

CHAPTER 10

HEALTH AND SANITATION

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10.01 - KEEPING OF ANIMALS AND FOWL

(1) Prohibitions.

(a) Wild Animal. No person shall keep or possess any live “fur-bearing animal”, “game animal” or “game bird”, as outlined in Section 29.01 Wis. Stats. Except for the purpose of controlling such animal temporarily.

(b) Farm Animal. No person shall keep or possess any live “animal” or “poultry” as defined in Section 97.42, Wis. Stats. except as described under Section 10.015, or keep any other animal for slaughter or human consumption by any person other than the owner and his immediate family, except in an Agricultural District as provided by Village of Cassville Zoning Ordinance, Chapter 16, hereof.

(2) Sanitary Requirements. All structures, pens, buildings, stables, coop, or yards wherein animals not prohibited under Section 10.01 (1) are kept, shall be of sound construction and shall be maintained in a clean and sanitary condition, free of rodents, vermin, and objectionable odors. Interior walls, ceilings, floors, partitions, and appurtenances of such structures shall be whitewashed or painted annually or oftener as the Chief of Police shall direct. No structure, except a residential dwelling place, shall house more than one such animal.

(3) Animals Excluded from Food Handling Establishments. No person shall take or permit to remain any dog, except a seeing eye dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by general public.

(4) Animal Feces. The owner or person in charge of any dog, cat, horse or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This section shall not apply to a person who is visually or physically handicapped.

10.015 - KEEPING OF CHICKENS

(1) Any person having, keeping, or maintaining chickens within the corporate limits of the Village of Cassville shall be in compliance with this Chapter, and other applicable requirements of the municipal code.

(a) The total number of chickens allowed is dependent on the lot size as listed below;

- i. One-quarter (1/4) acre or less: 4 chickens max.
- ii. One-quarter (1/4) to one-half (1/2) acre: 6 chickens max.

iii. One-half (1/2) acre to three-quarters (3/4) acre: 8 chickens max.

iv. Three-quarters (3/4) acre or more: 10 chickens max.

- (b) No roosters are allowed to be kept in the Village of Cassville.
 - (c) No coop, pen or building used for the housing, keeping, or maintaining of chickens shall be located within twenty-five (25) feet of any dwelling or residence. 3. Shall not apply to the owner's dwelling or residence.
 - (d) No coop, pen or building used for the housing, keeping or maintaining of chickens shall be located within five (5) feet from a lot line.
 - (e) A coop and any attached run/enclosure shall be located in the rear or side yard, and shall be enclosed with wire netting, fencing or equivalent material that will prevent chickens from leaving the property.
 - (f) No person shall have, keep, or maintain, within the Village, any chickens which are not provided with a run/enclosure of not less than eight (8) square feet for each bird which has reached the age of six (6) months. All coops shall be sized to provide a minimum of four (4) square feet per bird.
 - (g) The person owning or having charge of any chickens or chicken house shall keep the chickens and chicken house in a sanitary condition and in a condition which will not, through offensive odors, annoy or detract from the comfort of any other person residing in the Village.
 - (h) Chickens shall be provided with access to feed and clean water at all times.
 - (i) All waste including manure shall be disposed of in a safe and adequate manner that does not create a public nuisance. Composting of manure shall be done in a dedicated, enclosed container at least twenty-five (25) feet from any residential structure on adjacent lots, at least five (5) feet from any residential structure on the permitted lot, and at least five (5) feet from all lot lines.
 - (j) The slaughtering of chickens may not be conducted within the Village
 - (k) No person may keep or harbor chickens which habitually create excessive noise and disturbs the peace and quiet of persons in the vicinity.
 - (l) Feed shall be stored and kept in containers which make the feed unavailable to rodents, vermin, wild birds, and predators.
 - (m) Owners shall register with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to §95.51, Wis. Stats., and provide proof of registration with the Department, or proof that registration is not required, at the time of permit application submittal and upon request by a Village official.
 - (n) Sales of chickens or chicken products from the property shall be in compliance with the zoning requirements for that location and any other applicable Village ordinance.
 - (o) Upon written complaint by any Village official or resident of the Village that the owner has violated any of the provisions of this section, the Building Inspector and/or Police Department shall conduct an investigation. If the investigation determines that violations are occurring, the owner shall be notified in writing of the specific violations that exist. The Village shall allow the owner a reasonable time to correct the violations. Penalties for violations of this section that are not corrected within a reasonable time shall be enforced as specified in Section 10.015.
- (2) Permit Required.

- (a) Any person desiring to have chickens in the Village shall first apply for and receive a permit. Applications for a permit shall be submitted to the Village Clerk's office and must contain the following information;
 - i. The desired location for the coop and run on a scaled drawing of the lot. The drawing shall include all buildings on properties within 100 feet of the proposed coop location and shall be approved by the Village Zoning, Licensing, and Ordinance Committee.
 - ii. If a new building is required for the coop, the design for the desired coop along with proof of the building permit for the building of the same
 - iii. The site number and, where required, the registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection. A copy of the proof of having obtained a site number and, where required, a copy of the proof of registration must accompany the application
 - iv. An application fee of \$25.00.
- (b) Permits are for a one-year term beginning January 1 of each year
- (c) All licenses must be renewed on an annual basis prior to January 1 of each year. License renewals shall be submitted to the Village Clerk's office and must include information contained in 10.015(b)(1) above.
- (d) Permits may be denied or revoked for any person with any property in violation of this ordinance

Sec. 10.015 Penalties.

