

# Chapter 11

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## **PUBLIC HEALTH AND WELFARE**

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**11.01 Board of Health**

## (1) Duties -

The City Council shall serve as the Board of Health. The Board of Health shall assume the general administration of health and sanitary laws and regulations in the City, supervise the work of the Health Officer and attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Department of Health and Social Services and the ordinances of the City.

## (2) Powers -

The Board may take such measures and make such rules and regulations as are necessary and effectual for the preservation and promotion of the public health in the City. All orders and regulations of the Board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation.

**11.02 Health Officer: Duties and Powers**

## (1) General Duties -

The Health Officer, under the supervision of the District State Health Officer, shall:

- (a) Maintain continuous sanitary supervision over his territory.
- (b) Promote the spread of information as to the cause, nature and prevention of prevalent diseases and the preservation and improvement of health.
- (c) Enforce the health laws, rules and regulations of the State Department of Health and Social Services, the State and the City, including the laws relating to contagious diseases contained in Wis. Stat. Ch. 143.
- (d) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
- (e) Keep and deliver to his successor a record of all his official acts.
- (f) Make annual reports to the State Department of Health and Social Services and to the City Council, and such other reports as they may request.

## (2) Materials and Supplies -

The Health Officer may procure, at the expense of the City, all record books, quarantine cards and other materials needed by the Board of Health, except those furnished by the State Department of Health and Social Services.

**11.03 Rules and Regulations**

The Health Officer and the Board of Health may make reasonable and general rules for the enforcement of this chapter, for the prevention of health nuisances and for the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and

permits. All such requirements when approved by the City Council shall have the same effect as ordinances, and any person violation any of such regulations or any lawful order of the Board shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

#### **11.04 Health Nuisances, Abatement of**

The Health Officer or the Board of Health may abate health nuisances in accordance with Wis. Stat. § 146.14, which is adopted by reference and made a part of this chapter as if fully set forth herein.

#### **11.05 Communicable Diseases**

Wis. Stat., Ch. 143, and Ch. H45, Wis. Admin. Code, are adopted by reference and made a part of this chapter, and the Health Officer shall enforce the provisions thereof.

#### **11.06 Milk and Milk Products**

(1) Grade A Milk Required -

No person shall sell, offer or expose for sale within the City any milk or milk product other than Grade A pasteurized milk or milk products as defined in Ch. AG80, Wis. Admin. Code.

(2) Frozen Desserts -

The provisions of Ch. AG70, Wis. Admin. Code, relating to frozen desserts, exclusive of any provision thereof relating to the penalty, is hereby adopted and made a part of this chapter by reference. A violation of any such provisions shall constitute a violation of this chapter.

#### **11.07 Compulsory Connection to Sewer and Water**

See Section 13.09 of this Municipal Code.

#### **11.08 Garbage Disposal and Pickup**

(1) Disposal Prohibited In Certain Areas -

No person shall throw, place or dispose of any refuse, rubbish, garbage, leaves, ashes, grass, dirt, tin cans, branches or any matter or thing, or cause the same to be burned in or upon any street, gutter, sidewalk, public ground or upon the banks of the Sheboygan River.

(2) Use of Municipal Waste Disposal Site -

(a) Restricted --

No person shall throw, place, or dispose of any refuse, rubbish, garbage, ashes, grass, tin cans, dirt, leaves, grass rakings, branches, or any matter or thing in the Municipal Waste Disposal Site, except the following items may be disposed of upon payment of the required fee to the Superintendent of Public Works and upon compliance with all rules and regulations established pursuant to Section

11.08(2)(c) of this Code: Clean soil, brick, building stone, concrete, reinforced concrete, broken pavement, and unpainted or untreated wood. The Superintendent of Public works, or his designee, shall be responsible for the inspection of all loads or materials disposed of at the Municipal Waste Disposal Site and may accept or reject any or all materials as required to protect or promote the best interest of the City of Sheboygan Falls.

(b) Municipal Waste Disposal Site Hours --

1. The Municipal Waste Disposal Site shall be open Mondays through Fridays from 7:00 a.m. to 12:00 p.m. and from 12:30 p.m. to 3:30 p.m., except holidays.
2. No person other than City personnel conducting City business shall occupy or be present in the Municipal Waste Disposal Site during any other hours.

(c) Authority of Public Works Superintendent and the Committee On Streets, Public Ways and Railroads --

The Superintendent of Public Works and the Committee on Streets, Public Ways and Railroads shall make any rules and regulations for the use, control and regulation of the Municipal Waste Disposal-Landfill Site. The Superintendent of Public Works may close the Municipal Waste Disposal-Landfill Site if, in his judgment, wind conditions are adverse to proper disposal of wastes.

(d) Municipal Waste Disposal Fee Schedule --

A dumping fee shall be required for all items or materials disposed of pursuant to Section 11.08(2)(a) of this Code as follows:

1.	Small towed 2-wheel trailer	\$15.00
2.	Pickup truck	\$25.00
3.	Single axle dump truck	\$75.00
4.	Tandem axle dump truck	\$125.00
5.	Tri-axle dump truck	\$150.00
6.	Tractor-trailer	\$250.00
7.	Items or materials generated within the corporate limits of the City of Sheboygan Falls and transported to the Municipal Waste Disposal Site by a City resident shall be exempt from the dumping fees set forth above.	

