

CHAPTER 6
PUBLIC WORKS

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6.01 SIDEWALK CONSTRUCTION AND REPAIR.

(1) Applicability of Section 66.615. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Bagley, it shall proceed according to Section 66.615 of the Wisconsin Statutes.

(2) Authority of Village Board. The Village Board may from time to time by ordinance or resolution determine where sidewalks shall be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different for different streets, and may order by ordinance or resolution sidewalks to be laid as provided in this Chapter. The Village Board may further order any sidewalks which are unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the Village Board.

(3) Notice. A copy of the ordinance, resolution or order directing such laying removal, replacement or repair shall be served upon the owner of each lot or parcel of land in front of which such work shall have been ordered, by the Village Board, by personally delivering the same to the owner or his agent, in case the owner or his agent cannot be found by posting the notice at a conspicuous place on the premises and by mailing a copy of the notice to the owner at his last known post office address.

(4) Default of the Owner. Whenever any such owner shall neglect for a period of twenty (20) days after such service to lay, remove, replace or repair any such sidewalk, the Village may cause such work to be done at the expense of the owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder except where the estimated cost of such construction shall not exceed \$1,000.00.

(5) Minor Repairs. When the costs of repairs of any sidewalk in front of any lot or parcel of land shall not exceed the sum of \$50.00, the Village Board may immediately repair such sidewalk without notice or letting the work by contract, and charge the share of the costs of the owner to the owner of such lot or parcel of land, as provided in this Chapter.

(6) Expense. The costs of all sidewalk construction and repair shall be paid one-half (1/2) by the Village and one-half (1/2) by the owner. The Village Board shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land, whether the work be done by contract or otherwise, and shall report the same to the Treasurer. The Treasurer shall bill out the costs of any owner to said owner. If the same is not paid this fact shall be reported to the Village Clerk, and the amount charged to each lot or parcel of land shall be by the Clerk entered in the tax roll as a special tax against said lot or parcel of land, and shall be collected in all respects like other taxes upon real estate.

6.02 SIDEWALK SPECIFICATIONS.

(1) Grade. In all cases where the grades of sidewalks shall not have been specially fixed by the Village Board, the sidewalks shall be laid to the established grade of the street.

(2) Construction Specifications. All sidewalks for which the Village Board has not specially fixed construction standards shall be built of concrete not less than four (4) inches thick nor less than thirty-six (36) inches wide.

6.03 DRIVEWAYS.

(1) Driveways Across Sidewalks. Any person who shall construct or maintain any driveway across any sidewalk shall be responsible for the full cost of maintenance and repair of that portion of the sidewalk crossed by his driveway.

(2) Interference With Intersections Prohibited. At street intersections a

driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

(3) Interference With Street. No driveway apron shall extend out into the street and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside area or with any existing structure on the right of way. When required by the Village President to provide adequate surface water drainage along the street, the property owner shall install any necessary culvert pipe. The expense of obtaining and placing said culvert pipe shall be paid one-half (1/2) by the Village of Bagley and one-half (1/2) by the landowner.

(4) Permittee Liable for Damage or Injury. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When gutter is removed, the new connection shall be of equivalent acceptable material and restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of Section 6.03 (1).

6.04 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

(1) Permit Required. No person shall make or cause to be made any excavation or opening in any street or sidewalk within the Village of Bagley without first obtaining a permit therefor from the Village Clerk. Said permit shall be issued without fee.

(2) Removal of Paving. In opening any street or sidewalk all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along the gutters.

(3) Protection of Public. Every person shall enclose with sufficient barriers each opening which he may make in the streets or sidewalks of the Village. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as costs of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind. No person shall

cause any street or sidewalk to be blocked due to such excavation for a period of more than 48 hours.

(4) Replacing Street and Sidewalk Surface. In opening any street or sidewalk the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Village President is not suitable for refilling shall be replaced with approved backfill material.

(5) Emergency Excavations Authorized. In the event of any emergency any person owning or controlling any sewer, water main, conduit or utility in or under any street or sidewalk and his agent or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.

(6) Village Work Excluded. The provisions of this section shall not apply to excavation work under the direction of the Village Board by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.

6.05 OBSTRUCTIONS AND ENCROACHMENTS

(1) Obstruction and Encroachments Prohibited, No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof or permit such encroachment or encumbrances to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in ss. (2).

