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CHAPTER 8: HEALTH AND SANITATION

8.0100 HEALTH AND SANITATION

8.0101 HEALTH OFFICER; DUTIES AND POWERS

A. General Duties

The Health Officer under the supervision of the Board of Health shall:

1. Make an annual sanitary survey and maintain continuous sanitary supervision over his territory.
2. Make a periodic sanitary inspection of all school buildings, restaurants, dairies, grocery stores, and meat markets, and places of public assemblage and report thereon to those responsible for the maintenance thereof.
3. Promote the spread of information as to the cause, nature and prevention of prevalent diseases and the preservation and improvement of health.
4. Enforce the health laws, rules, and regulations of the State Board of Health, the State, and the City, including the laws relating to contagious diseases contained in Chapter 143, Wis. Stats., and Chapter H45, Wis. Adm. Code.
5. Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
6. Keep and deliver to his successor a record of all his official acts.
7. Make an annual report to the State Board of Health and to the Common Council and such other report as they may request.

B. Materials and Supplies

The Health Officer shall have authority to procure at the expense of the City all record books, quarantine cards, and other materials needed by the Board of Health, except such as are furnished by the State Board of Health.

State Law Reference: Section 141.015 and Chapter 143, Wis. Stats.

8.0102 RULES AND REGULATIONS

The 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.

8.0103 HEALTH NUISANCES; ABATEMENT OF

A. Defined

A health nuisance is any source of filth or cause of sickness.

B. Duty to Abate

The Health Officer, the Board of Health and the Common Council may abate health nuisances pursuant to Section 146.14, Wis. Stats., which is adopted by reference and made a part of this section.

State Law Reference: Section 146.14, Wis. Stats.

8.0104 ABATEMENT OF PRIVIES AND CESSPOOLS

After connection to a water main and public sewer, no privy, privy vault, or cesspool shall be constructed or maintained upon such lot or parcel and shall be abated upon ten (10) days written notice for such abatement by the Building Inspector. If not so abated, the Building Inspector shall cause the same to be done and the cost thereof assessed as a special tax against the property.

8.0105 KEEPING OF LIVESTOCK

No person shall take or permit to remain any dog, cat, or other live animal on or upon any premises; where food is sold, offered for sale, or processed for consumption by the general public.

8.0106 DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED

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

8.0107 DESTRUCTION OF NOXIOUS WEEDS

A. The City Clerk shall annually on or before May 15th publish as required by State law a notice that every person is required by law to destroy all noxious weeds on lands in the City of Marinette which he owns, occupies, or controls.

B. If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the City of Marinette 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 five (5) days period, will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Section 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply with 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. Noxious weeds are those plants designated as noxious weeds in Section 66.96, Wis. Stats., and other rank growth.

8.0108 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 weeds being allowed to grow to excessive length in the City of Marinette.

- B. Public Nuisance Declared

The Common Council finds that lawns on residential lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other 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 City. For that reason, any lawn on a residential lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance.

- C. Nuisances Prohibited

No person, firm, or corporation shall permit any public nuisance as defined in subsection (b) above to remain on any premises owned or controlled by him within the City of Marinette.

- D. Inspection

The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in subsection (b) above exists.

- E. Abatement of Nuisance

In the event any such lawn exceeds eight (8) inches in length, the Department of Public Works may cut the lawn or otherwise abate the nuisance.

- F. Assessment of Costs of Abatement

The entire cost of abating any public nuisance as defined in subsection (b) above shall be chargeable to and assessed against the parcel or lot affected.

8.0109 COMMUNICABLE DISEASES

Chapter 143, Wis. Stats., and Chapter H45, Wis. Adm. Code, are adopted by reference and made a part of this chapter; and the Sanitary Inspector shall enforce the provisions thereof.

8.0110 MILK AND MILK PRODUCTS

A. Grade A Milk Required

No person shall sell, offer, or expose for sale within the City, any milk or milk product other than Grade A pasteurized milk or milk products as defined in Chapter AG80, Wis. Adm. Code.

B. Frozen Desserts

The provisions of Chapter AG70, Wis. Adm. Code, relating to frozen desserts, exclusive of any provision thereof relating to the penalty, is hereby adopted and made a part of this chapter by reference. A violation of any such provisions shall constitute a violation of this Chapter.

8.0111 FLUORIDATION OF WATER

The Water Utility shall introduce approximately one (1) to one and one-half (1-1/2) parts of fluoride to every million parts of water being distributed in the water supply system of the City of Marinette.

