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**HEALTH AND SANITATION**

**Sec. 32.01** Keeping of Livestock

- 1) PROHIBITION. The keeping of livestock or fowl in the Village is prohibited. All structures, pens, buildings, stables, coops or yards wherein animals, pets or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors.
- 2) ANIMALS EXCLUDED From Food Handling Establishments. 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. Every dog specially trained to lead blind persons shall be exempt from this position.

**Sec. 32.02** 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 materials or liquid. When any such materials are placed on the person’s own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

**Sec. 32.03** Destruction of Noxious Weeds

- 1) The Village Clerk-Treasurer shall annually on or before May 15<sup>th</sup> publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- 2) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five (5) days’ written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of 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.
- 3) As provided for in Sec. 66.96(2), Wis. Stats, the Village shall require that all noxious bloom or flower stat. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within in the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which if allowed to pollinate would cause or produce hay fever in human beings or would cause a skin rash through contract with the skin. Noxious weed, as defined in this Section shall include but not be limited to the following:

|  |  |
|--|--|
| Cirsium Arvense (Canada Thistle)       | Ambrosia artemisiifolia (Common ragweed) |
| Euphorbia esual (Leafy spurge)         | Convolvulus arvensis                     |
| Tragopogon dubius (Goat’s Beard)       | Rhus radicans (Poison ivy)               |
| Cirsium vulgaries (Bull thistle)       | Pastinaca Sativa (Wild parsnip)          |
| Arctium minus (Burdock)                | Xanthium strumarium (Cocklebur)          |
| Amaranthus retroflexus (Pigweed)       | Chenopodium Album (Common lambsquarter)  |
| Rumex Crispus (Curled dock)            | Cannabis sativa (Hemp)                   |
| Plantago lanceolata (English plantain) | Agrostia alba (Redtop)                   |
| Dactylis glomerata (Orchard)           | Phleum pratensis (Timothy)               |
| Poa pratensis (Kentucky blue)          | Sorghum halepense (Johnson)              |
| Setaria (Foxtail)                      |  |

**Sec. 32.04** Regulation of Natural Lawns

- 1) NATURAL LAWNS DEFINED. Natural lawn as used in this Section shall include common species of grass and wild flowers native to the North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in this Section. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is

approved and a permit is issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

2) NATURAL LAWN MANAGEMENT PLAN DEFINED.

- a) Natural Lawn Management Plan is used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose of the lawn, a detailed description of the vegetation types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
- b) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property Owner" shall be defined to include the legal titleholder and/or the beneficial owner of any such lot according to most current Village records. Natural lawn Management Plans shall only indicate the planting and cultivating are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawn shall not be permitted within ten (10) feet of the abutting property owners' property unless waived in writing by abutting property owner property unless waived in writing by the abutting property owner on the side so affected. Such waiver to be affixed to the Lawn Management Plan.
- c) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocations shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

3) APPLICATION PROCESS.

- a) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-five (\$25.00) dollars non-refundable filing fee will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one (51%) percent or more of the neighboring property owners, the Clerk-Treasurer shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.
- b) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one (51%) percent or more of the neighboring property owners, the Clerk-Treasurer shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.

4) APPLICATION FOR APPEAL. The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Public Works Committee at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Public Works Committee shall be final and binding.

5) SAFETY PRECAUTIONS FOR NATURAL GRASS AREAS.

- a) When in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard, due to weather and/or other conditions the Fire Chief may order the cutting of natural lawns to a

safe condition. As a condition of receiving approval of the natural lawns permit the property owner shall be required to cut the natural lawn within three (3) days upon receiving written direction from the Fire Chief.

- b) Natural Lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawn thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand (\$300,000.00) dollars.
- 6) **REVOCATION OF AN APPROVED NATURAL LAWN MANAGEMENT PLAN PERMIT.** The Clerk-Treasurer, upon the recommendation of the Village President, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provision set forth in the approved Natural Lawn Management Plan permit or any requirements set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Public Works Committee. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Public Works Committee in an open meeting. The Public Works Committee shall make a recommendation to the Village Board. The decision rendered by the Village Board shall be final and binding.
- 7) **PUBLIC NUISANCE DEFINED – ABATEMENT AFTER NOTICE.**
- a) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
  - b) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State Statute.
  - c) The failure of the Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice, shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this Section.
- 8) **PENALTY.**
- a) Any person, firm, or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
  - b) In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violations of this Section.