(3) Garbage Collection -

(a) Garbage District -

The garbage collection district shall include all of the territory within the City.

(b) Garbage Defined -

Garbage, as used herein, shall be defined as all refuse, accumulation of animal, fruit or vegetable matter, that attends the preparation, use, cooling, dealing in or storage of meats, fish, fowl, fruit or vegetables or any other ordinary household

refuse of plant or animal matter. Such garbage shall not contain ashes, liquids, explosive matter, cans, pottery, crockery or mineral or metal substances.

(c) Garbage to Be Drained or Wrapped -

All garbage shall be drained of surplus water, securely wrapped in paper and deposited promptly in waste containers. All containers used for garbage shall be kept clean and disinfected.

(d) Garbage Cans –

1. Each householder or occupant of any dwelling house, boarding house, restaurant, or any place of business having garbage to dispose of shall provide one or more garbage disposal container(s) sufficient to receive all garbage that may accumulate within the times of collection.
2. Each can, except when otherwise specifically permitted, shall have a capacity of not to exceed thirty (30) gallons and be provided with a bail or handles and tight fitting cover, which shall be fly and water tight. Weatherproof paper or plastic bags not exceeding thirty (30) gallon capacity may be used in place of metal cans if they are properly tied.

(e) Location of Garbage Cans -

On such days and in such districts as the Board of Public Works shall from time to time designate, all such cans of garbage shall be placed at the street curb not later than 6:00 a.m., where such cans shall be readily accessible for removal or emptying the same. All garbage shall be placed only in cans as described in subparagraph (d) above. The owner or occupant of every such dwelling house or place of business shall remove such cans or receptacles, which have been emptied, from the street curb not later than 9:00 p.m. of the day of collection.

(f) Garbage and Refuse Collection Rules --

The collection of garbage and refuse shall be made by the City under the supervision and direction of the Superintendent of Public Works. Rules for the orderly and efficient collection of such garbage and refuse including, but not limited to, the allowable volumes, type of containers, time of pick-ups, and service area(s), shall be established by the Superintendent of Public Works and approved by the Public Works Committee. Any violation of said rules shall be deemed a violation of this Chapter.

(g) Cost of Collection and Disposal -

Garbage disposal shall be financed from the general taxes collected in the City each year. At the time the budget is made up, a sufficient sum shall be set aside to provide sufficient funds to cover the various provisions of this chapter.

(h) Burning or Burying of Material --

1. No person shall burn or bury any garbage, wood, grass, leaves, rubbish, or other material within the City of Sheboygan Falls.

2. No person shall leave any garbage in an open place or on any lot or ground in the City for more than twenty-four (24) hours, except in a proper garbage disposal container as provided for in Section 11.08(3)(d).
  3. Exceptions:
    - a. Persons may burn charcoal in a suitable charcoal grill for the purpose of cooking food;
    - b. Persons may burn firewood in a safe manner, only in substantial burner(s) build of metal, concrete, or brick, for recreational purposes. Said burner shall not be closer than twenty (20') feet to any building, structure, lumber, wood pile, or wooden fence. Burners shall not have a diameter greater than thirty-six (36") inches. All such burning must be done under constant adult supervision. Burning is permitted only from the hours of 4:00 p.m. to 11:00 p.m.; and
    - c. City employees, as part of their job duties for the City of Sheboygan Falls and under the supervision of a department head, may burn material if, in accordance with all local, county, and state laws, upon prior notification to and after receiving the permission of the Fire Chief.
- (4) Ash and Rubbish Collection -
- (a) Board of Public Works to Control -

The Board of Public Works shall provide for and assume the administration of a system of municipal collection and disposal of rubbish, ashes and similar refuse within the City in accordance with the conditions and terms hereof.
  - (b) Containers to Be Used -

No person shall place, deposit, throw, keep or permit any rubbish or ashes as defined herein upon any lot, yard, block or enclosure or street or alley adjacent thereto, unless the same is securely enclosed and safely covered in proper receptacles or containers. Such containers shall be provided and paid for by the owner or person receiving the benefit of the service provided herein and shall be of such weight and capacity as can easily be handled by one man, and shall be substantially tight, preferably made of metal, and so constructed as to prevent the spilling or leakage of the contents therefrom.
  - (c) Definitions --

As used herein:

    1. Ashes shall be defined as that class of material, which is the residue of coal, wood, plastics or any other combustible materials, which have been burned.
    2. Rubbish shall be defined as and include all combustible waste material, metal, plastics, rubber, clothing, furniture, furnishings, glass, leather, tree trimmings and any other discarded or waste type by-products produced personally, commercially or industrially.