(2) Exceptions, The prohibition of ss. (1) shall not apply to the following:

1. Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street or alley.

2. Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.

3. Public utility encroachments duly authorized by state law or the Village Board.

4. Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two (2) hours.

5. Temporary encroachments or obstructions authorized by a

“Temporary Street/Sidewalk Permit” granted under Section 6.055 and compliance with applicable laws, statutes and ordinances.

6.055 TEMPORARY STREET/SIDEWALK PERMIT

(1) Purpose and Authority

a. The provisions of this Ordinance are enacted for the purpose of protecting the public health, safety and general welfare of residents and transients in the Village and to establish the requirements for the engagement of activities which obstruct or encroach upon the property described in Section 6.05 of Municipal Code of the Village of Bagley and defined in this Ordinance. The standards and requirements of this Ordinance are intended to provide a wholesome community environment, adequate public services and the conservation of resources.

(2) Scope

a. This Ordinance applies to all streets, alleys, sidewalks, public grounds, or land dedicated to public use, or any part thereof in the Village of Bagley, County of Grant, Wisconsin. The Village Board shall be responsible for administering this Ordinance. No activities which obstruct or encroach upon the defined property may occur unless all required approvals have been given.

(3) Interpretation

a. Revocation and Greater Restrictions. Except when set forth expressly herein, it is not the intent of the Village Board to revoke or repeal any other ordinance of the Village or to alter the applicability of laws which are not of statewide concern within the Village. To the extent that a conflict arises between this and any other ordinance, rule or regulation, the more restrictive of them shall control.

b. Non-Liability. The Village assumes no responsibility for any property damage or other form of injury which are a result of the activities pursuant to the authority granted under the terms and conditions of this Ordinance.

(4) Definitions

a. Permit Holder. Any person permitted by the Village to operate activities during the approved time frame on said permit and on the property defined in this ordinance.

b. Person. Any natural person, partnership, corporation or other form of association.

c. Activities. The condition in which things are happening or being done. These could include, but are not limited to parades, festivals, or fairs.

d. Property. Any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof in the Village of Bagley, County of Grant, Wisconsin.

(5) Permit, Application, and Rules and Conditions

a. Permit. No person shall engage in activities which obstruct or encroach upon the property defined in this Ordinance without first having obtained a license for such activities. Permits are not renewable and require new application.

- b. Application. Persons wishing to obtain a Temporary Street/Sidewalk Permit in the Village of Bagley shall:
 - i. Complete the provided application and sign agreeing to the rules and conditions as provided. Signed documents should be delivered to the Village Clerk.
 - ii. Time frame provided in Application should accommodate any time for set up, clean up, etc.
 - iii. Appear before the Village Board for approval. May send an authorized person.
- c. Rules and Conditions. Persons wishing to obtain a Temporary Street/Sidewalk Permit must agree to the following terms and conditions:
 - i. Assign a designated Person as the main contact and list any other Person(s) authorized to act on their behalf. If minors are anticipated to be in attendance a responsible adult Person is required to be present and have the authority to make decisions.
 - ii. Complete the application process as defined above, and if Permit is granted, have the Permit available if requested.
 - iii. Obtain any other required permits or licenses.
 - iv. Plan ahead to allow for processing time, notify any affected parties as is necessary, and coordinate with the Village as is necessary.
 - v. Schedule and coordinate with the Director of Public Works for emergency access and traffic control. The Village of Bagley has equipment such as barriers, and signs that are available to be used. It is helpful to provide designated walkways as needed.
 - vi. Schedule and coordinate if any Village facilities are needed, Permit Holder will be responsible for any fees for the use of said facilities.
 - vii. Permit Holder is responsible for the cleanup of their activities in a timely fashion and locking up any Village facilities used. The Village of Bagley may charge a fee for poor cleanup.
 - viii. Permit Holder is responsible for any damage as a result of the activities defined in this ordinance.
 - ix. Exceptions to the Rules and Conditions by consent of the Village Board only.

6.06 SNOW AND ICE REMOVAL.

It shall be the duty of each owner or occupant of any building or ground in the Village of Bagley to remove from the sidewalk opposite or along side the premises, within five (5) hours after the end of any snow, sleet, rain, or hail storm, all snow and ice which may have fallen or accumulated thereon during said storm; provided that if said storm shall end between the hours of 4:00 P.M. and 6:00 A.M. such persons shall not be required to remove such snow or ice until noon of the following day. In case any owner

or occupant shall fail to clean such sidewalk within the time specified, it shall be the duty of the Village to have the same cleaned; and said Village shall keep an account of such expense against each lot or parcel of ground and shall make a certified report of the same to the Village Clerk of the amount therein charged to each said lot or parcel of land, which shall be entered by said Village Clerk on the next tax roll of said Village as a special tax against said premises.

6.07 CURB AND GUTTER.

Whenever the Village Board shall by resolution determine that curb and gutter shall be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley, or highway within the Village of Bagley, it shall proceed according to s. 66.65 of the Wisconsin Statutes. The costs of said curb and gutter shall be allocated as determined by time to time by resolution of the Village Board.

6.08 TREE TRIMMING AND SANITATION.

(1) Trees to be Kept Trimmed. Trees standing in and upon any public street or place, or upon any lot or land adjacent thereto shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and a clearance of not less than 10 feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed as herein provided shall be deemed hazardous.

(2) Hazardous and Infected Trees. Any tree or part thereof, whether alive or dead, which the Village Board shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, to be injurious to sewer, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Board shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which such action must be taken, which shall be within not less than seven (7) days nor more than fourteen (14) days as determined by the Village Board on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat, or trim said tree within the time limited, the Village Board shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk who shall thereupon enter such cost as a special charge against the property.

6.09 PENALTY.

The penalty for violation of any provision of this chapter shall be a penalty as provided in Section 15.04 of this code. In case of a violation of Section 6.06 of this Chapter, a separate offense shall be deemed committed for each day or parts thereof during which a violation occurs or continues.

6.10 RULES AND REGULATIONS GOVERNING THE USE OF THE VILLAGE PARK AND RELATED FACILITIES

(1) Definitions. The terms "Park" and "Parks" are defined to mean parks, playgrounds, recreational fields, buildings and other areas which are under the jurisdiction and supervision of the Village of Bagley and are located on the following described property:

Block 5 of Glass' Second Addition to the Village of Bagley, Grant County, Wisconsin, according to the recorded plat thereof.

(2) General Rules.

(a) Night Usage: No cars or campers or individuals shall be in the park between the hours of 10:00 P.M. and 7:00 A.M. except for those involving prescheduled activities which shall have been approved by the Park Committee and/or Village Clerk.

(b) Defacing Park Property: No person shall cut, break or in any way injure or deface any building, fence, lamp, equipment or facility of any feature or property, including natural objects, upon or within any park.

(c) Picking Flowers: The picking of flowers is prohibited.

(d) Pets: Pets shall be leashed in the park and no person shall suffer his pet to deprive or disrupt the enjoyment or use of any area by others.

(e) Littering: No person shall throw, deposit, place or leave in any park any paper, rubbish, waste cans, bottles, or refuse of any kind except in receptacles therein provided for waste.

(f) Activities: The use of the athletic grounds by organized teams will be subject to the approval of and scheduling of the Park Committee and/or Village Clerk. Individuals or groups wishing to reserve the shelter building or the gymnasium shall schedule the same with two members of the Park Committee and/or the Village Clerk. The Park Committee or the Village Clerk shall have the

authority to set up a reservation system to aid in scheduling.

(g) Moving of Benches and Tables: No person shall move benches, seats and tables from the park, proper.

(h) Disturbing the Peace: No threatening, profane, abusive or indecent language, disorderly conduct or behavior shall be allowed in the parks.

(i) Intoxicating Liquor: No person shall take, use or have in the park any intoxicating liquors as the same are defined in section 176.01(2), Wis. Stats.

(j) Vehicles on the Grass: No person or persons shall drive any motor driven vehicle in the parks except in designated roadways and parking areas.

(k) Fires: It shall be unlawful for any person to start, tend or maintain any fire or to burn any refuse except at designated fireplaces or personal grills. It shall be unlawful for any person to leave any fire unattended.

(l) Horses: It shall be unlawful for any person to ride a horse in a careless, negligent or reckless manner so as to endanger the life, property, or persons of others in the parks. Horse riding shall be confined to the road or parkways.