**Sec. 32.05** Regulation of Length of Lawn and Grass

- 1) **PURPOSE.** This section is adopted due to the unique nature of the problems associated with lawns, grasses, and noxious weeds being allowed to grow to excessive length in the Village of Whiting.
- 2) **PUBLIC NUISANCE DECLARED.** The Village Board finds that lawns, grasses and noxious weeds on 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 emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Village. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to this Section.

- 3) NUISANCE 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 Village.
- 4) INSPECTION. The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in subsection (b) above exists.
- 5) ABATEMENT OF NUISANCE.
  - a) If the inspecting officer shall determine with reasonable certainty that any public nuisance as defined in subsection (b) above exists, he shall immediately report such existence to the Village Board who shall, if it determines that such nuisance exists, cause notice to be served that the Village Board proposes to have the lot grass or lawn cut so as to conform with this Section and that a hearing will be held before the Village Board for the purpose of ordering such mowing.
  - b) The notice shall be served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land, or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
  - c) At the hearing, the owner may appear in person or by his attorney and may present witnesses in his behalf.
  - d) After the hearing the Village Board shall make its determination in writing specifying its findings of fact and conclusions. If it determines that a public nuisance does exist, it shall order the inspecting officer to mail or served the owner of the property, if he can be found, or upon the occupant thereof a written notice to abate the nuisance within five (5) days of the service of the notice.
- 6) VILLAGE'S OPTION TO ABATE NUISANCE. In any case where the owner, occupant, or person in charge of the property shall fail to cut their lawn, grass, or weeds as set forth above, then and in that event, the Village may elect to cut said lawn, grass, or weeds as follows:
  - a) Written notice shall be personally served, delivered or mailed informing said person of his or her failure to abate the nuisance, the Village's intention to abate the same, and the potential costs thereof, no less than twenty-four (24) hours prior to the Village's cutting of the lawn, grass or weeds.
  - b) The Village shall cut or cause to be cut all grass and weeds from the subject's property, and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a statement to the Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Section 66.615(3) (f), Wisconsin Statutes.

### **Sec. 32.06** Health and Sanitation

All matters of Health and Sanitation including inspections and enforcement have been assumed by the Portage County Health Department.

### **Sec. 32.07** Yard Ordinance

- 1) Yards. Yards shall be kept clear of debris and be provided with lawn or ground cover of vegetation, hedges, bushes, rocks, or pavers. All areas not covered by any of the foregoing shall be treated in an attempt to prevent dust or the blowing or scattering of dust particles in the air.
- 2) Exterior appearance. Every building, structure, and all exterior appurtenances on the premises shall be kept free from graffiti. The exterior of every structure or accessory structure including fences shall be structurally sound and maintained in good repair. The same shall be maintained free of broken glass, loose shingles, or siding, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved. Safety and fire hazards eliminated, and adjoining properties protected from blighting influences.
- 3) No building shall be so unsanitary or otherwise unfit for human occupancy, habitation, or dilapidated or blighted to the extent where windows, doors, or other openings or plumbing or heating fixtures or facilities or appurtenances of such building dwelling or structure offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition.
- 4) Prohibition of Junk and Dirt Piles. Lots in residentially developed areas shall be kept free by the owner and/or person authorized to use the same of dirt piles, rubble and any other material or conditions which might hinder maintenance of the property, except that dirt piles or other landscaping material used for landscaping shall be leveled and such areas seeded for grass within 30 days of the date of delivery.

- 5) No owner or occupant of a premise or premise unit shall accumulate rubbish, boxes, lumber, scrap metal, appliance, or other material or furniture designed for interior use on the premises which is exposed to the weather for longer than 24 hours in such a manner that may be unsightly to, incompatible with, or repugnant to the residential or commercial neighborhood. Compost piles shall be maintained in a clean, safe manner.

