

## TITLE 8

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# Health and Sanitation

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## Title 8 ► Chapter 1

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# Health and Sanitation

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

The Village Board 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 Village Board shall be subject to the general penalty provided for in this Code.

### **Sec. 8-1-2 Public Safety and Health Hazards Regulations.**

- (a) **Public Health and Safety Ordinance.** No person, company or corporation shall erect, contrive, cause, continue, maintain or permit to exist any public health or safety hazard within the Village of Bristol, Kenosha County, Wisconsin.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **Health and Safety Hazard.** A public health and safety hazard is an object, act, occupation, condition or use of property which shall continue for such length of time as to:
    - a. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
    - b. In any way render the public insecure in life or in the use of property.
  - (2) **Public Hazards Affecting Health.** The following acts, omissions, places, conditions and objects are hereby specifically declared to be hazards, but such enumeration shall not be construed to exclude other health hazards coming within the definition of Subsection (b)(1):

- a. Accumulation of decayed animal or vegetable matter, trash, rubbish, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(3) **Safety Hazards.**

- a. The following acts, omissions, places and conditions are hereby declared safety hazards. However, such enumeration shall not be construed to exclude other hazards affecting public safety coming within the provisions of Subsection (b)(1):
  1. All buildings and structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
  2. All abandoned or non-operational refrigerators, freezers, and iceboxes from which the doors and other covers have not been removed or are not equipped with a device for opening the door from the inside.
  3. Fire code or safety violations found when the required state fire inspections are performed.
- b. Time to repair or correct fire code or safety violations will be on an individual basis granted upon notice of violation.

(4) **Public Safety and Other Hazards.** The following acts, omissions, places and objects are hereby specifically declared to be public safety or health hazards offending the health, comfort, repose or safety of Village of Bristol residents, but such enumeration shall not be construed to exclude other hazards within Subsection (b)(1):

- a. All property owners within the Village of Bristol who allow their property to accumulate trash, litter or rubbish shall be in violation of this Subsection.
  1. Litter as used in this Subsection includes but is not limited to trash and/or wastepaper lying scattered about.
  2. Trash, as used in this Subsection, includes but is not limited to some thing or object worth little or nothing or is in a crumpled or broken inoperable condition.
  3. Rubbish, as used in this Subsection, includes but is not limited to waste materials, garbage and refuse of every character and kind collected and/or accumulated.

(c) **Abatement of Public Hazards.**

- (1) **Inspection of Premises.** Whenever a person residing within the Village of Bristol, a property owner adjacent to a hazard, or any Village official in his/her official capacity makes a written complaint to the Village President or to a Village enforcement officer that a public health or safety hazard exists within the Village of Bristol, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his/her findings to the Village President. Whenever practicable, the Village enforcement officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.
- (2) **Summary Abatement.**
  - a. **Notice to Owner.** If the enforcement officer shall determine that a public health or safety hazard exists within the Village and that there is great and immediate

danger to the public health, safety, peace, morals or decency upon a person, company, or corporation causing, permitting, or maintaining such a hazard, whether an owner or occupant of the premises where such hazard is caused, permitted, or maintained. If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant thereof, as well as direct mail notice to the last known owner of said property. Such notice shall direct the person, company or corporation causing, permitting, or maintaining such hazard, or owner or occupant of the premises to start abatement within twenty-four (24) hours and complete such abatement within thirty (30) days, and shall state that unless such hazard is so abated, the Village may cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the hazard.

- b. ***Abatement by Village.*** If the health or safety hazard is not abated within the time provided or if the owner, occupant or person causing the hazard cannot be found, the enforcement officer in the case of health hazards and other causes shall cause the abatement or removal of such public hazards.
- c. ***Abatement by Court Action.*** If the enforcement officer shall determine that a health or safety hazard exists on private premises but that the nature of such hazard is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall file a written report of his/her findings with the Village President who shall cause an action to abate such hazard to be commenced in the name of the Village in the Bristol Municipal Court in accordance with the provisions of Ch. 823, Wis. Stats. In the alternative, the Village President may direct the enforcement officer to issue one or more citations for each day of violation for said time period, and to report back whether compliance has occurred.
- d. ***Other Methods Not Excluded.*** Nothing in this Section shall be construed as prohibiting the abatement of the health or safety hazards by the Village of Bristol or its officials in accordance with the laws of the State of Wisconsin.

(d) **Enforcement.**

- (1) ***Penalty.*** Any person who shall violate this Section shall, upon conviction thereof, be subject to a forfeiture as prescribed in Section 1-1-6.
- (2) ***Separate Violations.*** Each day of violation of this Section shall constitute a separate offense.
- (3) ***Citation Enforcement.*** This Section may be enforced by citation. The following bond schedule is hereby established for use of citations pursuant to this Section.

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

- (a) Unless delegated to the county, the Village 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



destroy all noxious weeds on lands in the Village which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.

- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.0407, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

## **Sec. 8-1-4      Regulation of Length of Lawn and Grasses.**

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Bristol.
- (b) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, or in designated open space areas in a conservation subdivision (as classified under the Zoning Code governing the Village), within the Village of Bristol 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 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 non-agricultural or conservancy subdivision designated open spaces, 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. Notwithstanding, these provisions do not apply to grass grown for production agricultural purposes; land in a designated floodplain, wetland, or water detention area; land in designated open space areas in a conservation subdivision; or land used for non-residential purposes. When a residence, farmstead or business is located on a large parcel, compliance with this Section and Section 8-1-5 is required for the one (1) acre around such buildings.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him/her within the Village of Bristol.
- (d) **Inspection.** The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the Village of Bristol to determine whether any public nuisance as defined in Subsection (b) above exists.

- (e) **Abatement of Nuisance.** If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he/she shall immediately cause written notice to be served that the Village proposes to have the lot grass or lawn cut so as to conform with this Section.
- (f) **Due Process Hearing.** If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Clerk's office within the five (5) days of receipt of the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a One Hundred Dollar (\$100.00) bond. If a decision is rendered in the property owner's favor, the One Hundred Dollars (\$100.00) will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Village Board shall be held within thirty (30) days from the date of the owner's request. The property in question will not be mowed by the Village until such time as the hearing is held by the Village Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his/her own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his/her own case. At the close of the hearing, the Village Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Village Board determines that a public nuisance did exist, the Village Board shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Village Board's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
- (g) **Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the Village of Bristol may elect to cut said lawn, grass or weeds as follows:
  - (1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) The Village shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a statement to the Village Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Village Clerk 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.