- (1) Any person violating any section of this chapter shall be subject to a forfeiture of not less than Thirty Dollars (\$30.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Chapter.

10.02 - CONTROL OF WEEDS AND GRASSES

- (1) **Mowing Required.** No person owning property within the Village of Cassville shall permit to grow or pollinate upon his premises any noxious weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds exceeding six (6) inches in height.
- (2) **Mowing by Village.** It shall be the duty of the Weed Commissioner to enforce this section and if any person shall fail to comply herewith, the Commissioner shall, after 5 days written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the Village Clerk in the manner provided in 66.98 Wis. Stats. 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.

10.03 - GARBAGE PICKUP & DISPOSAL

Rules regulating the disposal and pickup of garbage, rubbish and other refuse shall be adopted by ordinance of the Village Board from time to time to be kept on file in the office of the Village Clerk.

- (1) **Definitions:** For the purpose of this ordinance:

- (a) *Bi-metal container*. A container for the carbonated or malt beverages that is made primarily of a combination of steel and aluminum, including aluminum foil, wrappers, containers for prepared dinners or other food, screen frames and lawn chair frames.
- (b) *Container Board*. Corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) *Foam polystyrene packaging*. Packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - i. Is designed for serving food or beverages
 - ii. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - iii. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (d) *HDPE*. High Density Polyethylene, labeled by the SPI code #4.
- (e) *LDPE*. Low Density Polyethylene, labeled by the SPI code #4.
- (f) *Magazines*. Magazines and other materials printed on similar paper.
- (g) *Major Appliance*. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (h) *Multiple-family Dwelling*. A property containing 5 or more residential units, including those which are occupied seasonally.
- (i) *Newspaper*. A newspaper and other materials printed on newsprint.
- (j) *Non-residential Facilities and Properties*. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (k) *Office Paper*. High grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (l) *Other resins or multiple resins*. Plastic resins labeled by the SPI code #7.
- (m) *Person*. Includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency of authority or federal agency.
- (n) *PETE*. Polyethylene terephthalate, labeled by the SPI code #1.
- (o) *Plastic Container*. An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (p) *Postconsumer Waste*. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)1., Wis. Stats.
- (q) *PP*. Polypropylene, labeled by the SPI code #5.
- (r) *PS*. Polystyrene, labeled by the SPI code #6.
- (s) *PVC*. Polyvinyl chloride, labeled by the SPI code #3.
- (t) *Recyclable Materials*. Includes lead acid batteries, major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass container; magazines; newspaper; office paper; rigid

plastic container, including those made of PETE, HDPE, PVD, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

- (u) *Solid Waste*. The meaning specified in Sec. 144.01(15), Wis. Stats.
 - (v) *Solid Waste Facility*. The meaning specified in Sec. 144.43(5) Wis. Stats.
 - (w) *Solid Waste Treatment*. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
 - (x) *Waste Tire*. A tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - (y) *Yard Waste*. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (2) **Separation of Recyclable Materials**. Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:
- (a) Lead acid batteries
 - (b) Major Appliances
 - (c) Waste Oil
 - (d) Yard Waste
 - (e) Aluminum
 - (f) Bi-metal Containers
 - (g) Corrugated paper or other container board
 - (h) Foam polystyrene packaging
 - (i) Glass, including clear, green and brown
 - (j) Magazines
 - (k) Newspaper
 - (l) Office Paper
 - (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
 - (n) Steel Containers
 - (o) Waste Tires
- (3) **Separation Requirements Exempted**. The Separation requirements of Section 2 do not apply to the following:
- (a) Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 2 from solid waste in as pure a form as is technically feasible.
 - (b) Solid waste which is burned as a supplemental fuel at a facility is less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
 - (c) A recyclable material specified in Section 2(e) through (o) for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2)(m), Wis. Stats., or Sec. NR 544.14 Wis. Administrative Code.
- (4) **Care of Separated Recyclable Materials**. To the greatest extent practicable, the recyclable materials separated in accordance with Section 2 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.

(5) Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

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

- (a) Lead acid batteries shall be taken to the village garage by each resident at specified times of the year.
- (b) Major appliances shall be taken to the village garage by each resident at specified times of the year.
- (c) Waste oil shall be taken to the village garage by each resident at specified times of the year.
- (d) Yard waste shall be kept out of the trash, shall be bagged or boxed, and placed on the curb for collection at specified times of the year.

(6) Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Village Board, occupants of single family and 2-to-4-unit residences shall do the following for the preparation and collection of the separated materials specified in Section 2(e) through (o): All items are to be placed in or near the approved recycling bin and placed upon the curb on the day designated for collection.

