

Title 6

HEALTH AND SANITATION

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- 6.28 Dispensing Beverages at Outdoor Functions
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- 6.48 Weeds and Vegetation
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Chapter 6.28

DISPENSING BEVERAGES AT OUTDOOR FUNCTIONS

Sections:

6.28.010 Regulations.

6.28.010 Regulations. No vendor shall dispense beverages in any cup, glass, flask, bottle or other container made of glass or other shatterable material designed or used for holding a beverage in the city at any outdoor fair, game, attraction, event, or public function.

The above prohibition does not apply to vendors at any of the above-listed activities serving sit-down meals where the beverage containers are washed and reused.

All beverage vendors at any of the above-listed activities must use recyclable beverage containers and provide adequate collection facilities to ensure the collection and proper recycling of all beverage containers so used. (Ord. 61-5200 §1, 2003 File No. 97-0815; Ord. 61-4986 §1, 1997.)

Chapter 6.44

SOLID WASTE DISPOSAL

Sections:

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6.44.010 Definitions. As used in this chapter:

(1) "Bulk Items" means discarded residential items that are heavier than fifty (50) pounds in weight, or are otherwise not able to fit within an approved empty Cart. Such items include but are not limited to furniture, chairs, couches, tables, mattresses, box springs, carpeting/padding, snow blowers, push and riding lawn mowers, disassembled outdoor play equipment, large toys, bicycles, and fish aquariums.

(2) "Cart" means that wheeled, rollout receptacle provided by the City or Collector for the collection of Residential Solid Waste and the collection of Recyclables. Carts for collection of Residential Solid Waste shall be distinguished from Carts for Recyclables by lid color. The Cart body color is universal for all Carts.

(3) "Collector" means the person, firm or corporation specifically authorized by the common council to collect Recyclables and Residential Solid Waste from Residential Units located within the City.

(4) "Curbside" means a location that is within three (3) feet of the curb and on the paved surface of the public or private road, within the resident drive approach or along the alley way or placed as close to the roadway or alleyway as practicable without interfering with or endangering the movement of vehicles or pedestrians and at least four (4) feet away from obstructions; or, such other location designated by Collector as a result of alleyways or other tight spaces, the number of Carts to be placed for collection are too great for the available area, or access to a Residential Unit or Cart by Contractor's equipment may be impractical or infeasible.

- (5) "Electronic Devices" means any of the following devices as defined in Wis. Stat. §287.07(5), including but not limited to facsimile machines, digital video players, video cassette recorders, televisions, consumer computers, consumer printers, and telephones.
- (6) "Holiday" means New Year's Day, Memorial Day, Independence Day (4th of July), Labor Day, Thanksgiving Day, and Christmas Day.
- (7) "Major Appliances" includes but is not limited to residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, refrigerators, microwave ovens, stoves, ovens, furnaces, boilers, dehumidifiers, and water heaters.
- (8) "Medical Waste" has the meaning giving in Wis. Adm. Code NR §500.03(143).
- (9) "Nonresidential Buildings or Property" means any property that is not a Residential Unit.
- (10) "Pallet" means a small, low, portable platform which is intended for, or on which goods are placed for storage or moving.
- (11) "Residential Unit" means the following dwelling units located within the City of Wausau: single family detached dwellings; each unit of a duplex, triplex, or fourplex; mobile homes; residential condominium units located in a structure which contains not more than eight (8) residential dwelling units; and, a single family dwelling unit located within or attached to a building which contains not more than one commercial use and not more than one single family dwelling unit. Residential multi-family dwellings of five (5) or more units other than the foregoing described residential condominium units are excluded. Single family dwelling units contained in or attached to any building or located on a single lot of real property which houses more than one residential unit and more than one commercial use, or any other use, are also excluded. (Ord. 61-5696 §1, 2016; Ord. 61-5682 §1, 2015, File No. 90-1136)
- (12) "Residential Solid Waste" means all normal domestic household garbage and rubbish generated by a Residential Unit including but not limited to all kitchen and table food waste, animal or vegetative waste attendant with or that results from the storage, preparation, cooking or handling of food materials, paper, rags, cardboard, cartons, wood, rubber, crockery, glassware, metallic ware, sweepings, or other similar wastes. Residential Solid Waste shall also include during the month of January, Christmas trees cut into four (4) foot lengths. Residential Solid Waste excludes Unacceptable Waste.
- (13) "Recyclables" means those materials collected for beneficial reuse or remanufacturing, including but not limited to plastic containers labeled 1-7; HDPE containers; PET containers; glass, aluminum, and steel containers; containers for carbonated or malt beverages primarily made of a combination of steel and aluminum; corrugated cardboard or other container board; newspaper or other material printed on similar paper; magazines or other material printed on similar paper; office paper; foam polystyrene packaging and aseptic containers.