## **Sec. 8-1-5 Regulation of Natural Landscapes.**

- (a) **Natural Lawns Defined.** "Natural landscape" as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-5(e) of this Chapter. The growth of natural landscaping in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village of Bristol 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 landscaping shall not contain litter or debris and shall not harbor undesirable wildlife, vermin or pests. [See also Section 8-1-4(b)].
- (b) **Natural Landscape Management Plan Defined.**
- (1) Natural Landscape Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a natural landscape which contains the street address or a legal description of the property where the proposed natural landscape is being requested, and which would exceed six (6) weeks, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
  - (2)
    - a. Property owners who wish to plant and cultivate a natural landscape must submit their written plan and related information to the Village. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Landscape Management Plans shall only indicate the planting and cultivating of natural landscapes on property legally owned by the property owner.
    - b. Applicants are strictly prohibited from developing a natural landscape on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership.
  - (3) Natural landscapes shall not be permitted within five (5) feet of the side or rear setback to an abutting property owner's land unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan filed with the Village Clerk. Such waiver may be revoked, in writing, by the abutting property owner at a later time, a copy to be filed with the permittee and the Village Clerk.
  - (4) All drainage swales shall be free of plantings and maintained in accordance with Section 8-1-4 above. In addition, a five percent (5%) area exclusive of the setback area shall be left open for maintained paths. The setback area shall have a height of no more than eight (8) inches, excluding trees and shrubs.

- (5) Any subsequent property owner who abuts an approved natural landscape may revoke the waiver thereby requiring the owner of the natural landscape to remove the natural lawn that is located in the five (5) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural landscape and direct the owner to remove the natural landscape located in the ten (10) foot section abutting the neighboring property owner. The Village Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved landscape lawn shall be required to remove the five (5) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) **Application Process.**

- (1) Property owners interested in applying for permission to establish a natural landscape shall file an application with the Village Clerk. The completed application shall include a Natural Landscape Management Plan. Upon submitting a completed application, a fee as prescribed in Section 1-3-1 will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village shall deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural landscape site.
- (2) If the property owner's application is in full compliance with the Natural Landscape Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Village Board may issue permission to install a natural landscape. Such permit shall be valid for two (2) years. Permit renewals shall follow the procedures in this Section.

- (d) **Application for Appeal.** The property owner may appeal the Village Clerk's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within fifteen (15) days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.

- (e) **Prohibited Plant Species.** The following noxious grasses or weeds will not be allowed in a natural landscape area:

Common Name(s)	Latin Name(s)
Buckthorn	Rhamnus Cathartica
	Rhamnus Frangula
Burdock (Yellowdock)	Artium Lappa
Field Bindweed (Wild Morning Glory)	Convolvulus Arvensis
Garlic Mustard	Alliaria Petiolata
Goatsbeard (Oyster Plant, Salsify)	Tragopogon Porrifolius
Leafy Spurge	Euphorbia Esula
Marijuana	Cannabis Sativa
Nettle	Urtica Dioica
Oxeye Daisy	Chrysanthemum Leucanthemu
Pigweed (Lambs Quarters)	Chenopodium Album
Pigweed (Amaranth)	Amaranthus Retroflexus
Poison Ivy	Rhus Radicans
Quackgrass	Bromus Brizaeformis
Ragweed (Common)	Ambrosia Artemisifoia
Ragweed (Great)	Ambrosia Trifida
Spotted Knapweed	Centaurea Maculosa
Thistle Bull	Cirsium Vulgare
Thistle Canada	Cirsium Arbense
Thistle Musk or Nodding	Carduus Nutans
Thistle Star (Caltrops)	Centaurea Calicitrappa
Thistle Sow (Field)	Sonchus Arvensis
Thistle Sow (Common)	Sonchus Oleraceus
Thistle Sow (Spiny Leaved)	Sonchus Asper
Sweet Clover (Yellow)	Melilotus Officinalis
Sweet Clover (White)	Melilotus Alba
Yellow Mustard (Yellow Rocket	Barbarea Vulgaris
(Winter Cress)	
Japanese Bamboo	
Wild Mustard	
Purple loosestrife	
Box Elder	

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

- (1) When, in the opinion of the Fire Chief of the Department serving the Village of Bristol, the presence of a natural landscape may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural landscapes to a safe condition. As a condition of receiving approval of the natural



landscapes permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.

- (2) Natural landscapes shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Landscape Management Plan, and appropriate Village open burning permits have been obtained. The Fire Chief shall review all requests to burn natural landscapes and shall determine if circumstances are correct and all applicable requirements have been fulfilled to ensure public safety. Burning of natural landscapes 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 landscapes, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural landscapes shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).

- (g) **Revocation Of An Approved Natural Landscape Management Plan Permit.** The Weed Commissioner, Building Inspector, Village Clerk or Village enforcement officer shall have the authority to revoke an approved Natural Landscape Management Plan Permit if the owner fails to maintain the natural landscape or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Landscape Management Plan Permit shall be appealable to the Village Board. All applications for appeal shall be submitted within fifteen (15) days of receipt of the written Notice of Intent to revoke the approved Natural Landscape Management Plan. Failure to file an application for appeal within the fifteen (15) days shall result in the revoking of the Natural Landscape Management Plan Permit. All written applications for appeal filed within the fifteen (15) day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.

- (h) **Public Nuisance Defined – Abatement After Notice.**

- (1) The growth of a natural landscape as defined in this Section shall be considered a public nuisance unless a Natural Landscape Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter those charges onto the tax roll as a special tax as provided by state statute.

- (3) The failure of the Village Clerk 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.
- (i) **Penalty.**
  - (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
  - (2) In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued permit for any violation of this Section.

## **Sec. 8-1-6 Phosphorus-Containing Lawn Fertilizers.**

- (a) **Purpose.**
  - (1) **Title.** The official title of this Section is the Village of Bristol No Phosphorus Ordinance.
  - (2) **Purpose.**
    - a. The purpose of this Section is to regulate or prohibit the use of phosphorus-containing lawn fertilizers, unless a soil test shows that phosphorus is necessary, and to regulate or prohibit the retail display of phosphorus-containing lawn fertilizers in the Village of Bristol.
    - b. Village of Bristol golf courses, farmstead lawns and commercial applications to lawns are subject to the provisions of this Section, with exemptions designated herein.
  - (3) **Authority.** The Village Board of the Village of Bristol has the authority under Section 61.34, Wis. Stats., to adopt this Section.
  - (4) **Findings.** The Bristol Village Board finds that the lakes and streams in the Village of Bristol are a natural asset, which enhance the environmental, recreational, cultural, and economic resources of the region and contribute to the general health and welfare of the public. The Village Board further finds that regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer, entering lakes and streams will improve and maintain water quality.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **Fertilizer.** Shall have the meaning prescribed in Section 94.64(1)(e), Wis. Stats.
  - (2) **Lawn Fertilizer.** Any fertilizer, whether distributed by a property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks, and cemeteries. "Lawn fertilizer" does not include fertilizer products intended primarily for garden and indoor plant application.



(c) **Use and Application of Lawn Fertilizer.**

- (1) **Phosphate Content of Fertilizer.** No person shall apply any lawn fertilizer within the Village of Bristol that is labeled as containing more than zero percent (0%) phosphorus or other compounds containing phosphorus, such as phosphate, except as provided elsewhere in this Section.
- (2) **Frozen Ground Prohibition.** No lawn fertilizer shall be applied when the ground is frozen.
- (3) **Impervious Surfaces.** No person shall apply fertilizer to any impervious surface including, but not limited to, parking lots, roadways, and sidewalks. If such application occurs, even accidentally, the fertilizer shall be immediately contained and either legally applied to turf or placed in an appropriate container. The purpose of this Subsection is to minimize harmful runoff to area streams and lakes.