- (a) Aluminum containers shall be rinsed and clean.
- (b) Bi-metal containers shall be washed, labels removed, ends cut out and flattened.
- (c) Corrugated paper or other container board shall be free of debris, flattened, stacked, tied and kept dry.
- (d) Foam polystyrene packaging shall be placed in clear bags and tied.
- (e) Glass containers shall be washed & unbroken; food & beverage containers shall be washed with the caps and lids removed. If the glass is broken it must be separated by color.
- (f) Magazines shall be free of debris, bundled, tied and kept dry.
- (g) Newspaper shall be free of debris, bundled, tied and kept dry.
- (h) Office paper shall be placed in clear bags or bundled and kept dry.
- (i) Rigid plastic containers shall be prepared and collected as follows:
 - i. Plastic containers made of PETE #1, HDPE #2, PVC #3, LDPE #4, PP #5, PS #6, and other resins or multiple resins #7 shall all be washed caps and lids removed and placed in recycling container, clear plastic bags or tied together.
- (j) Steel containers shall be washed, labels removed, ends cut out and flattened.
- (k) Waste tires should be taken to proper disposal facilities.

(7) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 2(e) through (o):
 - i. Provide adequate, separate containers for the recyclable materials.
 - ii. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - iii. 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.
 - iv. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements,

collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

- (b) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer 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 2(e) through (o) from solid waste in as pure a form as is technically feasible.

(8) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 2(e) through (o):

- i. Provide adequate, separate containers for the recyclable materials.
- ii. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- iii. 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.
- iv. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

- (b) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer 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 2(e) through (o) from solid waste in as pure a form as is technically feasible.

(9) 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 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.

(10) Enforcement.

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Cassville may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, 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 Village of Cassville 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 ordinance may be issued a citation by the Cassville Police Department 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 ordinance may be assessed as follows:
 - i. Any person who violates Section 18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
 - ii. Any person who violates a provision of this ordinance, except Section 18, may be required to forfeit not less than \$20 nor more than \$100 for each violation.

10.04 – BURNING ORDINANCE

- (1) **Statement of Purpose.** Burning of recyclable and non-recyclable materials shall generally be considered inconsistent with the purpose and intent of ordinance 10.05 of this chapter, known as the recycling ordinance.
- (2) **Definitions.** The definitions set forth in sec. 10.05 of this chapter are incorporated by reference.
- (3) **Burning Prohibited.** Commencing October 6, 1990, no person, residence, residential unit, place of business, industry or place of commerce shall burn or attempt to burn combustible recyclable or non-recyclable material within the Cassville Village limits, except as provided herein.
- (4) **Residential Burning.** On Saturdays, during daylight hours, residents may burn leaves, light brush & non-recyclable paper in a safe supervised manner.
- (5) **Commercial, Industrial Permits.** Upon written application, annual permits may be granted by the Village Board for the safe burning of combustible, non-recyclable and recyclable materials by individual businesses and industry. The application for permit shall set forth specifically the material to be burned, the manner and location of burning and an estimate of the frequency of the burning. It shall also contain a reason for the request for permit. Each application shall be considered a request for exemption from the requirements of the Cassville recycling ordinance, 10.05 of this chapter. No permit shall be granted which in the opinion of the Village Board will create a reasonable likelihood of smoke or odor nuisance to other residents in the Village. No permit shall be granted which is in violation of state or federal laws or regulations.
- (6) **Penalty.** The penalty for violation of this section shall be a forfeiture of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00). In addition, violation of permit restrictions will entitle the Village Board to revoke a permit.

10.05 – GARBAGE AND RECYCLING FEES

- (1) Garbage and recycling fees shall be collected as follows:
 - (a) Single-Family Residences: Each single-family residence, whether occupied or unoccupied, shall pay a fee as determined by the Village Board. The fee shall be included with the water bill for each residence and collected in the same manner as

water and sewer charges. For purposes of this section, a mobile or manufactured home shall constitute a single-family residence.

- (b) Commercial or Industrial Buildings; Each parcel of real property on which a commercial or industrial business is located shall pay a fee as determined by the Village Board, regardless of whether the building is occupied or unoccupied. The fee shall be included with the water bill for each building and collected in the same manner as water and sewer charges.
- (c) Multi-Family Residences: Each building or parcel of real property housing a multi-family residence shall pay a fee as determined by the Village Board, for each unit or residence located within the building or upon the parcel of real property and regardless of whether the unit is occupied or unoccupied. Multi-family residences shall include any building or parcel of property which contains two or more residential units and shall include, but not be limited to, apartments and duplexes. The owner of the real property on which the multi-family residence is located shall be billed separately on a quarterly basis. Any delinquent charges shall be added to the real property tax roll as allowed by Wisconsin law.
- (d) Mixed Uses: Any building or parcel of property containing more than one of the above-referenced classifications shall pay the corresponding fee for each classification within said building or upon said parcel.
- (e) Exemptions: Churches, schools, power plants and all other tax-exempt properties (as determined by Wisconsin Statutes) shall be exempt from this fee.

10.06 – PENALTIES

- (1) The penalty for violation of any provision of this chapter shall be a penalty as provided in Section 25.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues.