

Chapter 8

HEALTH AND SANITATION

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Chapter 8 HEALTH AND SANITATION

SECTION 8.01 Rules and Regulations.

The Village Board, as a whole acting as the Local Health Officer, may make reasonable and general rules for the enforcement of the provisions of this Chapter, for the prevention of health nuisances and for the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall be posted pursuant to law and then shall have the same effect as ordinances. Any person violating any regulation and any lawful order of the Board shall be subject to the general penalty provided for in this Code.

SECTION 8.02 Abatement of Health Nuisances.

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Local Health Officer shall abate health nuisances pursuant to Sec. 254.59, Wis. Stats., which is adopted by reference and made a part of this Section.

SECTION 8.03 Regulation of Smoking.

- (a) **Purpose.** This Section is adopted for the purposes of:
 - (1) **Public Health Protection.** Protecting the public health, general welfare and safety of the people of the Village of Wyocena
 - (2) **Assistance with Regulation Compliance.** Assisting business owners, managers and operators in complying with the state law and municipal ordinance requirements; and
 - (3) **Clarifying/Expansion of State Statute.** Clarifying and expanding upon 2009 Act 12 under authority granted by Section 101.123(4m), Wis. Stats.
- (b) **Findings of Fact.** It is recognized that smoking of tobacco related products is hazardous to the health of both smokers and non-smokers who are exposed to smoking.
 - (1) **Scientific Studies.** Reliable scientific studies, including studies conducted by the Surgeon General of the United States, having shown that breathing second-hand smoke (i.e. side-stream smoke) is a significant health hazard to non-smokers particularly to children, the elderly, individuals with cardiovascular disease and individuals with impaired respiratory functions, including asthmatics and those individuals with obstructive airway disease.
 - (2) **Health Hazards Related to Smoking.** Numerous scientific studies have found that tobacco smoke is a major contributor to indoor pollution. Related health hazards induced by breathing second-hand smoke include

brochoconstriction, lung cancer, brochoospasm, respiratory infection, decreased exercise tolerance and decreased respiratory function.

- (3) **Air Pollution.** Smoking-caused air pollution is an offensive annoyance and irritant, and smoking results in significant and serious physical discomfort to non-smokers.
- (c) **Definitions.** As used in this Section, the definitions set forth in Section 101.123(1), Wis. Stats. are hereby adopted and incorporated herein by reference, except as set forth below. In this Section:
 - (1) **Village Buildings.** All Village owned or operated buildings and those portions of buildings leased or operated by the Village of Wyocena
 - (2) **Enclosed Indoor Area.** All space between a floor and a ceiling that is bound by walls, doors or windows, whether open or closed, covering more than 50% of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18x16 mesh count is not a wall for purposes of this definition. Any owner or occupant of a building desiring to construct or install a legal enclosed smoking area must first obtain a conditional use permit pursuant to Chapter 13 of the Village Code of Ordinances.
- (d) **Smoking Prohibition.** No person may smoke in any of the following:
 - (1) **Statutory Prohibitions; Adoption of Statute.** No person may smoke in any place prohibited by Section 101.123(2), Wis. Stats. Except as expressly modified by this Section, the provisions of Section 101.123, Wis. Stats. are expressly adopted and incorporated herein by reference.
 - (2) **Enclosed Indoor Areas.** No person may smoke in any enclosed indoor area, as defined in Subsection (c)(2) above, or in any place prohibited by Section 101.123(3), Wis. Stats.
 - (3) **Village Building/Enclosed Equipment.** No person may smoke in any Village building or enclosed equipment (including fire trucks) owned, leased or rented by the Village of Wyocena.
 - (4) **School Events at Village Parks and Grounds.** No person may smoke while on any Village park or grounds while such facilities are being used for a school-related event by the public school district.
- (e) **Outside Areas.** Any person managing or in charge of a tavern, restaurant, retail establishment or private club that is subject to this Section may designate an outside area that is a reasonable distance from the entrance to said establishment where employees, customers and/or other persons associated with the establishment may smoke. The designated outside smoking area shall contain receptacles for trash and cigarette butts and shall be maintained in a neat and orderly manner. All refuse and cigarette butts shall be placed in proper receptacles.
- (f) **Exceptions.** The prohibitions against smoking shall not apply to those places or areas set forth in Section 101.123(3), Wis. Stats.