(d) **Exemptions.** The regulations and prohibitions on fertilizer use under this Section shall not apply to:

- (1) **New Turf.** Newly established turf or lawn areas during their first growing season.
- (2) **Need Established by Soil Test.** Turf or lawn areas that a soil test, performed within the past three (3) years by a state-certified soil testing laboratory, confirms are below phosphorus levels established by the University of Wisconsin-Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.
- (3) **Farm and Garden Use.** Agricultural/farm uses, vegetable and flower gardens, or specific application to trees or shrubs.
- (4) **Organic Byproducts.** Yard waste compost, biosolids, or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

(e) **Sale of Fertilizer Containing Phosphorus.**

- (1) **Sales Limitations.** No person shall sell or offer for sale any lawn fertilizer within the Village of Bristol that is labeled as containing more than zero percent (0%) phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for exempted uses prescribed in Subsection (d) above.
- (2) **Sales' Signage Limitations.** No person shall display lawn fertilizer containing phosphorus. Signs may be posted advising customers that lawn fertilizer containing phosphorus is available upon request for uses permitted by this Section.

(f) **Penalties.** The Bristol Village Board elects that the general penalty forfeiture provisions of Section 1-1-6 shall not apply to violations of this Section. The following penalties shall be applicable for violations of this Section:

- (1) **Non-Commercial Violators.** Any person who violates this Section in the application of fertilizer at his/her residence shall be subject to a forfeiture of Twenty Dollars (\$20.00) for a first violation within a twelve (12) month period, Seventy-Five Dollars (\$75.00) for the second violation within a twelve (12) month period, and Three

Hundred Dollars (\$300.00) for the third violation and each subsequent violation within a twelve (12) month period.

- (2) **Commercial Violators.** Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates this Section shall be subject to a forfeiture of Seventy-Five Dollars (\$75.00) for the first violation within a twelve (12) month period, Two Hundred and Fifty Dollars (\$250.00) for the second violation within a twelve (12) month period, and Five Hundred Dollars (\$500.00) for the third violation and each subsequent violation within a twelve (12) month period.

## **Sec. 8-1-7      Smoking in Public Places and Private Workplaces.**

- (a) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **Adult Day Care Facility.** Any facility as defined in Sec. 49.45(47)(a), Wis. Stats.
- (2) **Business.** A sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineer, architectural, or other professional services are delivered.
- (3) **Employer.** A person, business, partnership, association, corporation, trust or non-profit entity that employs the services of one or more individual persons.
- (4) **Enclosed Area.** All space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.
- (5) **Public Place.** An enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.
- (6) **Restaurant.** Any building, room or place where meals are prepared or served or sold to transients or the general public. The term "restaurant" shall not include a "tavern" as defined in this Section.
- (7) **Retail Tobacco Store.** A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- (8) **Separately Ventilated.** That the area is ventilated to a standard specified in the State Building Code, COMM 64.05, Wis. Adm. Code, and that there is ventilation system for the smoking area which is separate and distinct from the ventilation system for the nonsmoking area or areas so that there is no mixing of air from the smoking and nonsmoking areas.

- (9) **Service Line.** An indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.
  - (10) **Shopping Mall.** An enclosed public walkway or hall area that serves to connect retail or professional establishments.
  - (11) **Smoking.** Carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
  - (12) **Sports Arena.** Sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, athletic parks and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.
  - (13) **Tavern.** A licensed establishment in operation prior to January 1, 2004, with a full service bar in which fermented malt beverages and intoxicating liquors are sold for consumption on the premises and whose sale of alcoholic beverages accounts for fifty percent (50%) or more of the establishment's gross receipts of the most recent licensing year.
- (b) **Prohibition of Smoking in Public Places.** Smoking shall be prohibited in all enclosed public places within the Village of Bristol, including but not limited to, the following places:
- (1) Adult day care facilities.
  - (2) Aquariums, galleries, libraries, and museums.
  - (3) Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
  - (4) Bingo facilities when a bingo game is in progress.
  - (5) Convention facilities.
  - (6) Educational facilities, including all premises owned, rented by or under the control of a school board.
  - (7) Elevators.
  - (8) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance, except performers when smoking is part of stage production.
  - (9) Health care facilities.
  - (10) Child care facilities.
  - (11) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
  - (12) Polling places.
  - (13) Public and private meeting facilities.
  - (14) Public transportation facilities, including ticketing, boarding, and waiting area of public transit depots, taxicabs and bus shelters.

- (15) Restaurants and taverns opened after January 1, 2004 and restaurants in existence as of the original effective date of this Section (September 2, 2004), except for any separately ventilated smoking sections that are separated by a total physical barrier, such as, but not limited to, a full wall without openings other than doors. The door to this room or hall may be opened or closed only for ingress and egress and shall be and remain closed at all other times. No person under the age of eighteen (18) years shall be permitted in such room or hall, unless a customer accompanied by his/her parent or legal guardian, or unless an employee having the written permission of his/her parent or legal guardian to work in a room or hall where smoking is permitted. These prohibitions do not apply to private functions within restaurants conducted in a separate room or hall which is not open to the general public and where the sponsor of the event has elected to permit smoking and has notified invitees that smoking at the event will be permitted.
- (16) Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- (17) Retail stores.
- (18) Rooms, chambers, places of meeting or public assembly under the control of an agency, board, commission, committee or council of the Village of Bristol or a political subdivision of the State of Wisconsin when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the Village of Bristol.
- (19) Service lines.
- (20) Shopping malls.
- (21) Playgrounds, sports arenas, bleachers and enclosed places in outdoor arenas.
- (c) **Signs Required.** The proprietor of any establishment subject to this Section shall prominently post and maintain at all points of public entrance a sign reading, "No smoking by Village ordinance".
- (d) **Where Smoking Not Regulated.** Notwithstanding any other provision of this Section to the contrary, the following areas shall be exempt from the provisions of Subsection (b):
  - (1) Hotel and motel rooms that rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated.
  - (2) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of who are smokers and have requested in writing to be placed in a room where smoking is permitted.
  - (3) Private residences, except when used as a licensed childcare, adult day care, or health care facility.
  - (4) Retail tobacco stores.
  - (5) The separately ventilated smoking sections of restaurants in existence as of the original effective date of this Section (September, 2004), whose separately ventilated smoking sections are separated by a total physical barrier such as, but not limited to, a full wall without openings other than doors. The door to this room or hall may be

opened or closed only for ingress and egress and shall be and remain closed at all other times. No person under the age of eighteen (18) years shall be permitted in such room or hall, unless a customer accompanied by their parent or legal guardian, or unless an employee having the written permission of their parent or legal guardian to work in a room or hall where smoking is permitted. These prohibitions do not apply to private functions within restaurants conducted in a separate room or hall which is not open to the general public and where the sponsor of the event has elected to permit smoking and has notified invitees that smoking at the event will be permitted.