**Sec. 32.08** Maintenance Standards

- 1) Owner and Occupant responsibilities. Every owner and occupant of property within the Village of Whiting has the responsibility to maintain such property in a sanitary and safe condition. No property may be maintained as blighting influence on adjacent properties. More specifically, it is every property owner’s and occupant’s responsibility to:
  - (1) Keep any building and building-related materials and equipment located on the property in safe repair, maintained, and related to the exterior appearance.
  - (2) No owner, operator, or occupant of any premise shall permit or allow any disassembled, dismantled, junked, wrecked, or inoperable and/or unlicensed motor vehicle, machinery, or trailer to be stored or allowed to remain in the open on such premise for a period in excess of three days unless it is in connection with an automotive sales and repair business enterprise located in a properly zoned area or where approved by the Village Board.
  - (3) Maintain lighting intensity at the location in a reasonable manner so as not to excessively impact adjoining properties.

**Sec. 32.09** Minimum Property Maintenance Standards

Following are the minimum standards to be met by a property owner or occupant regarding property maintenance in the Village of Whiting. Violation of these standards may result in the issuance of an order and service charge or issuance of a citation by the Inspection Department or authorized personnel.

- (1) All buildings located on property within the Village of Whiting shall be maintained in a condition to be safe to both occupants and passersby.
- (2) All yards and landscaped area shall be kept free of trash, debris, rodent harborage and infestation, domestic animal feces, noxious weeds, old building materials, junk, unlicensed or inoperative vehicles.

**Sec. 32.10** Clean Up of Spilled or Accidentally Discharged Wastes

- 1) CLEAN-UP REQUIRED. All person, 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 Village.
- 2) 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 County Sheriff’s Department so that assistance can be given by the proper agency.
- 3) 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 Village, or its designated agent, in an effort to minimize the pollution effects of the discharged waste.

**Sec. 32.11** Storage of Polluting Substances

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainage way, lake or stream within the jurisdiction of the Village.

**Sec. 32.12** Collection Service

- 1) TITLE. This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Whiting, Wisconsin, hereinafter referred to as Ordinance or Chapter.
- 2) GARBAGE AND REFUSE COLLECTION SERVICE. All garbage and refuse collection service shall be provided by the Village or by persons or firms licensed by the Village to perform such services.

- 3) SUPERVISION. The collection of garbage and refuse as defined herein shall be under the administration of the Village Board, who shall make such regulations as are necessary regarding the collection of garbage and refuse with the approval of the Village Board.

**Sec. 32.13** Declaration of Policy

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety, and welfare of the Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery, and disposal of solid waste.

**Sec. 32.14** Definitions

For the purpose of this Chapter, the following words and phrase shall have the meanings given herein unless different meanings are clearly indicated by the context.

- 1) AGRICULTURAL ESTABLISHMENT – An establishment engaged in the rearing and slaughtering of animals and the processing of animals products or orchard and field crops.
- 2) BULKY WASTES – Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- 3) COLLECTIONS – The act of removing solid wastes from the storage area at the source of generation.
- 4) COLLECTION SERVICE RESPONSIBILITY – The Village Board is responsible for the administrative management of this Chapter and is responsible for the enforcement of those aspects of this Chapter related to the protection of the health, safety and welfare, and the environment of the municipality.
- 5) CURB – The back edge of curbs and gutter along a paved street or where one would be if street was paved and had curb and gutter.
- 6) 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 materials resulting from the demolition of buildings and improvements.
- 7) DISPOSAL – The orderly process of discarding useless or unwanted material.
- 8) DNR – The Wisconsin Department of Natural Resources.
- 9) DUMP – A land site where solid waste is disposed of in a manner that does not protect the environment.
- 10) DWELLING UNIT – A pace of habitation occupied by a normal single family unit of a combination of person who may be considered as equivalent to a single family unit for the purposes of this Chapter.
- 11) GARBAGE – Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.
- 12) HAZARDOUS WASTE – Those wastes such as toxic, radioactive or pathogenic substances which require special handing to avoid illness or injury to persons or damage to property and the environment.
- 13) INDUSTRIAL WASTE – Means waste material, except garbage, rubbish, and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- 14) LITTER – Solid waste scattered about in a careless manner, usually rubbish.
- 15) NON-RESIDENTIAL SOLID WASTE – Solid waste from agricultural, commercial, industrial, or institutional activities or a building or group of buildings consisting of four (4) or more dwelling units.
- 16) PERSON – Individuals, firms, corporations, and associations, and includes the plural as well as the singular.
- 17) PRIVATE COLLECTION SERVICES – Collection services provided by a person licensed to do same by the DNR.
- 18) RECYCLABLE WASTE – Means waste material that can be remanufactured into useable products, and shall include by way of enumeration but not by way of limitation, glass, plastics, newspaper, cardboard, metals (aluminum, steel, tin, brass, etc.).
- 19) REFUSE – Includes all wastes material, except garbage, rubbish and industrial waste, and shall by way of enumeration but not by way of limitation includes grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, garden debris.
- 20) RESIDENTIAL SOLID WASTE – All solid waste that normally originates in a residential environment from residential dwelling units.
- 21) RESIDENTIAL UNIT – A single family home, duplex, townhouse, condominium or a building with three (3) or less dwelling units.
- 22) RUBBISH – Includes combustible and noncombustible waste material, except garbage, refuse and industrial waste, that is incidental to the operation of a building and shall include by way of enumeration but not by way of limitation, tin cans, bottles, rages, paper, cardboard, sweepings.

- 23) SCAVENGING – The uncontrolled removal of materials at any point in solid waste management.
- 24) SOLID WASTE – Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- 25) STORAGE – The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- 26) STORAGE AREAS – Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

**Sec. 32.15** Refuse Storage Areas

Storage areas shall be kept in a nuisance- and order-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers, which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provision of this and other Village ordinances.

**Sec. 32.16** Approved Waste and Refuse Containers

- 1) GENERAL CONTAINER STANDARDS. Suitable containers of a type approved by the Village shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions of animals.
- 2) APPROVED CONTAINERS. Approved residential solid waste containers shall consist of metal or plastic containers with tight fitting covers and suitable handles, commonly referred to as garbage cans, or plastic garbage bags, which are closed by means of a tie. Approved containers shall be maximum twenty (20) gallon size. Container including contents shall not exceed in weight that which one person can safely lift (fifty [50] pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting. They 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. Each unit will be allowed to dispose of rubbish (not garbage) in small cardboard boxes (no more than nine [9] cubic feet in volume) provided the contents therein are covered and secured, as well as newspapers and magazines, as long as they are tied into bundles a maximum of ten (10) inches high. Should bundles, cardboard boxes and/or contents, because of weather conditions become wet and soaked, they will not be collected, but must be stored by the owner 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.
- 3) DEFECTIVE CONTAINERS. All garbage cans incapable of continuing to meet the definition of an approved container because of damage, loss of handles, or other factors, shall be tagged by the collection crew. The collection crew will also leave notification of the defects on the premises. Where garbage cans from several residential units are placed for collection at the same location, the garbage cans shall be identified with the address number so ownership can be determined.
- 4) ILLEGAL CONTAINERS. Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight.

**Sec. 32.17** Collection of Refuse

- 1) PLACEMENT FOR COLLECTION. Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. 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 his wastes or he shall place it in his driveway. Collection crews will not collect residential solid wastes unless it is placed at the curb of a public street, unless special arrangements are made with the Collection Agency. Residential units shall bring their solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of garbage cans unto collection vehicles using normal handling



procedures, the cans, including contents, will be left at curbside. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.

- 2) **RESTRICTION OF TIME OF PLACEMENT.** All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above not earlier than forty-eight (48) hours before the regular collection time. All receptacles and containers for refuse and garbage disposal shall be removed from the curbside collection point within forty-eight (48) hours after the regular collection time. Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.
- 3) **RESTRICTION ON NUMBER OF CONTAINERS.** No more than four (4) residential refuse containers shall be placed for collection at one time.

**Sec. 32.18** Title to Waste

In the absence of an agreement to the contrary, title to the refuse and solid waste placed for collection by the Village shall vest in the Village of Whiting as soon as it is placed for collection, although this transfer of title shall not confer any liability to the Village for toxic, hazardous or other prohibited items that were placed for collection and disposed of.

**Sec. 32.19** Prohibited Activities and Non-Collectable Materials.

- 1) **DEAD ANIMALS.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this section shall not apply to animal parts from food preparation for human consumption.
- 2) **UNDRAINED FOOD WASTES.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- 3) **ASHES.** It shall be unlawful to place ashes for collection.
- 4) **IMPROPER PLACEMENT.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within this municipality contrary to the provisions of this Chapter.
- 5) **COMPLIANCE WITH CHAPTER.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate, or dispose of any solid waste within the boundaries of this locality contrary to the provisions of this Chapter.
- 6) **IMPROPER TRANSPORTATION.** It shall be unlawful to transport any solid waste in any vehicle, which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak proof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- 7) **INTERFERENCE WITH AUTHORIZED COLLECTOR.** No person other than an authorized collector shall collect or interfere with any garbage after it has been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay, or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- 8) **SCAVENGING.** It shall be unlawful for any person to scavenge any solid waste placed for collection.
- 9) **PRIVATE DUMPS.** It shall be unlawful for any person to use or operate a dump.
- 10) **BURNING OF WASTE.** It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.
- 11) **FEEDING OF FOOD WASTE TO ANIMALS.** It shall be unlawful for any person to engage in the feeding of food waste to animals for commercial purposes.
- 12) **NON-COLLECTABLE MATERIALS.** It shall be unlawful for any person to place for collection any of the following wastes:
  - a) hazardous waste,
  - b) toxic wastes,
  - c) chemicals,
  - d) explosives or ammunition,
  - e) drain or waste oil or flammable liquids,
  - f) large quantities of paint,
  - g) tires.

- 13) ANIMAL OR HUMAN WASTES. It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as “kitty litter” may be placed for collection if animal wastes are removed prior to disposal.
- 14) HOSPITAL WASTES. It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- 15) BUILDING WASTE. All wastes resulting from remodeling, construction, or removal of a building, the owner, builder, or contractor shall dispose of roadway or sidewalk. No license required if done by owner, contractor, or builder.

**Sec. 32.20** Garbage Accumulation - When a Nuisance.

The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

**Sec. 32.21** Refuse From Outside the Municipality.

It is unlawful for any person, firm, or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the Village of Whiting.

**Sec. 32.22** Mandatory Recycling

- 1) All residences shall be required to recycle newsprint; corrugated cardboard; magazines and catalogs; aluminum; glass bottles and jars; plastic bottles; tin and steel food cans, used motor oil; and car/truck batteries.
  - a) Newsprint shall include newspapers and advertising circulars printed on newsprint and normally accompanying newspapers.
  - b) Cardboard shall include boxes and similar materials of a corrugated nature.
  - c) Catalogs and magazines shall include magazines, periodicals, and telephone books.
  - d) Aluminum shall include cans, foils, pie tins, cooking utensils, siding, and aluminum portions of lawn furniture.
  - e) Plastic bottles shall include all types (1) and (2) plastics that have seams on the bottom. Soda, fabric softeners, laundry soaps, dish, and dishwasher soaps, household cleaners, shampoos/conditioners.
- 2) Disposal of newsprint, and other items enumerated under this section.
  - a) No newsprint, aluminum, glass, or plastic containers, waste oil, cardboard, batteries, catalogs and periodicals shall be disposed of with regular Village Refuse except those items rendered useless for recycling.
  - b) All recyclables shall be placed at the residential roadside collection point, not less than five (5) feet from the regular refuse, on designated collection days, for collection by authorized collection agent or shall be recycled by the residents in any other lawful manner.
  - c) Newsprint shall be tied, or in paper grocery bags, or tied and placed in clear plastic bags obtainable from the Village at a rate commensurate with cost.
  - d) Aluminum and glass shall be placed in clear plastic bags obtainable from the Village as above. Glass shall be clean and free of metal.
  - e) Milk jugs and other plastic containers with handles shall be tied together. All others shall be placed in same clear plastic bags as described above.
  - f) Cardboard box shall be bundled.
  - g) Batteries shall be set off by themselves and waste oil shall be in a separate container.
  - h) Tin and steel food cans shall be washed; ends cut out, flattened, and place in clear plastic bag.
- 3) All above-mentioned items placed at roadside for collection by authorized recyclers shall become the property of the authorized recyclers. All other agencies or persons shall not collect items without prior Village authorization. Any person/s violating the provisions of this sub-section (c) shall be fined not less than \$25.00 or more than \$50.00.

**Sec. 32.23** Disposal of Grass Clippings and Leaves

- 4) All grass clippings and leaves may be garden composted or taken to a receptacle at a site designated by the Village and shall be removed from their container and free of other foreign matter. The authorized Village recycler shall remove said materials on “as needed” basis. Leaves and grass clippings shall not be placed with regular refuse for collection. Any person/s violating the provisions of this Ordinance shall be denied garbage pickup.