(14) "Sharps collection station" means a drop-off site for home generated sharps operated in compliance with Wis. Adm. Code NR §526.09(5).

(15) "Solid Waste" means that garbage and rubbish generated by Nonresidential Buildings or Property including but not limited to all kitchen and table food waste, animal or vegetative waste attendant with or that results from the storage, preparation, cooking or handling of food materials, paper, rags, cardboard, cartons, wood, rubber, crockery, glassware, metallic ware, sweepings, or other similar wastes.

(16) "Unacceptable Waste" means hazardous waste as defined in Wis. Stat. §291.05(1), (2) or (4); all materials or items prohibited from disposal or incineration at a solid waste disposal facility pursuant to Wis. Stat. §287.07 including but not limited to waste tires, lead acid batteries, remodeling or demolition materials, new construction debris, concrete, bricks, paving materials, and soil; large tree debris, stumps, and shrubs with intact root balls; and, Electronic Devices.

(17) "Yard Waste" means solid waste consisting of solely vegetative matter resulting from landscaping maintenance such as leaves, grass clippings, yard and garden debris and brush including clean woody vegetative materials no greater than six (6) inches in diameter. Yard Waste excludes stumps, roots or shrubs with intact root balls. (Ord. 61-5675 §1, 2015, File No. 90-1136; Ord. 61-5463 §1, 2011, File No. 11-0106, Ord. 61-5058 §1, 2000; Ord. 61-4874 §1(part), 1994.)

6.44.020 Collection. (a) Residential Units. Residential Solid Waste shall be collected not less than once per week from all Residential Units according to a schedule set or approved by the city. If a scheduled collection day falls on a Holiday, collection shall be made on the following business day or as provided by in a schedule published by the Collector in the Wausau Daily Herald in advance of the Holiday. Recyclables shall be collected at least once every two weeks on the same day scheduled for collection of Residential Solid Waste. Collection shall not commence before 5:45 a.m.

(b) Nonresidential Buildings or Property.

(1) The city shall not be responsible for or provide collection services for any Solid Waste, Recyclables or other waste that accumulates in or upon Nonresidential Building or Property and the owners thereof must arrange for the collection and disposition of Solid Waste, Recyclables, or other waste at their expense. Such persons, or persons they hire, shall collect, transport and dispose of such wastes as provided by city ordinances and in accordance with other health and sanitary regulations pertaining to nuisances. Collection services shall be provided only for Residential Units and as provided in this chapter.

(2) Owners or occupants of Nonresidential Buildings or Property shall provide adequate separate containers for the disposal of both Solid Waste and Recyclables.

(3) Owners shall regularly notify the users, tenants or other occupants of the premises of Nonresidential Buildings and Properties, including employees, agents and customers, of the city recycling requirements and other requirements of this chapter.

(c) Refusal of Service. The city or Collector may refuse to furnish collection service for Residential Solid Waste or Recyclables to any person not complying and refusing to comply with this chapter and the rules and regulations promulgated by the city for the collection and disposal of Residential Solid Waste or Recyclables. Any person from whom service for the collection of Residential Solid Waste or Recyclables is withdrawn by the Collector or city for failure to comply with the rules and regulations, and who as a result has Residential Solid Waste or Recyclables on his/her premises and which creates public or health nuisance under chapter 9.24, may be prosecuted under any ordinances of the city regulating the same.