- (6) Taverns, as defined in Subsection (a). Every establishment that claims to be a tavern shall:
- a. Provide a written statement, based on the annual audit that will be made available for inspection by the Village Board upon request, that gross sales of alcohol beverages at the establishment during the twelve (12) month period prior to the effective date of this Chapter exceeded fifty percent (50%) of the total gross sales of the establishment during that same period. This verification shall be provided to the Village Clerk not later than forty-five (45) days after the original enactment of this Section. No smoking shall be permitted in any establishment failing to file timely documentation.
  - b. Thereafter, annually provide to the Village Clerk an additional written statement, as described in Subsection (d)(6)(a) above, confirming that gross sales of alcohol beverages at the establishment during the twelve (12) month period prior to the original effective date of this Section exceeded fifty percent (50%) of the total gross sales of the establishment during that same period.
  - c. Every new or remodeled establishment that requires a new occupancy permit for any reason must comply with the verification and documentation provisions of this Subsection for the first three (3) months immediately following the time the final certificate of occupancy is issued by the Village, and then annually thereafter as set forth above.
  - d. Upon receipt of the verification documentation required by Section, the Village Clerk shall make a determination satisfies the requirements of this Section. If the requirements are met, the Village Clerk shall issue an exemption to said establishment for the following year. If the Village Clerk determines that the documentation does not satisfy the requirements of this Section, then no exception shall be issued and smoking shall be prohibited in said establishment. The establishment may reapply for an exemption under this Section twelve (12) months after the date on which the application was denied.
- (7) Beer tents operated as part of a Village festival or other permitted event in a Village Park (i.e. Progress Days).
- (e) **Signs Required.** The proprietor of any establishment subject to this Section shall prominently post and maintain at all points of public entrance a sign reading, "No smoking by Village ordinance".



- (f) **Hardship Exemption.** Any restaurant that is able to prove the loss of gross receipts of more than ten percent (10%) as a result of compliance with this Section for the first full three (3) month period following its enactment, when compared to the same three (3) month period of the year prior to the original enactment of this Section, may apply to the Village Clerk for an exemption not to exceed two (2) years provided that the exemption request is filed within eight (8) months of the initial enactment of this Section. Any person seeking such exemption shall furnish to the Village Clerk a written statement, based on the annual audit that will be made available for inspection by the Village Board upon request, that the gross receipts at the establishment have dropped more than ten percent (10%) as a result of complying with this Section. If such an exemption is granted, the proprietor or other person in charge of the grocery store or restaurant granted such exemption shall post conspicuously at every entrance used by members of the public, signs reading "Warning: Smoking Permitted", which shall be at least nine by twelve inches (9"x12") in size.
- (g) **Enforcement.**
- (1) Any owner, manager, operator or employee of any establishment regulated by this Section shall inform persons violating this Section of the appropriate provisions thereof. Such person should ask any person who smokes in areas where smoking is prohibited to refrain from smoking, and if the person does not refrain from smoking after being requested to do so, ask the person to leave. The proprietor or other person in charge shall refuse service to a person smoking in violation of this Section.
  - (2) The owner, operator, manager or other person having control of any establishment regulated by this Section shall remove all ashtrays, cigarette vending machines, and other smoking paraphernalia from any area where smoking is prohibited by this Section.
  - (3) Any person smoking in violation of this Section shall immediately cease and desist from so doing upon the request of the proprietor or person in charge of the public place or business. Such person shall be subject to prosecution under this Section upon failure to immediately cease and desist from smoking.
  - (4) The County Health Department or the Fire Department shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance of this Section.
  - (5) The County Health Department, Sheriffs Department, and Fire Department shall have the power, whenever deemed necessary, to enter upon the premises for inspection to ensure compliance with this Section. The proprietor or other person in charge shall cooperate with any such inspector/inspection.
- (h) **Violations and Penalties.** Any person who willfully violates this Section by refusing to implement its provisions or by smoking in a prohibited area once being advised that smoking in an area is prohibited shall be subject to the penalties prescribed in Section 1-1-6.

## **Sec. 8-1-8 Transient Motels and Hotels Regulated.**

### **(a) Transient Motels and Hotels Regulated; Hourly Rental Prohibited.**

- (1) No hotel, motel or tourist rooming house may rent a room designated for dwelling, lodging or sleeping purposes for hourly or other short-time rates or in any way advertise or promote that any such room is available at hourly or other short-time rates.
- (2) A room designated for dwelling, lodging or sleeping purposes shall not be rented more than once between 6:00 a.m. and 5:59 p.m. on any given day and no more than once between 6:00 p.m. and 5:59 a.m. of the following morning.
- (3) For purposes of this Section, renting hourly or other short-time rates shall be defined as the granting of the use or possession of a room for lodging or sleeping purposes for an amount less than the minimum daily rental rate.

### **(b) Registration Required.**

- (1) Every person who owns or operates a hotel, motel or tourist rooming house in the Village of Bristol shall keep an up-to-date guest register. The register shall contain:
  - a. The name and address of each guest;
  - b. The guest's vehicle description including the vehicle's license plate number, make, model, year and state of license issuance;
  - c. The date and time such person registered;
  - d. The room number occupied by such guest;
  - e. The signature of the guest registering; and
  - f. The type of identification presented by the guest to validate the registration.
- (2) No guest shall be allowed to register without first presenting valid identification that is verified by the hotel, motel or tourist rooming house to match the person registering. Valid identification may include: driver's license, non-driver's state issued identification card, government identification, military identification, passport or any form of identification that contains the guest's name. The type of identification presented by the guest shall be noted in the register and shall include the document's identification number and the state or country of issuance.
- (3) Such register shall be kept in the motel, hotel or tourist rooming house for a period of not less than one (1) year after the entry of each name and address of each guest.
- (4) "Register" shall mean a hardback book or electronic record with permanent pages or permanent, consecutively numbered card file, with the pages or cards marked and lined indicating in each lined portion of the page or card the place for the:
  - a. Name and address of the guest;
  - b. The vehicle description;
  - c. License plate number of the vehicle;
  - d. The date and time the person registered; and
  - e. The room occupied by such guest.



- (5) No person shall write or cause to be written, or knowingly permit to be written, in any register in any motel, hotel or tourist rooming house any other or different name or designation than the true name of the person registering therein, or the name by which such person is generally known, unless registering under the guest's true name would compromise the guest's safety, i.e. a guest who has been placed at the hotel, motel or tourist rooming house through victim/witness protection program or as a sequestered juror. The burden will be on the operators of the establishment to show that the guest's safety would have been compromised had the guest registered under his/her true name.
- (6) Erasures or alterations on the register required by this Subsection shall not be permitted or made for any purpose, and it shall be unlawful to erase a name or names or address or addresses or to permit such an erasure.
- (7) The Village Safety Officer, Building Inspector or any law enforcement officer shall have access to and the right to inspect at any time any register kept by any hotel, motel or tourist rooming house.
- (c) **Violations.** Any motel, hotel or tourist rooming house that violates Subsection (a) more than three (3) times in any one month, or more than six (6) times in any year, shall constitute a public nuisance.
- (d) **Other Improper Conduct.** No motel, hotel or tourist rooming house may operate as a disorderly house, bawdyhouse, drug house, gambling place or criminal gang house, as those terms are defined in Chapter 823, Wis. Stats.
- (e) **Hotel, Motel or Tourist Rooming House Operator May Refuse Accomodations.** Any person who owns or operates a hotel, motel or tourist rooming house may refuse or deny the use of a room, accomodations, facilities or other privileges of the hote, motel or tourist rooming house to any of the following:
  - (1) An individual who is unwilling or unable to pay for the room, accomodations, facilities or other priviledges of the hotel, motel or tourist rooming house;
  - (2) An individual who is visibly intoxicated, under the influence of alcohol or other drug, and is disorderly so as to create a nuisance;
  - (3) An individual who the motel, hotel or tourist rooming house operator or owner reasonably believes is seeking to use a room, accomodations, facilities or other privileges of the establishment for an unlawful purpose;
  - (4) An individual who the hotel, motel or tourist rooming house operator reasonably believes is bringing in anything which may create an unreasonable danger or risk to other persons, including, but not limited to, explosives or the unlawful use of firearms; or
  - (5) An individual whose use of the room, accomodations, facilities or other privileges of the establishment would result in a violation of the maximum capacity of such motel, hotel or tourist rooming house.
- (f) **Enforcement.** The Village Attorney is authorized to commence and maintain an action to recover damages or to abate a public nuisance under Chapter 823, Wis. Stats., against any motel, hotel or tourist rooming house that violates Subsections (b) or (c) of this Section or that otherwise constitutes a public nuisance pursuant to Chapter 823, Wis. Stats.

