

Title V - Chapter 6

Public Health

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6.01 **Prohibited Discharges.**

- (1) Prohibited Discharges. No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Village, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance, or any solid, liquid or gas having a deleterious effect on the environment.
- (2) Containment, Cleanup and Restoration. Any person, firm or corporation in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain cleanup and remove to an approved repository the offending materials(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Village of Poynette as action imposed by (3).
- (3) Emergency Services Response. Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged, or who causes the discharge of a hazardous substance, shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Ordinance. Actual and necessary expenses may include, but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.

- (4) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to police and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (5) Public Protection. Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his assistant, or the senior police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Village Board can take appropriate action.
- (6) Enforcement. The Coordinator of Emergency Government and his deputies, as well as any officer of the Poynette Police Department shall have authority to issue citations or complaints under this Section.
- (7) Civil Liability. Any person, firm or corporation in violation of this section shall be liable to the Village of Poynette for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violations.
- (8) Penalty. The penalty for violating any provision of this section shall be a forfeiture of not less than \$250.00 nor more than \$1,500.00, together with the costs of prosecution. Each day of violation shall constitute a separate offense.

6.02 **Disposal of Garbage and Rubbish.**

- (1) Definitions:
 - (a) The word "garbage" as used in this section shall mean and include all organic kitchen waste that attends the storage, preparation, use, cooking or serving of food.
 - (b) The word "rubbish" as used in this section shall mean and include all other useless waste excluding ashes from any source, earth and stone. Construction waste or materials shall be classified as rubbish provided said waste or materials does not exceed in quantity two containers per collection.
 - (c) "Recyclable material" as used in this section shall mean and include newspapers, magazines, corrugated cardboard, beer, soda and other beverage cartons, brown papers sacks, scrap paper and box board (uncoated), telephone books and catalogs, glass bottles and jars, aluminum cans and foil, tin cans, aerosol cans, pots, pans and silverware, and all No. 1 through 7 plastic. "Recyclable material" does not include coated paper, paper plates, towels or napkins, window glass, Pyrex, glassware, ceramics, light bulbs, plastic toys and hangers, or plastic pails with metal hangers.

- (d) "Yard Waste" as used in this section shall mean and include all leaves, tree limbs, brush, bagged grass and bagged garden waste originating on the resident's property.
- (e) The word "collector" as used in this section means the person or persons specifically authorized by the Village Board to collect garbage and rubbish and to dispose of same.
- (f) In the event the garbage crew refuses to pick up garbage because it does not meet the Village's recycling standard, the tenant or property owner will have 48 hours to remove such uncollected garbage rubbish or recyclables from the normal pick up area to be re separated for the next week collection. In the event the tenant or property owner fail to remove such garbage, the Village Administrator or his/her designee shall call for a "special pick up" of the garbage, rubbish etc. from the recycle company the Village has contracted with to correct the violation.

The cost to correct the violation will be billed to the tenant or owner of the property. If the property is rental property, the owner of record will be notified of the violation and of the possibility of an added charge on the tax roll if the tenant does not pay the fee.

(2) Collection of Garbage, Rubbish and Recyclable Materials by Village.

- (a) All garbage, rubbish, and recyclable materials shall be collected, removed and disposed of at the expense of the benefiting parties through a special charge process pursuant to Wisconsin Statutes §66.0627.
 - a. Collection by the Village for such charge shall be included in quarterly utility bill to benefiting parties.
 - b. Rate charged shall be the rate charged per residential unit by Columbia County Recycling or other agency or firm contracting for disposal of Village solid waste and recycling for the period.
 - c. Default in payment by renters shall become the property owner's responsibility.
 - d. Delinquent payments shall be added to tax rolls pursuant to Wisconsin Statutes §66.0627(4)
- (b) The Village Board shall establish the time of collection and the Village Administrator shall publish the collection schedule any time the collection schedule is changed. All persons having garbage, rubbish, or recyclable material are required to have the same available for collection at the time set forth in said published schedule.

- (c) Prior to the time of collection, the garbage, rubbish and recyclable material containers from all residential premises shall be placed at the curb line adjacent to the street designated in the published collection schedule. Containers of garbage, rubbish and recyclable material from all commercial, industrial, school and church premises shall be placed to the rear of the premises adjacent to the public alley or, if there is no public alley, the same shall be placed at the curb line adjacent to the street over which the residential collection is made.
 - (d) The Village Board may direct the placing of garbage, rubbish, and recyclable material containers in a manner different than provided herein in order to facilitate a more reasonable mode of collection from a particular premise due to its location, use or other factor peculiar to it.
 - (e) No person shall place any recyclable material in any container of garbage or rubbish which is placed for collection. The collector may refuse to collect any container of garbage or refuse in which recyclable material has been placed.
- (3) Preparation of Garbage and Rubbish for Collection.
- (a) All garbage and rubbish placed for collection from commercial, industrial and school premises shall be deposited in a dumpster owned or leased by the owner or operator of said premises.
 - (b) All garbage placed for collection shall be well drained and wrapped. Except as provided in subsection (a), all garbage shall be placed in a watertight container or watertight bag which shall not exceed or 50 pounds in weight.
 - (c) Except as provided in subsection (a), all rubbish placed for collection shall be placed in suitable containers of not more than 50 pounds in weight.
 - (d) Any garbage or rubbish not placed for collection in accordance with the provisions of this section may be refused by the collector.
 - (e) The Village Board may exempt an owner or operator of a commercial premises from the requirements of subsection (a) upon being furnished satisfactory evidence that the business produces a quantity of garbage or rubbish which can be reasonably placed for collection in accordance with subsections (b) and (c).
- (4) Preparation of Recyclable Material for Collection. Recyclable materials are to be prepared in accordance with the terms of the Village Solid Waste and Recycling Contract in force at the time materials are prepared.
- (5) Preparation of Yard Waste for Collection.
- (a) All grass or garden debris shall be bagged for collection in containers not to exceed 30 gallons capacity or 50 pounds weight and placed adjacent to curb or alley line.

- (b) All twigs, branches, brush or trees shall be aligned with one another and placed between the curb and sidewalk (if any) with cut ends facing the street. Trees and branches thicker than 10” in diameter will not be collected by Village crews for safety reasons
 - (c) Property owners should contact Poynette Public Works regarding large volumes of yard waste. Yard waste collection is intended for normal yard cleanup. Persons placing unusual quantities of yard waste for collection may be subject to fees for labor and equipment usage.
- (6) Garbage Rubbish or Yard Waste Not To Be Deposited In Any Other Place or Manner Than Herein Provided. (AM 07/25/05 ORD 05-360)
- (a) No person shall place any garbage on any street, alley, sidewalk or other public or private property unless the same shall be placed in containers or bags as herein provided.
 - (b) No person shall burn any garbage in the Village. Details of open burning regulations are addressed in Section 6.03.
 - (c) No person shall place for collection any garbage or rubbish at the curb line or alley adjacent to any premises not owned or occupied by him.
 - (d) No person shall deposit any garbage, rubbish or recyclable material in any dumpster without authorization from the owner or lessee thereof.
 - (e) No person shall deposit junk, rubbish, garbage or recyclables on private or public property without the express permission of the owner or occupant.
 - (f) No person shall deposit junk, rubbish, garbage or recyclables on empty lots or fields. This restriction shall apply whether the express permission of the property owner is granted or not.
 - (g) No person shall deposit rubbish, garbage or recyclables at curbside for pickup more than 24 hours prior to scheduled pickup.
 - (h) No person shall deposit yard waste at curbside for collection more than 72 hours prior to Monday of the week in which collection is scheduled.
- (7) Penalty. The penalty for violation of any provision of this section shall be as identified for this section in Title VI, Chapter 1, Section 1.01, Deposit Schedule, of Village Ordinances.
- (8) Severability. **Section 25.02(2)** of the Municipal Code of the Village of Poynette is hereby adopted herein by reference as though fully set forth herein.

6.03 **Open Burning.** (Adopted 11/11/96 published 11/20/96)

- (1) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Poynette except as set forth in Subsection (2) of this Section. This prohibition on burning includes the burning of construction waste and debris at a construction site.
- (2) **Exceptions.**
 - (a) Outdoor cooking over a fire contained in a device or structure designed for such use;
 - (b) Controlled burning of grass or similar vegetation for environmental management purposes, with prior written approval of the Fire Chief or his designee.
 - (c) Ceremonial campfires or bonfires, with prior written approval of the Fire Chief or his designee.
 - (d) Controlled burning of dry leaves and other non-offensive dry yard debris, provided that such burning is:
 1. Monitored by a responsible person until the fire has extinguished itself completely;
 2. Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;
 3. Located off the public street pavement or street gutter;
 4. Not used for covert incineration of offensive substances or materials;
 - (e) Other occasions of desirable outdoor burning not specified by this subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in subsection (b) and (c) above.
 - (f) Whenever approval and special permit are granted by the Fire Chief or his designee under (b), (c) or (e) of this Section, the permit may specify and be conditioned on observance of safety restrictions set forth therein.
 - (g) Controlled burning at State licensed waste facility by Village of Poynette public works crew.
- (3) **Chief May Prohibit.** The Fire Chief, or his designee, is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

- (4) Burning On Streets. No materials may be burned upon any street, alley, curb, gutter or sidewalk.
- (5) No Burn Barrel Burning. No materials may be burned inside barrels.
- (6) Liability. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his or her fire.
- (7) Penalties. The penalty for violation of any provision of this section shall be a forfeiture of not less than \$25 nor more than \$100, together with the costs of prosecution.