(d) Special Services. Any waste collection requiring special services, such as Bulk Items, Major Appliances, Yard Waste, and Electronic Devices, or collection requiring more than the one Cart provided and designated by the city or Collector for each of Recyclables or Residential Solid Waste, shall be requested by the owner or occupant of a Residential Unit directly from the Collector. Services for such waste collection rendered shall be at the discretion of the Collector. A schedule of rates charged by Collector for such special services may be obtained from Collector or the city clerk. The Occupant or owner of a Residential Unit requesting such service shall be billed directly by the Collector and may be required at the discretion of the Collector.

(e) Unacceptable Waste. No person shall place Unacceptable Waste out for collection by the City or Collector, or a private licensed hauler, in the case of Nonresidential Buildings or Property.

(f) Containment. No person shall place any Residential Solid Waste or Recyclables at Curbside for collection that is not contained within the proper Cart with the sole exception, that during the month of January, Christmas trees cut into four (4) foot lengths may be placed at Curbside. (Ord. 61-5675 §2, 2015; Ord. 61-5058 §2, 2000; Ord. 61-4874 §1(part), 1994.)

6.44.030 Separation. (a) It shall be the duty of every owner and occupant of a Residential Unit and owners and occupants of all Nonresidential Buildings and Property to place Residential Solid Waste and Recyclables in the proper container or Cart(s). All Residential Solid Waste shall be placed by the owner or occupant of a Residential Unit into the Cart provided and designated by the city or Collector for such purposes. Recyclables shall be placed by the owner or occupant of a Residential Unit into the Cart provided and designated by the city or Collector for such purposes. No Residential Solid Waste shall be placed in the Cart for Recyclables and no Recyclables shall be placed in the Cart designated for Residential Solid Waste; such mixed wastes shall not be collected by the Collector. Owners and occupants of Nonresidential Buildings or Property shall not place Solid Waste in the same container as that used for Recyclables, nor shall owners and occupants of Nonresidential Buildings or Property place Recyclables in the same container as that used for Solid Waste; such mixed wastes shall not be collected, transported or disposed of by any person.

(b) Notwithstanding any provisions to the contrary in this chapter, every occupant of a Residential Unit is required to separate Yard Waste from Recyclables and Residential Solid Waste that is placed for collection at Curbside by the city or Collector. All Yard Waste so separated shall be deposited at the city's designated Yard Waste collection site or composted or otherwise disposed of by the owner of the property. No Yard Waste shall be mixed with any Residential Solid Waste or Recyclables which are placed for collection at Curbside by the city or its Collector.

(c) No person shall deposit brush or Yard Waste at any city Yard Waste collection site other than during the posted hours of operation of that site.

(d) No person shall deposit any Residential Solid Waste, Solid Waste, Recyclables, or any other waste other than Yard Waste produced by the owner or occupant of a Residential Unit at a city Yard Waste collection site. No persons, firm or corporation that is not the owner or occupant of a Residential Unit within the city or occupant of a Residential Unit within a governmental unit that contracts with the city for use of the Yard Waste site shall deposit Yard Waste at a city Yard Waste collection site, unless the Yard Waste is generated at a Residential Unit within the city or occupant of a Residential Unit within a governmental unit that contracts with the city for use of the Yard Waste site. All residents are required to obtain a vehicle sticker to use the Yard Waste site. This sticker will be issued, free of charge, upon verification of residency and will only be accepted as access to the site if adhered to the upper driver-side corner of the front windshield. The sticker will be made available at designated city departments. Each Residential Unit is eligible for no more than two stickers. Fees will be assessed to contractors using the Yard Waste site as provided in section 3.40.010(a).

(e) It shall be mandatory for all persons to separate Recyclables from the nonrecyclable Residential Solid Waste or Solid Waste collected by either the city's Collector or a private licensed hauler, in the case of Nonresidential Buildings or Property. All Recyclables by be accumulated by occupants or owners at Residential Units within the single Cart provided by the city or Collector for Recyclables without separation or sorting of Recyclables according to type. (Ord. 61-5675 §3, 2015, File No. 90-1136; Ord. 61-5605 §15(part), 2014; Ord. 61-5279 §1, 2006, File No. 05-0634; Ord. 61-5058 §3, 2000; Ord. 61-4874 §1(part), 1994.)

6.44.040 Solid waste containers. (a) Nonresidential Units. Each and every owner of a Nonresidential Building or Property shall provide and renew when necessary a sufficient number of containers to hold Solid Waste and Recyclables which are of substantial construction, have tight fitting covers and strong handles on the outside, and which shall be watertight and fly-proof. All containers shall be maintained by the owner and occupant in a good, clean and sanitary condition. Any defective container having ragged or sharp edges or other defects that might injure or hamper the person collecting the waste must be replaced immediately by a new container. Any defective container, when used, may be confiscated by the city or the collector. (Ord. 61-5415 §1, 2009, File No. 90-1136)

(b) Residential Units. Carts for the collection of Residential Solid Waste and Recyclables shall be provided to each Residential Unit by the city or Collector. Each Residential Unit shall be provided one (1) sixty five (65) gallon (or the nearest equivalent depending upon the manufacturer) Residential Solid Waste Cart and one (1) ninety five (95) gallon (or the

nearest equivalent depending upon the manufacturer) Recyclables Cart. Each owner and occupant of a Residential Unit shall properly use and safeguard Carts and maintain and keep the Carts in good condition, ordinary wear and tear excepted. The owner or occupant of a Residential Unit shall be charged Seventy Five Dollars (\$75.00) per Cart for the replacement of any Cart if replacement is required as a result of abuse, misuse, damage, fire or theft. All Carts are the property of the Collector and shall not be removed from the Residential Unit served by such Carts.

(c) Residential Unit Cart Exchange. No owner or occupant of a Residential Unit shall be permitted to exchange Carts for a different size for ninety (90) days after initial delivery of Carts to a Residential Unit; thereafter owners or occupants of a Residential Unit are limited to one change per year. The owner or occupant requesting a change in Cart size shall pay Collector a fee of Twenty Five Dollars (\$25.00). Residential Units electing a ninety five (95) gallon Residential Solid Waste Cart shall be required to pay directly to Collector an additional Twenty Five Dollar (\$25.00) annual fee.

(d) Additional Residential Carts. Owners or occupants of a Residential Unit may request additional Carts only after the expiration of ninety (90) days after the initial delivery of Carts to a Residential Unit. Requests for additional Carts shall be made directly to Collector. Owners and occupants of Residential Units requesting additional Carts shall make arrangements for collection from such additional Carts directly from Collector and shall be billed by and pay the collection rates for such additional Cart collection and the cost for any additional Carts directly to Collector. A schedule of rates charged by Collector may be obtained from Collector or the city clerk.

(e) Location of Waste Containers on Property. No Carts or other waste containers of any type shall be located at any time in any front yards except in compliance with section 6.44.060. For purposes of this section “front yard” means that portion of a property between the dwelling structure and the adjoining street and extending the full length of the lot between the side lot lines. The property owner, occupant or other person in charge of the property shall be responsible for violations of this section. (Ord. 61-5675 §4, 2015; Ord. 61-5629 §1, 2014; Ord. 61-5616 §4(part), 2014; Ord. 61-5605 §16(part), 2014; Ord. 61-4874 §1(part), 1994.)

6.44.050 Draining and wrapping Residential Solid Waste. Before placing any Residential Solid Waste or Recyclables in a Cart for collection, every occupant of a Residential Unit shall drain the Residential Solid Waste or Recyclables free of water or other liquid so that the Carts shall contain relatively dry packages of Residential Solid Waste and Recyclables. It shall be the responsibility of every occupant of a Residential Unit and Nonresidential Building and Property to keep Carts and other waste containers and their contents dry and free from rainwater and snow. (Ord. 61-5675 §5, 2015; Ord. 61-4874 §1(part), 1994.)

6.44.060 Location of Carts for collection. Carts shall be set out at the Curbside by Residential Unit owners, occupants, or other persons in charge of the Residential Unit, or as may be otherwise directed by the city, or by the Collector. Any Cart not placed at Curbside on the day designated for collection by the city or Collector will not be collected. During the winter months, the owner, occupant, or other person in charge of a Residential Unit shall provide a travel way to the Carts which is free of snow. Carts shall not be placed out at Curbside prior to three (3) p.m. of the

day prior to the collection day, and the Carts shall not be left at Curbside after eleven (11) a.m. of the day after the collection day. The property owner, occupant, or person in charge of the Residential Unit shall be responsible for violations of this section. (Ord. 61-5675 §6, 2015; Ord. 61-5630 §1, 2014; Ord. 61-5616 §5(part), 2014; Ord. 61-4874 §1(part), 1994.)

6.44.070 Certain disposal and removal prohibited. (a) Dumping Solid Waste and Yard Waste. No person shall rake, deposit, throw, place or leave any Residential Solid Waste, Solid Waste or Yard Waste upon any highway, street, court, lane, alley or other public way, park, vacant lot, yard, body of water or any other place except in an appropriate Cart in the case of Residential Units or other appropriate Solid Waste or Recyclables container in the case of Nonresidential Buildings or Property, or at the city's designated Yard Waste site herein required for those purposes.

No person shall deposit and leave any residential or commercial waste material in any waste receptacle or other area in any park.

(b) Unlawful Removal. No person shall upset or turn over the contents of any Cart, or in the case of a Nonresidential Building or Property, any other waste container, located on any street, alley or other public place. No person, except a collector, shall place into or remove any Recyclables, Residential Solid Waste, or Solid Waste from any Cart or waste containers without the consent of the occupant, owner or lessee of the premises; and no person, except a collector, shall place into or remove any Recyclables, Residential Solid Waste or Solid Waste from a Cart, or in the case of a Nonresidential Building or Property, any other waste container, which has been set out at Curbside or other collection point designated by a collector or the city.

(c) Unlawful Deposit. No person shall bring Recyclables, Residential Solid Waste, Solid Waste, Yard Waste or noncollectible materials, as listed in section 6.44.080, into the city for the purpose of collection or disposal. Penalties for violations of this section shall be as provided in section 6.44.110 of this chapter.

(d) This section shall not prohibit Bulk Item and other materials from being properly set out for city authorized annual collections by owners or occupants to include spring cleanup and fall leaf pickup, nor shall it prohibit persons from composting Yard Waste on property of which they are the owner and/or occupant.

(e) No Burning or Disposal. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any Recyclables or other items prohibited by Wis. Stat §287.07. (Ord. 61-5675 §7, 2015; Ord. 61-5058 §4, 2000; Ord. 61-4874 §1(part), 1994.)

6.44.075 Improper storage of furniture. No person shall place and allow to remain exposed to the elements, whether outdoors or within an unenclosed porch or similar area, any chair, sofa, bed, table or other related or similar furniture, which is not designed and intended for outdoor use and which is thereby readily susceptible to deterioration or which thereby provides a harborage for rodents. This section shall not apply to furniture which is unused and placed outside as refuse for collection and disposal. (Ord. 61-5058 §4, 2000; Ord. 61-4881 §1, 1994.)

6.44.080 Noncollectible materials. (a) No person shall set the following materials out for collection:

- (1) Nonseparated waste which is a mixture of any two or more of the four types of wastes, Recyclables, Residential Solid Waste, Solid Waste and Yard Waste;
- (2) Unacceptable Waste;
- (3) Tires;
- (4) Major appliances;
- (5) Electronic Devices;
- (6) Yard waste which shall be disposed of as provided in section 6.44.030(b);
- (7) Large furniture items such as mattresses, chairs, couches, tables;
- (8) Hazardous and toxic waste;
- (9) Trees and stumps, roots or shrubs with intact root balls;
- (10) Paint;
- (11) Flammable liquids;
- (12) Explosives;
- (13) Chemicals;
- (14) Carcasses;
- (15) Medical waste, except home-generated sharps which shall be deposited at a designated sharps collection station as defined in section 6.44.010(30);
- (16) Automotive parts or accessories;
- (17) Metal.

(b) These materials shall be disposed of by the property owner, occupant of the property, or other person in charge of the property by contacting a licensed hauler of the specified item or as otherwise provided by law.

(c) The property owner, occupant of the property, or other person in charge of such property shall be responsible for violations of this section. (Ord. 61-5675 §8, 2015; Ord. 61-5616 §6 (part), 2014; Ord. 61-5508 §1, 2012; Ord. 61-5058 §5, 2000; Ord. 61-4874 §1(part), 1994.)

6.44.090 Storing of refuse. (a) Any accumulation of Recyclables, Residential Solid Waste, Solid Waste, landscaping materials, Pallets, Bulk Items, Yard Waste, or noncollectible materials as defined in section 6.44.080, on any premises in the city is prohibited and declared to be a nuisance under this chapter. Additionally, storing lumber openly on the premises is prohibited without a current building permit.

(b) The premises owner, occupant of the premises, or other person in charge of such premises shall be responsible for any violations of this section and is subject to the penalties provided in section 6.44.100.

(c) In addition to the penalties in section 6.44.100, the owner of the premises is responsible for removal of any accumulation of Recyclables, Residential Solid Waste, Solid Waste, landscaping materials, Pallets, Bulk Items, Yard Waste, or noncollectible materials as defined in section 6.44.080, and upon failure to remove such materials after written notice from the county health officer or his/her designee or the chief of the fire department or his/her designee or chief inspector/zoning administrator or his/her designee, the city will cause the removal of the accumulation and assess the charges for such removal to the owner(s) of the premises where the accumulation occurred. (Ord. 61-5675 §9, 2015; Ord. 61-5616 §7(part), 2014; Ord. 61-5509 §1, 2012; Ord. 61-4874 §1(part), 1994.)

6.44.100 Enforcement and penalties. (a) For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the city of Wausau, may inspect recyclable materials, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling facilities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the city of Wausau 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 city of Wausau 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. 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 paragraph.

(c) Penalties for violating this chapter may be assessed as follows:

(1) Any person who violates section 6.44.020(b), (c), (d), (e), or section 6.44.030(e) may be required to forfeit fifty dollars for a first violation, two hundred dollars for a second violation, and not more than two thousand dollars for a third or subsequent violation.

(2) Any person who violates a provision of this chapter, except section 6.44.020(b), (c), (d), (e) or section 6.44.030(e) may be required to forfeit not less than ten dollars nor more than one thousand dollars for each violation.

(3) The forfeiture and penalties provided herein shall not be construed as prohibiting other methods of enforcing this chapter including, but not limited to, injunctions and other forms of relief available to the city. (Ord. 61-5675 §10, 2015; Ord. 61-5616 §8-9 (part), 2014; Ord. 61-4874 §1(part), 1994; Ord. 61-4874 §1(part), 1994.)

Chapter 6.48WEEDS AND VEGETATIONSections:

- 6.48.010 Mowing required.
- 6.48.020 Mowing by city.
- 6.48.030 Weed commissioner.
- 6.48.040 Penalty.

6.48.010 Mowing required. No person owning property or occupant of property within the city shall permit to grow or pollinate upon the premises any weeds, grasses or brush which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or may conceal filthy deposits or provide a place for the accumulation of trash or litter. In order to prevent such growth and pollination, it shall be the duty of every property owner or occupant of property to mow or cause to be mowed upon the premises all grasses, weeds and brush exceeding one foot in height. The provisions of Section 66.0407 of the Wisconsin Statutes are incorporated herein by reference. Any golf course or public parkland located wholly within the City of Wausau shall be exempt from the mowing requirement of this provision. (Ord. 61-5652, §1, 2015; Ord. 61-5616 §10 (part), 2014; Ord. 61-5610 §1, 2014; Ord. 61-4607 §1(part), 1987; prior code §10.14(1).)

6.48.020 Mowing by city. It shall be the duty of the employee assigned the duties and responsibilities of the weed commissioner to enforce this chapter, and if any person shall fail to comply herewith, the employee shall, after five days' written notice to the owner of the property, cause the premises to be mowed and report the cost thereof in writing to the city clerk in the manner provided in Section 66.0517 of the Wisconsin Statutes. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes unless such lands are exempt from taxation. (Ord. 61-5616 §11 (part), 2014; Ord. 61-5377 §4(part), 2008; Ord. 61-4607 §1(part), 1987; prior code §10.14(2).)

