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.