(m) Weapons: It shall be unlawful for any person to have in his possession or under his control any firearm or air gun unless the same is unloaded and enclosed in a carrying case, or any bow unless the same is unstrung or enclosed in a carrying case.

(n) Posted Regulations: In addition to the regulations herein contained and provided, the Village Board may post, from time to time, specific rules and regulations and such specific rules and regulations when posted by the authority of the Village Board shall be incorporated by reference into this ordinance as fully as if set forth herein.

(o) No person shall take, use or have in his/her possession in the gymnasium any container containing any intoxicating liquor, fermented malt beverage or soft drink except on occasions where a specific written permit has been issued by the Park Committee or the Village Clerk.

(3) Penalties. The penalty for violation of any provision of this section shall be a penalty as provided in Section 15.04 of this code. In addition to such forfeiture, the violator shall make full restitution for any damage done to said park areas or facilities.

6.11 STREET TREES

It is prohibited to plant trees that reach a maximum, mature height of greater than 18 feet underneath any overhead electric wires.

1. The Village Board shall maintain a list of appropriate trees that are permitted to be planted underneath overhead electric wires.
2. The penalty provision of Section 15.04 of this code shall apply to any violations of this ordinance.

6.12 STREET NUMBERS

(1) Buildings to Have Street Numbers. Each principal building in the Village shall be assigned to an official street number by the Village Clerk. All lots and parts of lots in the Village shall be numbered in accordance with a street numbering map on file in the office of the Village Clerk. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

(2) Street Numbers to Be Displayed. The owner, occupant or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him or her, the official street number, assigned to that building as provided in s. (1) hereof. The physical numbers provided herein shall be not less than two and one-half (2-1/2) inches high on a background of not less than three (3) inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

(3) Noncompliance. If the owner or occupant of any building neglects for twenty (20) days after the effective date of this section to duly attach and maintain the proper numbers on the building, the Village shall serve him or her a notice requiring him or her to properly number the same, and if he or she neglects to do so for ten (10) days after service, it shall be the duty of the Village to have the physical numbers affixed as required under s. (2); and said Village shall keep an account of such expense against each lot or parcel of ground and shall make a certified report of the same to the Village Clerk of the amount therein charged to each said lot or parcel of land, which shall be entered by said Village Clerk on the next tax roll of said Village as a special tax against said premises.”

6.13 RECYCLING (IN ONE VERSION AS 6.11)

1.01 Title. Recycling Ordinance for the Village of Bagley, Grant County, Wisconsin.

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Sec. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under Sec. 159.09(3)(b), Wis. Stats. and the Village of Bagley.

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

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

1.06 Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this ordinance shall not be affected.

1.07 Applicability. The requirements of this ordinance apply to all persons within the Village of Bagley corporate limits.

1.08 Administration. The provisions of this ordinance shall be administered by the Village Board for the Village of Bagley.

1.09 Effective Date. The provisions of this ordinance shall take effect on January 1, 1995.

1.10 Definitions. For the purposes of this ordinance:

(1) “Bi-metal container” means a container for food and/or beverages that is made primarily of a combination of steel and aluminum.

(2) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.

(3) “Foam polystyrene packaging” means 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.

(4) “HDPE” means high density polyethylene, labeled by the SPI code #2.

(5) “LDPE” means low density polyethylene, labeled by the SPI code #4.

(6) “Magazines” means magazines and other materials printed on similar paper.

(7) “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, over, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

(8) “Multi-family dwelling” means a property containing five (5) or more residential units, including those which are occupied seasonally.

(9) “Newspaper” means a newspaper and other materials printed on newsprint.

(10) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(11) “Office paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(12) “Other resins or multiple resins” means plastic resins labeled by the SPI code #7.

(13) “Person” includes any individual, corporation, partnership, association, local government unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

(14) “PETE” means polyethylene terephthalate, labeled by the SPI code #1.

(15) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is subject of a retail sale.

(16) “Postconsumer waste” means 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. 144.44(7)(a)1., Wis. Stats.

(17) “PP” means polypropylene, labeled by the SPI code #5

(18) “PS” means polystyrene, labeled by the SPI code #6.

(19) “PVC” means polyvinyl chloride, labeled by the SPI code #3.