6.04 Dogs.

- (1) Dog License Tax
 - (a) Every owner, as required by Chapter 174 of the Wisconsin Statutes, of a dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or within thirty (30) days from the date such dog becomes five months of age, at the time and in the manner provided by law for the payment of personal property taxes, pay his dog license tax and obtain a license therefore.
 - (b) Such dog license shall be \$3.00 for each neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$8.00 for each unneutered male dog or unspayed female dog (AM 03-328 07/14/03). The license year shall commence on January 1st and end on the following December 31st. A late fee of \$5.00 shall be assessed and collected from the owner of a dog five months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog, or if the owner fails to obtain a license on or before the dog reached licensable age.
 - (c) The Village Board may by resolution increase the amount of such license tax, but such additional tax shall not exceed the total cost of all dog licensing regulating the impounding activities for the previous year, less any refunds which may be received pursuant to § 174.09(2), Wis. Stats.
 - (d) Every dog specially trained to lead blind persons shall be exempt from dog license tax, and every taxpayer owning such dog shall annually receive a free dog license from the Police Department upon application therefore.
- (2) Impounding Stray or Unlicensed Dogs (AM 10 28 02 OR 02-321)
 - (a) No owner of any dog shall permit such dog to run at large. Any dog found off the premises of its owner shall be deemed at large unless accompanied by and under

the physical control of some competent person. See also Title V, Chapter 4, 4.02(6) Defecation by Animals.

- (b) Any Village police officer shall seize and impound any dog for the keeping of which no license has been issued and for which one is required, or seize and impound any dog found at large, and any such officer may enter the premises of the owner to seize such dog.
 - (c) The Village police officer impounding any dog shall forthwith notify the owner of any dog impounded, personally or through the mail, if such owner be known to the police officer or can be ascertained with reasonable effort.
 - (d) If such owner be unknown or cannot be ascertained, then the police officer shall convey said impounded dog to the temporary holding cage provided for such purpose in the Village and shall forthwith make arrangements to have the impounded dog conveyed to the Columbia County Humane Society.
 - (e) The owner of any impounded dog shall pay to the Village Police Department a charge as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits. The Police Department shall release such dog upon receipt of payment of the proper charges. An additional charge as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits shall be charged for any impoundment of an animal for the second or subsequent time in any 6-month period (AM 03-328 07/14/03). No unlicensed dog shall be released until the dog license tax, if applicable, has been paid. Fees for unclaimed dogs shall be paid by the Village only if such dog was impounded by village employees having the authority to do so.
- (3) Rabies Vaccination Required For Dogs. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. As a transition provision, the owner of a dog five months of age or older which was not vaccinated against rabies in the previous three years shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches five months of age, or within 30 days after the dog is obtained or brought into this state, whichever is later.

The veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination and a rabies vaccination tag. The owner shall

attach the rabies vaccination tag to a collar and a collar with the tag attached shall be kept on the dog at all times. The certificate of rabies vaccination must be presented to the collecting official before a dog license may be issued.

- (4) Penalty. The penalty for violation of subsection (4) of this section shall be a forfeiture of \$50.00, together with the costs of prosecution. The penalty for violation of any other provision of this section shall be a forfeiture of not less than \$15.00 nor more than \$25.00, together with the costs of prosecution.

6.05 **Cats.**

(1) Rabies Vaccination Required for Cats.

- (a) The owner of a cat shall have the cat vaccinated against rabies by a veterinarian within 30 days after the cat reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the cat or brings the cat into this State after the cat has reached four months of age, the owner shall have the cat vaccinated against rabies within 30 days after the cat is obtained or brought into the State, unless the cat has been vaccinated as evidenced by a current certificate of rabies vaccination from this State or another state. The owner of a cat shall have the cat revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.
- (b) The owner of a cat shall obtain a vaccination form from the Village Administrator to be completed and signed by the veterinarian who vaccinates a cat against rabies. The certificate of vaccination shall be returned to the Village Administrator within 30 days after the vaccination. The owner of a cat shall also obtain a rabies vaccination tag from the veterinarian, which shall be attached to a collar, and a collar with the tag attached shall be kept on the cat at all times.

- (2) Penalty. The penalty for violation of Sub. (1) shall be a forfeiture of not less than \$25.00 nor more than \$50.00, together with the costs of prosecution.