8.0112 PROHIBITED DISPOSAL OF TRASH AND RUBBISH

A. Prohibited Disposal

No person shall drop, deposit, throw, scatter, place, or leave sticks, stones, straw, ashes, grass, wood, leaves, paper or paper boxes, iron, tin, metals, wire, nails, cans, glass, bottles, garbage, refuse, rank growth of vegetation, manure, or other rubbish, debris or waste or permit the same to blow or fall from any vehicle, upon, in or along any street (including tree lawns), alley, bridge, gutter, sidewalk, stream, river, public park, public river bank or any other public place or grounds, or railroad right-of-way, in the City.

B. Exception

The provisions of Chapter 8, Section 8.0300 of this Code do not prohibit the deposit or placing at usual customary places, of containers or packages containing garbage or other waste materials to be collected by the City's collection services, nor prohibit the placing of waste material at such times and places as the City may specifically designate, for the purpose of collection by City vehicles or by commercial collectors.

8.0113 ADMINISTRATIVE CODE PROVISIONS ADOPTED

The provisions in Chapter AG 32, Wis. Adm. Code, describing and defining health regulations for retail food establishments are hereby adopted and by reference made a part of this Code as if set forth therein. Any act required to be performed or prohibited by any provision of Chapter AG 32 incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions, or modifications of Chapter AG 32, Wis. Adm. Code, incorporated herein are intended to be made part of this chapter.

State Law Reference: Chapter AG 32, Wis. Adm. Code.

8.0114 REGULATING PRIVATE WELLS

A. Purpose

To prevent contamination of groundwater and to protect public health, safety, and welfare by assuring that unused, unsafe, or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.

B. Applicability

This ordinance applies to all wells located on premises served by the Marinette municipal water system.

C. Definitions

1. "Municipal water system" means a system for the provision to the public of piped water for human consumption when such system has a least fifteen (15) service connections or regularly serves at least twenty-five (25) year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district, or public institution as defined in Wisconsin Statutes Section 49.10(12)(f)1., or a privately owned water utility serving any of the above.
2. "Noncomplying" means a well or pump installation which does not comply with the provisions of Wisconsin Administrative Code Chapter NR 112, in effect at the time the well was constructed, a contamination source was installed, the pump was installed, or work was done on either the well or pump installation.
3. "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets, and well seals or caps.
4. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Wisconsin Administrative Code Chapters NR 109 or 140, or for which a Health Advisory has been issued by the Department of Natural Resources.
5. "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.
6. "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
7. "Well Abandonment" means the filling and sealing of a well according to the provisions of Wisconsin Administrative Code Chapter NR 112.

D. Registration Required

All wells located on premises served by the municipal water system shall be registered with the Marinette Water Utility by September 1, 1992, on forms which shall be provided by the Marinette Water Utility.

E. Abandonment Required

All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and Wisconsin Administrative Code Chapter NR 112, by June 1, 1993, or no later than one (1) year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Marinette Water Utility.

F. Well Operation Permit

The Marinette Water Utility shall grant a permit to a private well owner to operate a well for a period of five (5) years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Marinette Water Utility, or its agent, may conduct inspections or have water quality tests conducted, at the applicant's expense, to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Marinette Water Utility. The following conditions must be met for issuance or renewal of a well operation permit:

1. The well and pump installation meet or are upgraded to meet the requirements of Wisconsin Administrative Code Chapter NR 112,
2. The well construction and pump installation have a history of producing bacteriologically safe water. Results of a recent (within six months of submittal) analysis performed by a State certified lab shall be submitted with the permit application. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.
3. There are no cross-connections between the well and pump installation and the municipal water system, and
4. The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

G. Abandonment Procedures

1. All wells abandoned under the jurisdiction of this ordinance or rule, shall be abandoned according to the procedures and methods of Wisconsin Administrative Code Chapter NR 112. All debris, pump, piping, unsealed liners, and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

2. The owner of the well, or the owner's agent, shall notify the Marinette Water Utility at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by a representative of the Marinette Water Utility, or its designee.
3. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Marinette Water Utility and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.