(20) “Recyclable materials” includes lead acid batteries; major appliances, waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

(21) “Solid waste” has the meaning specified in Sec. 144.01(15), Wis. Stats.

(22) “Solid waste facility” has the meaning specified in Sec. 144.43(5), Wis. Stats.

(23) “Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “Treatment” includes incineration.

(24) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(25) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

1.11 Separation of Recyclable Materials. Occupants of single family and two to four 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) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- (14) Steel containers
- (15) Waste tires

1.12 Separation Requirements Exempted. The separation requirements of Section 1.11 do not apply to 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 licenses by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 1.11 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 (30%) percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(3) A recyclable material specified in Section 1.1(5) through (15) for which a variance has been granted by the Department of Natural Resources under Section 159.11(2m), Wis. Stats., or Section NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Section 1.11 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.

1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Yard Waste. Occupants of single family and two to four 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:

(1) Lead acid batteries shall be returned to retailers or call contractor for pickup.

(2) Major appliances shall be collected with the resident or occupant being required to make separate arrangements with the contractor and being responsible for the payment of any required fee for pickup. These items shall not be placed at the curbside no sooner than twenty-four (24) hours before collection day.

(3) Waste oil shall be collected with the resident or occupant being required to make separate arrangements with the contractor and being responsible for the payment of any required fee for pickup. These items shall not be placed at the curbside no sooner than twenty-four (24) hours before collection day.

(4) Yard waste shall be collected with the resident or occupant being required to make separate arrangements with the contractor and being responsible for the payment of any required fee for pickup. These items shall not be placed at the curbside no sooner than twenty-four (24) hours before collection day.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Common Council of the Village of Bagley occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in Section 1.11(5) through (15):

(1) Aluminum containers shall be rinsed and flattened and placed in recycling container.

(2) Bi-metal containers shall have the ends and labels removed, flattened and placed in recycling container.

(3) Corrugated paper or other container board shall be flattened and/or bundled unsoiled and be free of metal staples, and placed in or near recycling container.

(4) Foam polystyrene packaging shall be in a clear bag or container and placed in recycling container.

(5) Glass food and beverage containers shall be rinsed unbroken with lids removed and placed in recycling container.

(6) Magazines shall be dry, bagged or bundled and placed in the recycling container.

(7) Newspaper shall be dry, bagged or bundled and placed in the recycling container.

(8) Office paper shall be dry, clean, bagged and bundled and placed in or nearby recycling container. (If shredded, it shall be in clear bags and tied.)

(9) Rigid plastic containers shall be prepared and collected as follows:

(a) Plastic containers made of PETE, including all these mandated by the State of Wisconsin, shall be rinsed, caps removed and placed in recycling container.

(b) Plastic containers made of HDPE, including all these mandated by the State of Wisconsin, shall be rinsed, caps removed and placed in recycling container.

(c) Plastic containers made of PVC, including all these mandated by the State of Wisconsin, shall be rinsed, caps removed and placed in recycling container.

(d) Plastic containers made of LDPE, including all these mandated by the State of Wisconsin, shall be rinsed, caps removed and placed in recycling container.

(e) Plastic containers made of PP, including all these mandated by the State of Wisconsin, shall be rinsed, caps removed and placed in recycling container.

(f) Plastic containers made of PS, including all these mandated by the State of Wisconsin, shall be rinsed, caps removed and placed in recycling container.

(g) Plastic containers made of other resins or multiple resins, including all these mandated by the State of Wisconsin, shall be rinsed, caps removed and placed in recycling container.

(10) Steel containers shall have the ends and labels removed flattened and placed in recycling container.

(11) Waste tires shall be collected with the resident or occupant being required to make separate arrangements with the contractor and being responsible for the payment of any required fee for pickup. These items shall not be placed at the curbside no sooner than twenty-four (24) hours before collection day.

1.16 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings. (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 1.11(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

(d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.17 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties. (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 1.11(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

(c) 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.

(d) 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.

(2) The requirements specified in (1) 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 Department of Natural Resources that recovers for recycling the materials specified in Section 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 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 1.11(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.19 Enforcement. Penalties for violating this ordinance may be assessed as follows:

(1) Any person who violates Section 1.18 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third subsequent violation.

(2) Any person who violates a provision of this ordinance, except Section 1.18 may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.