## Title 8 ► Chapter 2

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# Pollution Abatement

- 8-2-1** Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2** Storage of Polluting Substances

### Sec. 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.

- (a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Village of Bristol.
- (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 Fire 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 shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Village, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.
- (d) **Reimbursement for Hazardous Material Emergency Action.**
  - (1) Any person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall reimburse the Village of Bristol for actual, reasonable and necessary expenses incurred by the Village of Bristol for any emergency action taken under, and consistent with, Sec. 166.22(3), Wis. Stats., whether such action be taken by the Village of Bristol or another entity on its behalf or direction.
  - (2) Reimbursement as provided under Subsection (d)(1), above, will be accomplished as provided by Sec. 166.22(5), Wis. Stats., by the Kenosha County Board of Supervisors, or by local emergency government officials.
  - (3) Terms not defined above shall have the meaning referred to in Sec. 166.22(1), Wis. Stats.

## **Sec. 8-2-2      Storage of Polluting Substances.**

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

## Title 8 ► Chapter 3

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# Recycling

### Article A Contracting for Refuse/Recyclables Collection

- 8-3-1** Village Contract for Garbage and Recyclables Collection
- 8-3-2** Materials Collected; Definitions
- 8-3-3** Collection from Residences; Village Function
- 8-3-4** Residential Collection Procedures; Contract Award
- 8-3-5** Collection from Commercial–Industrial Sites
- 8-3-6** Collection Schedules
- 8-3-7** Illegal Dumping or Rummaging
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### Article B Recycling Regulations

- 8-3-10** Title and Purpose
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- 8-3-16** Separation of Recyclable Materials
- 8-3-17** Care of Separated Recyclable Materials
- 8-3-18** Management of Lead Acid Batteries, Major Appliances,  
Waste Oil and Yard Waste
- 8-3-19** Preparation and Collection of Recyclable Materials
- 8-3-20** Responsibilities of Owners or Designated Agents of  
Multiple-Family
- 8-3-21** Responsibilities of Owners or Designated Agents of  
Non-Residential Facilities and Properties
- 8-3-22** Enforcement

## Article A: Recycling Regulations

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### **Sec. 8-3-1 Village Contract for Garbage and Recyclables Collection.**

- (a) The Village Board shall contract for the weekly removal of garbage, refuse and recyclables from single-family and two-family to four-family dwellings. There is established a fee for the removal of garbage/recyclables from single-family and two-family to four-family properties. Such fee shall be the per unit charge made to the Village by the firm providing such removal services to the Village by contract; such fee shall be paid monthly by the Village.
- (b) The cost of such contract shall be a budgetary item included as a line item on the resident's general tax bill.

### **Sec. 8-3-2 Materials Collected; Definitions.**

- (a) **Refuse Collected.** The following are the types of refuse that shall be collected by the contractor:
  - (1) All kitchen wastes, household food, accumulations of animal food and vegetable matter attendant with the preparation, use, cooking, and serving of food.
  - (2) Any items that would normally be recyclable, but are contaminated, such as wet paper, dirty cans and/or bottles, etc.
  - (3) General household trash suitable for packer-type equipment, including cold ashes, crates, discarded toys, discarded clothing, stoves, refrigerators, washers, dryers, other kinds of home appliances, and furniture.
- (b) **Recyclables Collected.** The following are the types of recyclables collected by the contractor:
  - (1) Newspaper, magazines;
  - (2) Office paper;
  - (3) Junk mail;
  - (4) Cereal boxes;
  - (5) Cardboard;
  - (6) Tin;
  - (7) Aluminum;
  - (8) Glass, plastics; and
  - (9) Any other items identified to be recyclables by the Wisconsin Statutes or the administrative rules of the Wisconsin Department of Natural Resources shall be collected by the contractor.
- (c) **Bulky Items.** The following are the types of bulky items collected by the contractor:
  - (1) Bulky items to be collected are items that meet the definitions for collection in Subsection (a) above, but are too large to be collected in the carts provided by the contractor.

- (d) **Non-Collectable Materials.** The following are types of materials that will not be collected by the contractor:
  - (1) Earth, sod, rocks, concrete, and refuse from remodeling or construction of homes.
  - (2) Yard or garden wastes as prohibited by state law.
- (e) **Definitions.** The following definitions shall be applicable in this Chapter:
  - (1) "Residence" includes all residential property including structures having four (4) units or less as defined by the pertinent zoning laws for the Village of Bristol.
  - (2) "Commercial-Industrial Sites" includes all other sites producing refuse or recyclables accumulations other than associated with residences.

### **Sec. 8-3-3 Collection From Residences; Village Function.**

- (a) The regular collection and removal of refuse and recyclables from residences is declared to be a municipal function. All such refuse and recyclables shall be gathered and removed by the Village of Bristol.
- (b) It shall be unlawful for any person, unless employed or contracted by the Village of Bristol, to engage in the collection or removal of refuse or recyclables, whether for or without compensation.
- (c) All residential refuse and recyclables shall be collected, removed and disposed of at the general expense of the Village of Bristol.

### **Sec. 8-3-4 Residential Collection Procedures; Contract Award.**

- (a) **General Supervision.** The collection, removal and disposal of refuse and recyclables from residential sites shall be under the supervision, direction and control of the Village Administrator, who shall cause the same to be done in the manner prescribed herein.
- (b) **Award of Contract.**
  - (1) The Village Administrator, subject to the approval of the Village Board, shall have the authority to award to an individual, firm or corporation a contract for the collection and removal of residential refuse, and the specifications for such contract and provisions thereof shall be prepared by the Village Administrator; said contract shall require the approval of the Village Board.
  - (2) Such contract shall provide for the removal of residential refuse and recyclables at such times and with such frequency, and from specified collection sites, to such places as shall be determined by the Village Administrator, and shall require the contractor to comply with all the provisions of this Chapter which are applicable.
- (c) **Bond; Insurance.**
  - (1) The contractor shall be required to post a performance bond in the amount of Ten Thousand Dollars (\$10,000.00), or, in the alternative, provide an irrevocable letter of

credit in the amount of Ten Thousand Dollars (\$10,000.00). Said bond or letter of credit shall be required to be filed with the Village Clerk upon the signing of the services contract.

- (2) The contractor shall be required to maintain and file with the Village Clerk policies or certifications of worker's compensation insurance, public liability insurance, property damage insurance, and motor vehicle insurance. The insurance shall cover the entire contract period and shall be sums as determined by the Village Administrator. Such policies or certificates shall be approved as to form and content by the Village Attorney.
- (d) **Contract Subject to Regulations.** The refuse and recyclables collection contract when awarded shall be subject to all existing regulations covering collection and removal of refuse and recyclables subject also to all other rules and regulations as may thereafter be adopted.
- (e) **Contractor Payments.** Said services contractor shall be paid from the appropriate Village account and such services shall be at the expense of the Village of Bristol.
- (f) **Telephone Contact Number.** The contractor shall be required to provide and maintain a local telephone number in the Village of Bristol to provide access for consumer complaints and inquiries.
- (g) **Equipment.** The contractor shall be required to use safe and sanitary equipment at all times; said equipment being subject to the right of the Village of Bristol to inspect and require repair within a reasonable time.
- (h) **Contractor as Equal Opportunity Employer.** The contractor shall be required to be an equal opportunity employer, and the conduct of the contractor's employees while performing collection duties shall be subject to reasonable rules and regulation by the Village..
- (i) **Municipal Collection Responsibilities.** As a condition of any services contract under the provisions of this Chapter, the contractor shall be required to furnish special collection services, as agreed upon with the Village, for removal of refuse and recyclables from Village-owned locations, including all public parks, swimming beach, Public Safety Building, Municipal Garage, sewage treatment plant, water plant, and all other properties and facilities owned and/or maintained by the Village of Bristol and its subunits, such service to be provided at no additional cost. This public service provision does not include disposal of sludge or grit from the wastewater treatment plant. Refuse containers placed in the business district and at other locations, such containers owned by the Village, shall be emptied weekly or more often, if necessary, by the contractor.
- (j) **Special Handicapped Persons Service.** The contractor shall provide back-door service, at no additional cost, for up to thirty (30) citizens designated by the Village as disabled, handicapped and/or infirm.

### **Sec. 8-3-5      Collection From Commercial-Industrial Sites.**

- (a) Commercial-industrial properties located within the Village of Bristol shall be served by private contractors not under contract with the Village, and are excluded from the Village collection services provisions of this Chapter.



- (b) Commercial and industrial refuse removal shall be made at least weekly throughout the entire year.

## **Sec. 8-3-6 Collection Schedules.**

### **(a) Schedule.**

- (1) The contractor will furnish regularly scheduled collection from every residential unit [four (4) units or less] in the Village of Bristol, according to a regular schedule approved by the Director of Public Works.
- (2) Refuse collection shall be scheduled weekly.
- (3) Recyclables collection shall be scheduled bi-weekly.
- (4) Bulky collection shall be scheduled monthly.

### **(b) Placement; Collection Carts.**

- (1) Residents shall place their materials suitable for refuse or recyclable collection at the curb or alley of their homes or at such other location designated by the contractor for the day scheduled for collection.
- (2) Residents shall use collection carts provided by the contractor for the disposal of recyclables and refuse.
- (3) All refuse and recyclables carts shall be placed by the customer at the curb, alley or other site agreed upon by the customer and the contractor by 6:00 a.m. of the day of collection. Residents shall not place the carts or any bulk material on the curb before 4:00 p.m. of the afternoon prior to the scheduled collection day. Empty containers shall be removed from the curb by 8:00 p.m. of the same day.

### **(c) Cost of Collection Carts.**

- (1) The contractor shall, at its expense, supply and furnish carts for the collection of refuse and recyclables to all residential units. The contractor shall provide and apply the manufacturer's warranty for defects in the carts, including broken wheels or lids from regular usage.
- (2) The contractor is not responsible for damage from negligent use, such as the cart being cut or damaged by a tool or saw, burned by hot ashes, being hit by a vehicle, etc. The contractor is also not responsible for missing or stolen carts.

## **Sec. 8-3-7 Illegal Dumping or Rummaging.**

- (a) It is unlawful for any person to dump refuse, recyclables or bulky wastes, or materials that are banned for collection, onto another person's property or into another person's refuse or recyclable container or cart, unless acting with proper permission or authority. This Subsection does not apply to trash receptacles held out for public use.

- (b) It is unlawful for any person to rummage or scavenge through any public refuse container or another person's refuse or recyclable container or cart, unless acting with proper permission or authority.

**Sec. 8-3-8 through Sec. 8-3-9      Reserved for Future Use.**

## Article B: Recycling Regulations

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### **Sec. 8-3-10 Title and Purpose.**

This Chapter is entitled the "Village of Bristol Recycling Ordinance." The purpose of this Chapter is to promote recycling, composting and resource recovery, and to establish and implement a recycling ordinance pursuant to Sec. 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

### **Sec. 8-3-11 Authority.**

The Village Board of the Village of Bristol is a "responsible unit" as defined by Sec. 287.01, Wis. Stats. As such, the Village has the authority under Ch. 287, Wis. Stats., to plan, develop, implement, administer and operate an effective recycling program within the Village of Bristol. This Chapter is adopted as authorized under Sec. 287.09(3)(b), Wis. Stats., for recycling responsible units.

*State Law Reference:* Secs. 287.09(3) and 287.11, Wis. Stats.

### **Sec. 8-3-12 Rules of Construction.**

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by the Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent amendment to this Chapter.

### **Sec. 8-3-13 Applicability.**

The requirements of this Chapter apply to all persons within the Village of Bristol.

### **Sec. 8-3-14 Administration.**

The provisions of this Chapter shall be administered by the Bristol Village Board or its designee.

## Sec. 8-3-15 Definitions.

(a) The following definitions shall be applicable in this Chapter:

- (1) **Bi-Metal Container.** A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) **Container Board.** Corrugated paperboard used in the manufacture of shipping containers and related projects.
- (3) **Contractor.** The person, corporation or partnership performing recyclable materials collection and processing under this Chapter.
- (4) **Foam Polystyrene Packing.** Packaging made primarily from foam polystyrene that satisfies one 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.
- (5) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking, and consumption of food, and discarded animal feces.
- (6) **Hazardous Substance.** Any substance or combination of substances which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment. This term includes, but is not limited to, pesticides and substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department of Natural Resources of the State of Wisconsin.
- (7) **HDPE.** High density polyethylene plastic containers marked by the SPI Code No. 2.
- (8) **LDPE.** Low density polyethylene plastic containers marked by the SPI Code No. 4.
- (9) **Magazines.** Magazines and other materials printed on similar paper.
- (10) **Major Appliance.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, furnace, boiler, dehumidifier, water heater and microwave oven from which the capacitor has been removed.
- (11) **Medical Waste.** Infectious waste and those containers, packages, and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.
- (12) **Mixed or Other Plastic Resin Types.** Plastic containers marked by the SPI Code No. 7.
- (13) **Multiple-Family Dwelling.** A property containing five (5) or more residential units, including those which are occupied seasonally.
- (14) **Newspaper.** A newspaper and other materials printed on newsprint.
- (15) **Non-Residential Facilities and Properties.** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