6.48.030 Weed commissioner. The duties and responsibilities of the weed commissioner as defined by state statutes shall be performed by staff of the department of public works and the inspections department. Those duties shall be performed in conjunction with the other duties of the assigned employee and said employee shall receive no additional compensation therefor. (Ord. 61-5377 §5 (part), 2008.)

6.48.040 Penalty. In addition to the provisions of section 6.48.020, any owner or occupant of property who violates the provisions of section 6.48.010 may be issued a citation by the city and may be required to forfeit not less than ten dollars nor more than two hundred dollars for each violation. The property owner or occupant of the property shall be responsible for violations of section 6.48.010. (Ord. 61-5616 §12 (part), 2014)

Chapter 6.52

DUTCH ELM DISEASE

Sections:

- 6.52.010 Intent and purpose—Dutch elm disease and elm bark beetles declared public nuisances.
- 6.52.020 Board of park commissioners to enforce chapter.
- 6.52.030 Definitions.
- 6.52.040 Inspection.
- 6.52.050 Abatement of nuisances—Duty of forester.
- 6.52.060 Spraying.
- 6.52.070 Cost of tree care.
- 6.52.080 Prohibited acts and penalties.

6.52.010 Intent and purpose—Dutch elm disease and elm bark beetles declared public nuisances. The common council has determined that there are many elm trees growing on public and private premises within the city, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the city and that the health and life of such trees is threatened by a fatal disease known as Dutch elm disease, which is spread by the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.), the council hereby declares its intention to control and prevent the spread of such disease and the insect nests and vectors which carry such disease and declares Dutch elm disease and the elm bark beetles which carry such disease to be public nuisances. (Ord. 61-4030 §1, 1965; prior code §12.05(part).)

6.52.020 Board of park commissioners to enforce chapter. The board of park commissioners shall carry out the provisions of this chapter. It may employ a forester or designate a municipal employee to perform the duties of forester under Chapter 27 of the Wisconsin Statutes and may authorize such forester to perform the duties and exercise the powers imposed on the board by this chapter. (Ord. 61-4030 §2, 1965; prior code §12.05(part).)

6.52.030 Definitions. As used in this chapter, unless otherwise clearly indicated by the context:

- (a) “Public nuisance” means;
 - (1) Dutch elm disease,
 - (2) Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.),
 - (3) Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.),

(4) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate;

(b) “Public property” means premises owned or controlled by the city including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way;

(c) “Person” means person, firm or corporation. (Ord. 61-4030 §3, 1965; prior code §12.05(part)).

6.52.040 Inspection. (a) The city forester shall inspect or cause to be inspected at least twice each year all premises and places within the city to determine whether any public nuisance exists thereon. He shall also inspect or cause the inspection of any elm tree reported or suspected to be infected with the Dutch elm disease or any elm bark bearing material reported or suspected to be infested with elm bark beetles.

(b) Whenever necessary to determine the existence of Dutch elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and deliver such specimens to the forester who shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.

(c) The forester and his agents or employees shall have authority to enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this chapter. (Ord. 61-4030 §4, 1965; prior code §12.05 (part).)

6.52.050 Abatement of nuisances—Duty of forester. (a) The forester shall order, direct, supervise and control the abatement of public nuisances as defined in this chapter by spraying, removal, burning or by other means which he determines to be necessary to prevent as fully as possible the spread of Dutch elm disease fungus or the insect pests or vectors known to carry such disease fungus.

(b) Whenever the forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the city, he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus.

(c) (1) When the forester shall determine with reasonable certainty that a public nuisance exists upon private premises (or upon the terrace strip between the lot line and the curb), he shall immediately serve or cause to be served personally or by registered mail upon the owner of such property (or the abutting property), if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than fourteen days after service of such notice, on the abatement action to be taken.

Such notice shall describe the nuisance and recommended procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of elm trees in the city, the forester shall cause the abatement thereof at the expense of the property served (or abutting property). If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the city;

(2) If after hearing held pursuant to this subsection it shall be determined by the forester that a public nuisance exists, he shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within twenty-four hours after such hearing, the forester shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this chapter. The forester may extend the time allowed the property owner for abatement work but not to exceed ten additional days. (Ord. 61-4030 §5, 1965; prior code §12.05 (part).)

6.52.060 Spraying. (a) Whenever the forester shall determine that any elm tree or part thereof is infected with Dutch elm disease fungus or is in a weakened condition and harbors elm bark beetles, he may cause all elm trees within a one thousand foot radius thereof to be sprayed with an effective elm bark beetle destroying concentrate.

(b) Spraying operations by the municipality or spraying operations hired by the municipality shall employ any effective elm bark beetle destroying concentrate deemed appropriate by the forester.

(c) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this chapter, the forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least twenty-four hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the forester shall also notify the chief of police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary “no parking” notices shall be posted in each block of any affected street at least twenty-four hours in advance of spraying operations.

(d) When appropriate warning notices and temporary “no parking” notices have been given and posted in accordance with (c) of this section, the city shall not allow any claim for damages to any vehicle caused by such spraying operations.

(e) When trees on private property are to be sprayed, the forester shall notify the owner of such property and proceed in accordance with the requirement of (c) of section 6.52.050. (Ord. 61-4047 §1, 1966; Ord. 61-4030 §6, 1965; prior code §12.05(part).)

6.52.070 Cost of tree care. (a) The entire cost of abating any public nuisance or spraying any elm tree or part thereof on city owned property when done at the direction of the forester shall be borne by the city out of the park's budget.

(b) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises when done at the direction or under the supervision of the forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:

(1) The forester shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the common council on or before October 15 of each year;

(2) Upon receiving the forester's report, the council shall hold a public hearing on such proposed charges, giving at least fourteen days advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made;

(3) After the hearing, the council shall affirm, modify and affirm, or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final;

(4) The city clerk shall mail notice of the amount of such final assessment to each owner of property assessed at his last known address, stating that unless paid within thirty days of the date of the notice, such assessment shall bear interest at the rate of six percent per year and will be entered on the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment;

(5) The city hereby declares that in making assessments under this chapter, it is acting under its police power and no damages shall be awarded to any owner for the destruction of any diseased or infested elm tree or elm wood or part thereof.

(Ord. 61-4030 §7, 1965; prior code §12.05 (part).)

6.52.080 Prohibited acts and penalties. Any person who does any of the following acts within the city, shall upon conviction thereof forfeit not less than ten dollars nor more than one hundred dollars together with the costs of prosecution and in default of payment thereof shall be imprisoned in the county jail until such costs and forfeiture are paid, but not exceeding sixty days:

(a) Transports any bark bearing elm wood, elm bark or material on public streets or highways or other public premises without first securing the written permission of the forester;

(b) Interferes with or prevents any acts of the forester or agents or employees while they are engaged in the performance of duties imposed by this chapter;

(c) Refuses to permit the forester or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this chapter;

(d) Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the forester to abate such nuisance. (Ord. 61-4030 §8, 1965; prior code §12.05(part).)

Chapter 6.56

ABATEMENT OF HUMAN HEALTH HAZARDS

Sections:

- 6.56.010 State statutes adopted.
- 6.56.020 Prohibited acts and penalties.

6.56.010 State statutes adopted. The Marathon County Health Department shall have the power to abate human health hazards in accordance with Sections 254.55 through 254.595 and/or Sections 823.01 through 823.215 of the Wisconsin Statutes, along with any subsequent amendments thereto, which are adopted by reference and made a part of this section as if fully set forth herein. (Ord. 61-4976 §1(part), 1997.)

6.56.020 Prohibited acts and penalties. Any person maintaining a human health hazard within the city shall, upon conviction, forfeit not less than one hundred dollars nor more than three hundred dollars per day the human health hazard exists. (Ord. 61-4976 §1(part), 1997.)