H. Penalties

1. Any well owner violating any provision of this ordinance shall, upon conviction, be punished by the forfeiture provisions of Marinette Municipal Code Section 1.0107, as amended from time to time.
2. If any person fails to comply with this ordinance for more than ten (10) days after receiving written notice of the violation, the municipality may cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

8.0200 POLLUTION ABATEMENT

8.0201 WATER POLLUTION CONTROL

A. Legislative Intent

This Chapter is designed to prevent polluting or spilled material from reaching lakes or streams where it can create hazard to health, a nuisance, or produce ecological damage and to assess responsibility and costs of clean-up to the responsible party.

B. Discharge or Release Prohibited

It shall be unlawful for any person, firm or corporation to release, discharge, or permit the escape of domestic sewage, industrial wastes or any potential polluting substance into the waters adjacent to or within the boundaries of the City of Marinette, or into any stream within the jurisdiction of the City, or into any street, sewer, ditch, or drainage-way leading into any lake or stream, or to permit the same to be so discharged to the ground surface without authorization from the Common Council.

8.0202 CLEAN-UP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES

A. Clean-Up 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 the pollution to the lakes and streams under the jurisdiction of the City of Marinette.

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 Marinette Police Department so that assistance can be given by the proper agency.

C. Financial Liability

The party or parties responsible for the release, escape, or discharge of wastes may be held financially liable for the cost of any clean-up or attempted clean-up deemed necessary or desirable and undertaken by the City of Marinette, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.

8.0203 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, drainageway, lake, or stream within the jurisdiction of the City of Marinette.

8.0300 GARBAGE DISPOSAL

8.0301 DEFINITIONS

The terms used in this Chapter are defined as follows:

A. Garbage

Garbage shall mean non-recyclable, regularly generated, household type trash and refuse including waste from the preparation of food and excluding construction debris, industrial waste, yard waste, junk, and brush, logs and stumps.

B. Construction Debris

The term "construction debris" shall mean all waste resulting from the construction and reconstruction of any building, roadway, sidewalk, sewer, or lawn, and any waste resulting from the removal or trimming of trees and shrubs by private firms.

C. Industrial Wastes

The term "industrial waste" shall be used for all refuse and non-usable by-product of any manufacturing process such as foundry wastes and any types of combustible or non-combustible material produced in large quantities by any factory or business establishment.

D. Junk

Junk shall mean larger, non-regularly generated, non-white good, household items including by way of example furniture, carpeting and television sets.

E. Patron

The word "patron" shall mean any person producing any type of waste material covered by the regulations of this Chapter. In the case of a firm or corporation, the word patron will be construed to mean the principal agent, officer, or employer responsible for said firm or corporation.

8.0302 GARBAGE DISPOSAL ADMINISTRATION

A. Collection and disposal of all garbage shall be under the supervision of the Director of Public Works, or his designee.

B. The Director of Public works shall prepare collection schedules for the different wards within the City of Marinette, and he shall advertise such schedules in such a way that all patrons will know the correct collection dates.

8.0303 JUNK COLLECTION

Pursuant to a schedule determined by the Director of Public Works, junk will be picked up from single-family dwellings every other week with a maximum volume per household of six (6) bags. Junk shall not be placed out for collection

more than 12 hours prior to the designated junk collection week. (Ordinance 2007-2083 adopted 2-6-07).

Municipal collection of large residential household items will be collected for a fee of \$10.00 per item that must be paid through a resident's City Services Debit Card. Examples of large residential items excluded from collection include: appliances, white goods, metal objects, electronic items, Freon containing items, hazardous items, or any other item determined not acceptable by the Director of Public Works. (Ordinance 2008-2127 adopted 6-17-2008).

8.0304 PREPARATION OF GARBAGE

A. Patrons

The City of Marinette shall regularly collect garbage for single-family through four-family residential homes and commercial establishments. Commercial establishments are defined as any permitted principal use or special exception in a B-1 Local Shopping or B-2 Commercial Business Zoning District.

B. Preparation of Garbage

All garbage must be placed in sturdy, closed and tied or otherwise secured plastic bags, not to exceed six 33 gallon bags or equivalent per living unit. No bag may exceed 50 pounds in weight or 33 gallons in size. The closed and tied or otherwise secured plastic bags may be placed inside of garbage cans not exceeding 32 gallons in size. Garbage bags will be collected from garbage racks only if the rack has a vertical lift no greater than one foot above ground level.

8.0305 RESERVED FOR FUTURE USE

8.0306 YARD WASTE

At the direction of the Board of Public Works, the Director of Public Works shall establish regulations and a schedule for yard waste collection from single family through four-family dwellings. All yard waste shall be contained in approved bio-degradable yard waste bags or other approved containers which shall not exceed a weight of 50 lbs. per bag/container.

8.0307 BRUSH, LOGS AND STUMPS

At the direction of the Board of Public Works, the Director of Public Works shall establish regulations and a schedule for the collection of brush and similar plant materials, stumps, logs, branches, limbs and tree cuttings from single family through four-family dwellings. When these materials are produced by a business concern selling tree and shrub trimming services, such materials will not be collected by the City and must be disposed of by the business concern.

8.0308 LOCATION OF CONTAINERS; TIME OF PLACEMENT

- A. Garbage containers shall be set out for collection from the rear of the residence where alleys exist. All others will place them on the tree lawn.
- B. Garbage shall not be placed out for collection more than twelve (12) hours before the scheduled collection and any containers shall be removed not more than 12 hours after collection.

8.0309 DISPOSAL OF GARBAGE

- A. All garbage will be disposed of as designated by the Director of Public Works.
- B. No patron or person shall be permitted to burn any garbage, rubbish, or refuse outdoors at any time within the City.
- C. No person shall upset or turn over and/or spill the contents of any waste container on any street, alley, or other public place.
- D. The making of a private dump within the City limits is prohibited.
- E. It shall be unlawful for any person to transport garbage or refuse into the City of Marinette for the purpose of disposing it within the City.

8.0310 DISPOSAL OF CONSTRUCTION DEBRIS

All construction debris shall be disposed of by the owner, builder, or contractor.

8.0311 DISPOSAL OF INDUSTRIAL WASTES

Industrial waste shall be disposed of by the industry, firm, or corporation producing such waste.

8.0312 RESPONSIBILITY OF PATRON

- A. Disposal of Animal Wastes and Other Offensive Wastes
Animal wastes, the droppings of pet animals, manure, and night soil will not be collected by the municipal collection service. It is the responsibility of the owner of such animals to dispose of such wastes in a sanitary manner. Any exception to this must meet with the approval of the Board of Health and the Director of Public Works.
- B. Explosive Material
Placing or depositing any explosive material such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gun powder, gasoline, or similar material in a container for collection or disposal is prohibited.
- C. Doubt of Proper Disposal
Where any patron is in doubt as to the proper method of preparing, handling, and disposing of any type of refuse, he shall communicate with the Superintendent of Public Works for information concerning said handling and disposal.

8.0313 SPECIAL PENALTIES

A. Accumulation of Refuse

In the event that the owner, occupant, or lessee of any premises shall neglect or refuse to clean up and remove from said premises, all garbage, ashes, refuse, rubbish, manure, offal, and other waste material where ordered to do so by the City Health Officer, said owner, occupant, or lessee shall be liable to the penalty as provided herein.

B. Failure to Comply

1. The Director of Public Works may refuse to furnish collection service of the garbage and refuse to any person not in compliance with this Chapter and rules and regulations made by the Director of Public Works as approved by the Council for the collection and disposal of garbage and refuse.
2. Any person from whom service for the collection of garbage and refuse is withdrawn by the Director of Public Works for failure to comply with said rules and regulations, and as a result thereof, may have garbage and refuse collected on his premises which is offensive or amounts to a nuisance may be prosecuted under this Chapter.

8.0314 ENFORCEMENT

The City Health Officer shall be charged with enforcing the aspects of this Chapter as pertains to the sanitation and the health and well-being of the general public.

8.0315 PROHIBITING PLACEMENT AND PICK UP OF REFUSE AND GARBAGE GENERATED OUTSIDE OF CITY LIMITS

- A. The City of Marinette shall not collect any refuse or garbage generated, created, or discarded outside of its city limits.
- B. No person or entity shall place for pick up by the City of Marinette any refuse or garbage generated, created, or discarded outside of its city limits.
- C. Any person or entity violating subsection (b) shall be subject to the general penalty provisions of Marinette Municipal Code Section 1.0107, as amended from time to time.
- D. The Superintendent of Public Works shall be responsible for enforcement of this section and is authorized to issue citations for its violation.

8.0316 DISPOSAL OF MEDICAL SHARPS PROHIBITED

No person or entity shall place any used or unused medical sharps into refuse, garbage or recyclables for collection by the City of Marinette. Medical sharps shall be defined as any sharp or pointed medical instrument including, but not limited to hypodermic needles, syringes with needles, scalpel blades, and lancets. Penalties for the violation of this ordinance shall be governed by Marinette Municipal Code Section 1.0107.

8.0400 RECYCLING

8.0401 PURPOSE

The purpose of this Section is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 159.11, Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code.

8.0402 STATUTORY AUTHORITY

This section is adopted as authorized under Section 159.09(3)(b). Wisconsin Statutes, and Section 62.04, Wisconsin Statutes.

8.0403 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Section to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinance or permits previously adopted or issued pursuant to law. However, whenever this Section imposes greater restrictions, the provisions of this Section shall apply.

8.0404 INTERPRETATION

In their interpretation and application, the provisions of this Section 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 requirement of this Section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Section is required by the Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provisions shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this Section, or in effect on the date of the most recent text amendment of this Section.

8.0405 SEVERABILITY

Should any portion of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.

8.0406 APPLICABILITY

The requirement of this Section shall apply to all persons within the City of Marinette.

8.0407 ADMINISTRATION

The provisions of this Section shall be administered by the Department of Public Works.

8.0408 EFFECTIVE DATE

The provisions of this Section shall take effect on January 2, 1995.

8.0409 DEFINITIONS

For the purpose of this Section:

1. Bi-Metal Container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
2. Container Board means corrugated paper board used in the manufacture of shipping containers and related products.
3. Foam Polystyrene Packaging means packaging made from foam polystyrene that satisfies one (1) of the following criteria:
 - (a) Is designed for serving food or beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
4. HDPE means high density polyethylene, labeled by the SPI code #2.
5. LDPE means low density polyethylene, labeled by the SPI code #4.
6. Magazines means magazines and other materials printed on similar paper.
7. Major Appliance means a residential or commercial air conditioner, boiler, clothes dryer, clothes washer, dehumidifier, dishwasher, freezer, residential or commercial furnace, microwave oven if capacitor has not been removed (microwave ovens may be disposed in landfills if the capacitor has been removed), oven, refrigerator, stove, or water heater.
8. Multiple-Family Dwelling means a property containing five (5) or more residential units, including those which are occupied seasonally.
9. Newspaper means a newspaper and other material printed on newsprint.
10. Non-Residential Facilities and Properties means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple-family dwellings.
11. Office Paper means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
12. Other Resins or Multiple Resins means plastic resins labeled by the SPI code #7.

13. Person includes any individual, corporation, partnership, associate, local government unit, as defined in Sec. 66.299(1)(a), Wisconsin Statutes, state agency or authority or federal agency.
14. PETE means polyethylene terephthalate, labeled by the SPI code #1.
15. Plastic Container means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is subject to retail sale.
16. Post-consumer Waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)1, Wisconsin Statutes.
17. PP means polypropylene, labeled by the SPI code #5.
18. PS means polystyrene, labeled by the SPI code #6.
19. PVC means polyvinyl chloride, labeled by the SPI code #3.
20. Recyclable Materials includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins, steel containers, waste tires and bi-metal containers.
21. Scrap Metal means all other metal except "major appliances". This definition does not include auto/truck bodies and/or parts or wire products.
22. Solid Waste has the meaning specified in Sec. 144.01(15), Wisconsin Statutes.
23. Solid Waste Facility has the meaning specified in Sec. 144.43(5), Wisconsin Statutes.
24. Solid Waste Treatment means any method, technique or process which is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.
25. Waste Tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
26. Yard Waste means leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

8.0410 SEPARATION OF RECYCLABLE MATERIALS

Occupants of single family and two (2) to four (4) unit residences, multi 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 containerboard.
8. Fluorescent bulbs compact or tubular.
9. Foam polystyrene packaging.
10. Glass Containers.
11. Magazines.
12. Newspapers.
13. Office paper.
14. Rigid plastic containers PETE, HDPE, PVC, LDPE, PP, SS, and other resins or
15. multiple resins.
16. Scrap metal.
17. Steel containers.
18. Waste tires.

8.0411 SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of Section 8.0410 do not apply to a recyclable material specified in Section 8.0410 (5) through (16) for which a variance has been granted by the Department of Natural Resources under Section 159.11(2m), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code.

8.0412 CARE OF SEPARATED RECYCLABLE MATERIALS

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8.0410 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable material, including but not limited to household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

8.0413 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, SCRAP METAL, WASTE TIRES, WASTE OIL, FLOURESCENT BULBS AND YARD WASTE

Occupants of single family and two (2) to four (4) unit residences, multi family dwellings and non-residential facilities and properties shall manage these items as follows:

- A. Lead acid batteries shall not be disposed of as “Solid Waste” nor be otherwise discarded. It is recommended that batteries be recycled within the marketplace such as garages, scrap yards or other buy-back locations.
- B. Major appliances shall not be disposed of as “Solid Waste” nor be otherwise discarded. It is recommended that major appliances be recycled within the marketplace such as scrap yards or other buy-back locations.
- C. Scrap metal shall not be disposed of as “Solid Waste” nor be otherwise discarded. It is recommended that scrap metal be recycled within the marketplace such as scrap yards or other buy-back locations.
- D. Waste tires shall not be disposed of as “Solid Waste” nor be otherwise discarded. It is recommended that waste tires be recycled within the marketplace such as garages, scrap yards or other buy-back locations.
- E. Waste oil shall be dropped off at the appropriate City of Marinette Public Works Garage and placed in the appropriate container provided. Waste oil shall be free from any other materials. Other liquids such as transmission fluid, paint thinners, etc. are prohibited.
- F. Fluorescent bulbs, compact and tubular, shall not be disposed of as “Solid Waste” nor otherwise be discarded. It is recommended that fluorescent bulbs be recycled at a licensed lamp recycler or an approved collection site.
- G. Yard waste shall be separated and placed at curb side in open-top containers or can be dropped off on scheduled days at the City’s licensed composting facility.

8.0414 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

The City shall collect recyclable materials from single-family through four-unit residences whose occupants shall separate the materials specified in Section 8.0410 through (16) and prepare the materials in accordance with the following rules:

- A. Separation of Recyclable Materials
Recyclable materials shall be separated into two categories:
 - 1. All fiber (paper-type) materials which must be placed in brown paper bags;
 - 2. All other non-fiber materials which may be co-mingled and placed in open bins or similar containers.

B. Containers, Weight and Volume

Each living unit shall be allowed to place a maximum of 6 eighteen-gallon bins per week or equivalent. Bin size shall not exceed eighteen gallons nor weigh more than 50 pounds.

8.0415 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS AND NON-RESIDENTIAL FACILITIES AND PROPERTIES.

Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 8.0410 (5) through (16):

- A. Provide adequate, separate containers for the recyclable materials.
- B. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- C. Provide for the collection of recyclable materials separated from the solid waste by the tenants and delivery of the recyclable materials to a recycling facility. The City may, in its sole discretion, enact other ordinances for the City to assume some or all of the collection and/or delivery responsibilities otherwise required of the owner or designed agent.
- D. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- E. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the material specified in Section 8.0410 (5) through (16):
 - 1. Provide adequate separate containers for the recyclable materials.
 - 2. Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
 - 3. Provide for the collection of recyclable materials separated from the solid waste by the users, tenants and occupants and delivery of the recyclable materials to a recycling facility. The City may, in its sole discretion, enact other ordinances for the City to assume some or all of the collection and/or delivery responsibilities otherwise required of the owner or designated agent.
 - 4. Notify users, tenants and occupants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- F. The requirement specified in Section 8.0410 (A) above does not pertain to a recyclable material for which a variance has been granted by the

Department of Natural Resources under Section 159.11(2m), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code.

8.0416 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS FOR RECYCLING.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 8.0410 (5) through (16), or otherwise dispose of recyclable materials in an unauthorized or illegal manner. Exception: waste tires will be processed separately and may be burned within an energy recovery facility or otherwise used in a recycled product.

8.0417 ENFORCEMENT

For the purpose of ascertaining compliance with the provisions of this Section, employees of the Department of Public Works of the City of Marinette may inspect recyclable material separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to said employee who requests access for the purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

8.0418 VIOLATIONS

Any person who violates a provision of this Section may be issued a citation by the Superintendent of Public Works. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Section.

8.0419 PENALTIES

The penalty provisions of Chapter 1 General Provisions of the Marinette Municipal Code Section 1.0107 shall apply to any violation of Chapter 8.0400 of the Municipal Code.

8.0420 RESERVED FOR FUTURE USE

8.0421 SCAVENGING OF RECYCLABLE MATERIALS PROHIBITED.

No person or entity shall disturb, take or remove any recyclable materials which have been placed on or near a public street or alley for collection by the City. Any person or entity violating this ordinance shall be subject to the general penalty provisions of Marinette Municipal Code Section 1.0107.