- (16) **Office Paper.** High grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (17) **Person.** Includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (18) **PETE.** Polyethylene terephthalate plastic containers marked by the SPI Code No. 1.
- (19) **Plastic Container.** 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 the subject of a retail sale.
- (20) **Postconsumer Waste.** Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.74(7)(1)I., Wis. Stats.
- (21) **PP.** Polypropylene plastic containers marked by the SPI Code No. 5.
- (22) **Producer.** The person whose ultimate use of a product results in solid waste being generated, whether recyclable or not.
- (23) **PS.** Polystyrene plastic containers marked by the SPI Code No. 6.
- (24) **PVC.** Polyvinyl chloride plastic containers marked by the SPI Code No. 3.
- (25) **Recyclable Materials.** Lead acid batteries; major appliances (including residential and commercial furnaces, boilers, dehumidifiers, water heaters and microwaves from which the capacitor has been removed); waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (26) **Solid Waste** has the meaning specified in Sec. 144.01(15), Wis. Stats.
- (27) **Solid Waste Facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (28) **Solid Waste Treatment.** Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" included incineration.
- (29) **Waste Tire.** A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (30) **Yard Waste.** 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.

## Sec. 8-3-16 Separation of Recyclable Materials.

- (a) **Recyclables to Be Separated from Postconsumer Waste Designated.** Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-

residential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries.
  - (2) Major appliances.
  - (3) Waste oil.
  - (4) Yard waste.
  - (5) Aluminum containers.
  - (6) Corrugated paper or other container board.
  - (7) Magazines or other materials printed on similar paper.
  - (8) Newspapers or other materials printed on newsprint; junk mail..
  - (9) Office paper.
  - (10) Steel containers.
  - (11) Waste tires.
  - (12) Rigid plastic containters made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
  - (13) Glass containers.
  - (14) Bi-metal containers.
  - (15) Foam polystyrene packaging.
- (b) **Separation Requirements Exempted.** The separation requirements of Subsection (a) above do not apply to any occupants of the Village of Bristol regarding the following:
- (1) Occupants of single family and two- to four-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Subsection (a) from solid waste in as pure a form as is technically feasible.
  - (2) Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (3) A recyclable material of these occupants specified in Subsection (a) above for which a variance has been granted to the Village by the Wisconsin Department of Natural Resources under Sec. 287.11(2m), Wis. Stats., or NR 544.114, Wis. Adm. Code, or their successor provisions.

## **Sec. 8-3-17 Care of Separated Recyclable Materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-16 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

### **Sec. 8-3-18 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.**

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- (a) Lead acid batteries shall be returned to suppliers in exchange programs.
- (b) Major appliances shall be received at hauler's clean-up sites at homeowner's expense or upon having them accessible to collection by hauler's vehicles by appointment; curbside collection of bulk items, at no charge, shall occur on the third Thursday of each month.
- (c) Waste oil shall be taken to collection sites.
- (d) Yard waste shall be disposed of with compost or permitted burning. Brush may be bundled [not to exceed four (4) feet in length] and brought to the Village drop-off center.

### **Sec. 8-3-19 Preparation and Collection of Recyclable Materials.**

Except as otherwise directed by the Village Board, occupants of single-family and two (2) to four (4) unit residences shall do the following for the preparation and bimonthly collection of the separated recyclable materials specified in Section 8-3-16(a); all recyclables shall be co-mingled and placed in a single recycling container:

- (a) Aluminum containers shall be put at roadside for collection by the hauler in the appropriate recycling container.
- (b) Bi-metal containers shall be returned to their distributor.
- (c) Corrugated paper or other container board shall be put at roadside for collection by the hauler in the appropriate recycling container. If the recycling container cannot be closed, corrugated paper or other container board may be flattened to three (3) x three (3) feet, bundled or tied, and put at the roadside by the recycling container.
- (d) Foam polystyrene packaging shall be disposed of as garbage for collection by the hauler in the appropriate recycling container.
- (e) Glass containers shall be placed at roadside for collection by the hauler in the appropriate recycling container. Non-beverage containers shall be cleaned.
- (f) Magazines shall be disposed of as garbage for collection by the hauler in the appropriate recycling container.
- (g) Newspaper shall be placed at roadside for collection by the hauler in the appropriate recycling container.
- (h) Rigid plastic containers shall be prepared and collected as follows:
  - (1) Plastic containers made of PETE, including those with recycling number #1, only bottles with necks, shall be cleaned and placed at roadside for collection by hauler in the appropriate recycling container.



- (2) Plastic containers made of HDPE, including those with recycling number #2, only bottles with necks, shall be cleaned and placed at roadside for collection by hauler in the appropriate recycling container.
- (3) Plastic containers made of PVC, including those with recycling number #3, shall be disposed of as garbage.
- (4) Plastic containers made of LDPE, including those with recycling number #4, shall be disposed of as garbage.
- (5) Plastic containers made of PP, including those with recycling number #5, shall be disposed of as garbage.
- (6) Plastic containers made of PS, including those with recycling number #6, shall be disposed of as garbage.
- (7) Plastic containers made of other resins or multiple resins shall be disposed of as garbage.
- (i) Steel containers shall be placed at roadside for collection by the hauler in the appropriate recycling container.
- (j) Waste tires shall be collected on the hauler's designated clean-up day(s) and disposed of at the owner's expense.

### **Sec. 8-3-20     Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in Section 8-3-16(a):
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (4) 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.
- (b) The requirements specified in Subsection (a) do not apply to the owners of designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-16(a) from solid waste in as pure a form as is technically feasible.

## **Sec. 8-3-21 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

- (a) **Requirements.** Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Section 8-3-16(a):
- (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 the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare 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.
- (b) **Exemptions.** The requirements set forth above do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-16(a) from solid waste in as pure a form as is technically feasible.
- (c) **Prohibitions on Disposal of Recyclable Materials Separated 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 8-3-16(a) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

## **Sec. 8-3-22 Enforcement.**

- (a) Any authorized officer, employee or representative of the Village Board or its contractors may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this Chapter. No person may refuse access to any authorized officer, employee or authorized representative of the Village Board or its contractor who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this Chapter may be issued a citation by the Village Board or its designee to collect forfeitures. The issuance of a citation shall not preclude

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 Subsection.

- (c) Penalties for violating this Chapter may be assessed as provided in Section 1-1-6.

## Title 8 ► Chapter 4

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# Waste Treatment, Disposal and Storage

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### **Sec. 8-4-1 Title and Purpose.**

The title of this Chapter is the Village of Bristol Waste Treatment, Disposal and Storage Ordinance. The purpose of this Chapter is for the Village of Bristol to regulate by permit and penalty the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Village of Bristol.

### **Sec. 8-4-2 Authority.**

The Village Board of the Village of Bristol has the specific authority under Section 289.22, Wis. Stats., and the general authority under its village powers to adopt this Chapter.

### **Sec. 8-4-3 Adoption.**

The Village Board of the Village of Bristol, by adopting this Chapter, adopted on proper notice with a quorum and by majority vote of the Village Board, provides the authority for the Village of Bristol to regulate and permit the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Village of Bristol.