(g) **Inspection; Enforcement.**

- (1) **Inspection and Enforcement Authorities.** Law enforcement officers, public health officials and the Village Building Inspector shall have the authority to enter any premises subject to this Section and Wis. Stats. Section 101.123 to ascertain whether the premises are in compliance with the requirements of this Section, and such official shall take appropriate enforcement action pursuant to this Section and Section 101.123, Wis. Stats.
- (2) **Penalties.** The following penalties shall be applicable for violations of this Section:
 - (a) Any person who violates Subsection (d) or (e) of this Section shall be subject to those penalties and forfeitures prescribed in Chapter 1.06 or as otherwise provided in the Village's Cash Bond Deposit Schedule.
 - (b) Any person in charge of premises who violates Section 101.123(2m), Wis. Stats. shall be subject to those penalties prescribed in Section 1.06 or as otherwise provided in the Village's Cash Bond Deposit Schedule, except that the forfeiture shall be not less than one hundred dollars (\$100.00). Prior to issuing a citation to a person in charge for violation of this Section, enforcement officials shall first issue a written warning notice; once the person in charge has been issued such warning notice, he/she may be issued citations for subsequent violations of this Section.

SECTION 8.04 Destruction of Noxious Weeds.

- (a) The Village Administrator Clerk-Treasurer shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) The Village shall require that all noxious weeds be destroyed prior to the time in which such plants would mature to the bloom or flower state. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds shall include but not be limited to the following:

Cirsium Arvense (Canada Thistle)
Ambrosia artemisiifolia (Common Ragweed)
Ambrosia trifida (Great Ragweed)
Euphorbia esula (Leafy Spurge)

Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
Tragopogon dubius (Goat's Beard)
Rhus radicans (Poison Ivy)
Cirsium vulgaries (Bull Thistle)

Pastinaca sativa (Wild Parsnip)
Arctium minus (Burdock)
Xanthium strumarium (Cocklebur)
Amaranthus retroflexus (Pigweed)
Chenopodium album (Common Lambsquarter)
Rumex Crispus (Curled Dock)
Cannabis sativa (Hemp)
Plantago lanceolata (English Plantain)
Glechoma hederacea (Creeping Charlie)

Noxious grasses, as defined in this Section, shall include but not be limited to the following:

Agrostia alba (Redtop)
Sorghum halepense (Johnson)
Setaria (Foxtail)

Noxious weeds are also the following plants and other rank growth:

Ragweed
Thistles
Dandelions (over 12 inches in height)

- (c) If the owner or occupant shall neglect or refuse to destroy any weeds as required by such notice, then the Village Administrator Clerk-Treasurer shall give five (5) days' written notice by regular mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that upon the expiration of the five (5) day period the Village 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 special charge upon the lands upon which such weeds are located under the provisions of Sec. 66.0627 of the Wisconsin Statutes. The Village shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method.

SECTION 8.05 Regulation of Natural Lawns.

- (a) **Natural Lawns Defined.** Natural lawn 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 8.04 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

(b) **Definitions.**

- (1) “Natural Lawn Management Plan” as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose 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) “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.

(c) **Application Process.**

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Administrator Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a non-refundable filing fee as established by the Village Board by Resolution will be paid by the applicant. Upon receiving payment, copies of the completed application shall be mailed by the Village to each neighboring owner of record, as listed in the Office of the Village Assessor, of property situated wholly or in part within three hundred (300) feet of the boundaries of the property for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village Administrator Clerk-Treasurer shall immediately deny the application. If the property owner’s application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Village Administrator Clerk-Treasurer shall issue a permit to install a natural lawn. Such permit shall be valid for two (2) years. Permit renewals shall follow the procedures in this Section.
- (2) Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall

include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property 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.

- (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Administrator Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Administrator Clerk-Treasurer shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village Administrator Clerk-Treasurer shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 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.
- (d) **Appeal.** If the application is denied the property owner may appeal the Village Administrator Clerk-Treasurer'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) calendar 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) **Safety Precautions for Natural Grass Areas.**
 - (1) When, in the opinion of the Fire Chief of the Department serving the Village of Wyocena, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the Natural Lawn Management 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 lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Natural Lawn Management Plan. The Fire Chief shall review all

requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be three hundred thousand dollars (\$300,000.00).

(f) **Revocation of an Approved Natural Lawn Management Permit.**

- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit issued by the Village Administrator Clerk-Treasurer as set forth in this Section. Violators shall be served with a Notice of Public Nuisance by regular mail to the last known mailing address of the property owner if the natural lawn does not comply with the terms of the Natural Lawn Management Plan.
- (2) If the person so served with the Notice of Public Nuisance violation does not abate the nuisance within ten (10) days, the Village Board, upon the recommendation of the Village Administrator Clerk-Treasurer shall have the authority to revoke the Natural Lawn Management Plan permit. If the permit is revoked, the Village Administrator Clerk-Treasurer shall give the owner notice, and if the owner has not brought the property into compliance within ten (10) days, the Village Administrator Clerk-Treasurer may proceed to abate the 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 and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Administrator Clerk-Treasurer shall enter those charges onto the tax roll as a special charge as provided by Statute.
- (3) The failure of the Village Administrator Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not effect the right to place the Village expense on the tax roll for unpaid bills for abating the public nuisance as provided for in this section.

- (g) **Penalty.** 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 Chapter 1.06 of this Code of Ordinances or as otherwise provided in the Village's Cash Bond Deposit Schedule.

SECTION 8.06 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 Wyocena.
- (b) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on lots or parcels of land within the Village of Wyocena 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 lawn, grass, or weed on a lot or parcel of land located in any zoning district other than an Agricultural or Conservancy District, which exceeds eight (8) inches in length, is hereby declared to be a public nuisance, except for any portions located in a designated floodplain area and/or wetland area or where the lawn, grass, or weed is part of a natural lawn approved pursuant to Section 8.05 above. Also any lawn, grass, scrub brush, or weeds that exceed eight (8) inches in length, located within twelve (12) feet of a public road and/or public graveled area, on a lot or parcel of land located in an Agricultural District or Conservancy District, is also hereby declared to be a public nuisance. See also (c) Street Right of Ways.
- (c) **Street Right of Ways.** The owner, occupant, or person in charge of any parcel or lot, which abuts on any public street, shall mow the lawn, grasses, scrub brush, and weeds located on the portion of the street right of way that is situated between his/her lot and the traveled portion of the street, so as not to permit such lawn, grasses, scrub brush, and weeds to grow over eight inches in length. If any lawn, grasses, scrub brush, or weeds in this area exceeds eight (8) inches in length it shall be declared a public nuisance.
- (d) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b or c) above to remain on any premises owned or maintained by him within the Village.
- (e) **Inspection.** The Village Administrator Clerk-Treasurer, or her designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection (b or c) above exists.
- (f) **Abatement of Nuisance.** If the Village Administrator/Clerk-Treasurer determines with reasonable certainty that any public nuisance as defined in Subsection (b or c) above exists, 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 within the next ten (10) calendar days.
- (d) **Due Process Hearing.**
 - (1) If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Village Board. The request for said hearing

must be made in writing to the Village Administrator Clerk-Treasurer's office within the five (5) days set forth in the Village Administrator Clerk-Treasurer's notice. Upon application for the hearing, the property owner must deposit a bond in an amount determined by resolution of the Village Board. If a decision is rendered in the property owner's favor, the bond 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 the hearing and of the Village personnel abating the nuisance, if necessary.

- (2) When a hearing is requested by the owner of the property, a hearing by the Village Board shall be held within seven (7) 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 attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his 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 Board determines that a public nuisance does exist, the Village Board shall order the Village to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Village Board decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Village Administrator Clerk-Treasurer shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

SECTION 8.07 Composting Regulations.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the organic waste produced from the growing, trimming, and removal of grass, branches [not exceeding one (1) inch in diameter] bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.