## Sec. 8-4-4 Definitions.

In this Chapter, the following definitions shall be applicable:

- (a) **Solid Waste.** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials, including liquid, solid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Chapter 283, Wis. Stats., or source material, as defined in Section 254.31(1), Wis. Stats, special nuclear material as defined in Section 254.31(11), Wis. Stats., or by-product material, as defined in Section 254.31(1), Wis. Stats.
- (b) **Solid Waste Facility.** A facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include a facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes. "Solid waste facility" does not include an automobile junkyard or scrap metal salvage yard. "Solid waste facility" does not include any facility exempt from Village regulation by State law or regulation, including certain demolition facilities.
- (c) **Solid Waste Disposal.** The discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. This term does not include the transportation, storage, or treatment of solid waste.
- (d) **Solid Waste Treatment.** Any method, technique, or process that is designed to change the physical, chemical, or biological character or composition of solid waste, including incineration
- (e) **Solid Waste Storage.** The holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.
- (f) **Hazardous Waste.** Any solid waste identified by the Wisconsin Department of Natural Resources as hazardous waste under Section 291.05(1), (2), or (4), Wis. Stats.
- (g) **Hazardous Waste Facility.** A site or structure for the treatment, storage or disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure.
- (h) **Village.** The Village of Bristol, Kenosha County, Wisconsin.
- (i) **Village Board.** The Board of Trustees for the Village of Bristol, Kenosha County, Wisconsin.
- (j) **Village Clerk.** The Village Clerk of the Village of Bristol.

- (k) **Wisconsin Statutes (Wis. Stats.).** The State of Wisconsin Statutes, including successor provisions to cited statutes.

### **Sec. 8-4-5 Coverage; Permit Requirement.**

- (a) **Permit Requirement.** No person may construct, operate, maintain, close, or provide long-term care of any solid waste facility or hazardous waste facility in the Village of Bristol without a permit issued by the Village Board under this Chapter.
- (b) **Local Approval Standard.** The permit under this Chapter shall be considered a local approval, as defined in Section 289.33(3)(d), Wis. Stats., subject to the requirements of Section 289.22, Wis. Stats.
- (c) **Permit Fees.** The permit application fees shall be established by action of the Village Board. The permit shall be issued by the Village Board prior to any person commencing any form of construction, operation, maintenance, closure, or long-term care of any facility or site in the Village that is subject to this Chapter.

### **Sec. 8-4-6 Permit Application.**

The application for the Village permit under this Chapter shall designate and describe the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person significantly changes the premises for which the permit has been issued in the Village of Bristol. The permit is not transferable from one person to another. The application for the permit shall, at a minimum, contain the following:

- (a) The name of the applicant and the name of the agent for the applicant, if any.
- (b) The address of the applicant.
- (c) The address and legal description of the premises for the facility or site and the current owner of the premises.
- (d) The age of the applicant, if a natural person not over the age of eighteen (18) years.
- (e) The type and use of the facility or site to be constructed, operated, maintained, closed or provided with long-term care at the premises.
- (f) The length of time in years for construction of the facility, if applicable.
- (g) All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure and/or long-term care.
- (h) All federal, county and state approvals, licenses, or permits necessary for the facility premises, if any.
- (i) The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
- (j) The current and proposed zoning and land use plan for the facility premises, if any.



- (k) The projected amount, type, and source of solid waste or recyclable material to be disposed, stored, or treated at the facility on an annual basis.
- (l) The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed of at the facility on an annual basis.
- (m) Copies of all feasibility reports and plan of operations submitted or to be submitted to the Wisconsin Department of Natural Resources.
- (n) The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals.
- (o) Any public nuisance or threats to the public health or safety known by the applicant located at or near the proposed or current waste location.
- (p) Any other information regarding the construction, operation, closure or long-term care of the facility requested by the Village of Bristol in the application form or through subsequent communications.

### **Sec. 8-4-7 Exemptions.**

All of the following facilities, sites, or uses in the Village are exempt from this Chapter:

- (a) A facility or site under Section 289.43(5), Wis. Stats., used for the collection of recyclable material or for the dumping for disposal of waste, including garbage or refuse, on the property where it is generated from a single-family or household in the Village, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse or recyclable material to be disposed or collected in the Village is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.
- (b) The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances of the Village of Bristol
- (c) The discharge of human waste products into any public sewage system located within the Village, or of the landspreading of human waste products on lands in the Village of Bristol.
- (d) A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
- (e) Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the Village.
- (f) Any existing waste facility or site operating upon the original effective date of this Chapter with the current waste uses or activities at the facility or site that may or may not be subject to any pre-existing ordinance. Any new waste, storage, disposal, or treatment uses or activities, after the effective date of this Chapter, or any expansion of the capacity of the facility or site, after the effective date of this Chapter, shall be subject to this Chapter.
- (g) Any demolition or other waste facility, including any landspreading of wood, ash, or sludge site exempt under Section 289.43, Wis. Stats.

- (h) Any alcohol fuel production system exempt under Sec. 289.44, Wis. Stats.
- (i) Any fruit and vegetable waste facility exempt under Sec. 289.445, Wis. Stats.
- (j) Any recyclable material collection facility approved for collection or processing operations by the County, Village or any responsible unit under Section 287.09, Wis. Stats.
- (k) Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of this Chapter.
- (l) Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or Village agency; provided, however, that any waste, garbage, refuse, or recyclable material to be disposed or collected in the Village is placed in a suitable container or dumpster, or is stored in another way as not to cause a public or private nuisance.
- (m) Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the Village, provided, however, that any waste, garbage, refuse, or recyclable material to be disposed or collected in the Village is placed in a suitable dumpster, container, or is stored in another way as not to cause public or private nuisance.
- (n) Any open container or other system used to burn non-toxic or non-hazardous material in a lawful manner and as not to cause a public nuisance in the Village of Bristol.

## **Sec. 8-4-8 Specific Permit Provisions.**

- (a) No person shall be issued or reissued a permit in the Village under this Chapter until the appropriate application fee has been paid by the applicant to the Village Clerk.
- (b) No person shall be issued or reissued a permit under this Chapter who has failed to properly and fully comply and submit to the Village Clerk complete and truthful response on the application form developed and provided by the Village of Bristol.
- (c) No person shall be issued or reissued a permit in the Village under this Chapter, and any permit may be revoked or suspended after a public hearing by the Village Board, if the facility applicant or the permittee fails to do any of the following:
  - (1) Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the Village, county, and state and federal agencies.
  - (2) Comply with all conditions and restrictions attached by the Village Board to the permit issued under this Chapter by the Village Board.
  - (3) Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the Village Board.
- (d) The Village Board may, in order to prevent public nuisances, to protect the public health, and to protect the environment in the Village, require specific conditions or restrictions to be attached to any permit issued by the Village Board under this Chapter. These conditions

or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the permittee or applicant.

### **Sec. 8-4-9      Penalty Provisions.**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter shall, upon conviction, pay a forfeiture as prescribed in Section 1-1-6 of this Code of Ordinances, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Chapter. In addition, the Village Board may seek injunctive relief from a court to enjoin further violations.