- (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Village to proceed under Section 8.11.
 - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
 - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or the Village in general.
 - (5) No compost bins shall be located in any yard except a rear yard, as defined in the Village Zoning Code. All compost bins shall be located not less than three (3) feet from the rear property line or principal building or dwelling and three (3) feet from any detached accessory building.
 - (6) A compost bin may be located in a side yard as defined in the Village Zoning Code as long as the bin is located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building, and the owner obtains a variance from the Village Zoning Board of Appeals, the Zoning Board of Appeals shall issue a variance if the property owner can show a hardship exists which prohibits compliance. If a variance is granted, the Zoning Board of Appeals may require that the compost bin be screened or fenced from view to the street. Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.
- (d) **Ingredients.**
- (1) No compost bin shall contain any of the following:
 - (a) Lakeweeds;
 - (b) Cooked food scraps of any kind or type;
 - (c) Fish, meat or other animal products;
 - (d) Manures;
 - (e) Large items that will impede the composting process.
 - (2) Permitted ingredients in a compost bin shall include the following:
 - (a) Yard waste;
 - (b) Coffee grounds and used tea leaves;
 - (c) Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
 - (d) Commercial compost additives.
- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.

SECTION 8.08 Deposit of Deleterious Substances Prohibited.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed

on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

SECTION 8.09 Compulsory Connection to Village Sewer and Water System.

- (a) This Section is enacted pursuant to Section 281.45 of the Wisconsin Statutes. Whenever public sewer or water service has become available to any building used for human habitation or human occupancy, the Village Board shall notify in writing the owner, agent or occupant thereof to connect such facilities thereto. If such persons to whom the notice has been given shall fail to comply for more than ten (10) days after notice, the Village Board shall cause the necessary connections to be made and the expenses thereof to be assessed as a special tax against the property pursuant to Section 281.45 of the Wisconsin Statutes.
- (b) The Village Board may extend the time for connection hereunder or may grant other temporary relief where strict enforcement would create an unnecessary hardship without corresponding public or private benefit.

SECTION 8.10 Unhealthy, Hazardous or Unsightly Materials on Public or Private Property.

- (a) **Inspections.** Whenever the Building Inspector, Fire Inspector or other authorized Village official shall, upon inspection of any premises within the Village of Wyocena find that there is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish, rubble, trash, abandoned, outmoded or non-salable merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Village of Wyocena in general, such official shall issue his written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or other unhealthy, hazardous or unsightly materials or things. Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection (b).
- (b) **Appeal.** Any person feeling himself aggrieved by any order of a Village official under this Section may, within ten (10) days from the date of receipt of such order, appeal such order to the Village Board.

- (c) **Exceptions.** Nothing contained in this Section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or nonsalable merchandise or parts or unsightly materials or things which are:
- (1) Lawfully sited pursuant to the Village Zoning Code and operated in a manner not constituting a nuisance; or
 - (2) Temporarily deposited due to an emergency; or
 - (3) Materials during construction; or
 - (4) Collected and piled for immediate pickup and disposal by the Village or by private means.
- (d) **Nonconforming Uses.** It shall not be a defense to the provisions of this Section that the owner or occupant of the premises involved has a nonconforming use under the provisions of the Village Zoning Code, but the provisions of this Section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.

SECTION 8.11 Rodent Control.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.
 - (2) **A Rodent-Proof Container** shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
 - (3) **Rodent-Proofing** shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proof material approved by the Village.
 - (4) **Rodent Harborage.** Any place where rodents can live and nest without fear of frequent molestation or disturbance.

- (5) **Hardware Cloth.** Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
- (b) **Elimination of Rodent Harborage.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.
- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
- (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Village, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
- (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the Village of Wyocena to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

SECTION 8.12 Discharge of Clear Waters.

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the

- health, safety and well-being of the residents of the Village and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Village Board, Village Engineer or Building Inspector every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
 - (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
 - (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
 - (f) **Conducting Tests.** If a designated Village agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

SECTION 8.13 **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.
- (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 Village Administrator Clerk-Treasurer 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.

SECTION 8.14 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 Wyocena.

SECTION 8.15 Recycling Regulations.

Columbia County is designated by the Village of Wyocena as the responsible unit for purposes of developing and administering recycling programs.

SECTION 8.16 Disposition of Human Corpses and Stillbirths.

No human corpse or stillbirth may be buried within the Village limits, except in a cemetery or mausoleum.