3. Garbage shall be defined as any food, food waste or by-products produced personally, commercially or industrially.

(d) Time for Collection --

On such days and in such districts as the Superintendent of Public Works shall from time to time designate, all such receptacles or containers shall be placed at the street curb not later than 6:00 a.m. where such receptacles or containers shall be readily accessible for removal or emptying the same. The owner or occupant of every such dwelling house or place of business shall remove such containers or receptacles which have been emptied from the street curb by 9:00 p.m. of the day of collection.

(e) Financing -

Such ashes and rubbish disposal shall be financed from the general taxes collected in the City each year.

(f) Burning In Landfill Site -

No person shall cause any rubbish, ashes, wood, paper or garbage to be burned or deposited in the public landfill site of the City excepting such burning or depositing by the officials or employees of the City.

### 11.09 Keeping Fur-Bearing Animals

(1) Written Objections -

No person shall keep, harbor, feed or possess any mink, muskrats, foxes, rabbits, skunks, hamsters or any other fur bearing animal or animals within the City limits if 60% of the owners of the real property located within a radius of 250' in any direction from the boundaries of the place where such fur bearing animal or animals are kept, harbored, fed or possessed, shall file a written objection thereto signed by the owners of 60% of the real property located within such radius with the City Council, objecting to the keeping, harboring, feeding or possession of any fur bearing animal or animals as hereinbefore described.

(2) Council to Enforce -

Upon such written objection thereto being filed with the City Council, the Council shall determine if the owners of 60% of the real property located within a radius of 250' in any direction from the boundaries of such place where such fur bearing animal or animals are kept, etc., have signed such objection, and if all of the necessary requirements hereinbefore set forth have been complied with, the Common Council shall serve or cause to be served upon the person mentioned and described in the objection, a notice in written requiring such person to remove such fur bearing animal or animals within 60 days from the date of the service of such notice.

### 11.10 Keeping Animals and Poultry

No person owning or having in their possession any horses, cattle, mules, asses, hogs, sheep, goats, ducks, geese, chickens, turkeys, doves or other poultry, shall allow the same to run at large, excepting poultry are allowed in rivers within the City.

### 11.11 Weights and Measures

(1) Statutes Adopted -

The provisions of Chapter 98 of the state statutes, regulating weights and measures, are hereby adopted by reference by the Common Council, and copies thereof shall be kept on file in the office of the City Clerk.

(2) Systems to Be Used -

The system of weights and measure in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these shall be used for all commercial purposes in the City. The specifications, tolerances and regulations for commercial weighing and measuring devices issued by the National Bureau of Standards shall apply in the City, except as modified by rules issued by the state weights and measures department.

(3) Field Standards and Equipment -

The City shall arrange for such field standards and such equipment as may be found necessary to carry out the provisions of this chapter. The field standards shall be verified by the state weights and measures office upon their initial receipt, and at least once each five (5) years thereafter.

(4) Code Enforcement -

The City shall arrange for the enforcement of this code by contracting with a person or agency approved by the state weights and measures department or other city authorized person(s) delegated the responsibility of enforcing this code.

(5) Municipal Sealer -

The City Clerk shall act as the official municipal sealer in compliance with provisions of Chapter 98 of the state statutes.

### 11.12 Public Health and Welfare

#### Sheboygan Falls Fire Department First Responder By-Laws and Rules of Operation

(1) First Responder -

The Sheboygan Falls Fire Department shall be the First Responder service provider within the City of Sheboygan Falls.

(2) Backup Responsibility -

The Police Department of the City of Sheboygan Falls shall provide backup and assistance, as necessary, to the Sheboygan Falls Fire Department when the Fire Department is providing initial First Responder services.

## (3) Jurisdiction -

The Fire Chief of the Sheboygan Falls Fire Department shall have control and jurisdiction over the First Responders and First Responder activities.

## (4) Rules of Operation -

In addition to any rules and regulations promulgated by the Fire Chief pursuant to subparagraph (4)(a) of this Ordinance, the following shall serve as the rules of operation for First Responder activities:

## (a) Standard Procedures -

The Fire Chief of the Sheboygan Falls Fire Department shall establish rules and regulations for the control and management of First Responder services. The rules and regulations shall comply with all rules and regulations established by the Wisconsin Department of Health and Social Services and the Sheboygan County Emergency Medical Services Council. All rules and regulations shall be subject to review and approval by the Sheboygan Falls Board of Police and Fire Committee.

## (b) Objectives -

1. To provide pre-hospital emergency medical care to sick, disabled, or injured individuals prior to the arrival of ambulance or other more highly skilled and trained personnel.
2. The First Responders shall be dispatched by the Sheboygan County Sheriff's Department in response to all medical emergencies.

## (c) Functions of First Responders -

At the direction of the ranking First Responder, a First Responder may do the following:

1. If police personnel are not available, control an accident scene in order to protect the patient, himself/herself, and to prevent additional accidents.
2. Gain access to the patient.
3. Investigate and gather information at the scene, which shall include interviewing bystanders, the patient, as well as examining the patient in order to determine what is wrong with the patient.
4. Provide the following emergency medical care:
  - a. Advance first aid.
  - b. Care for emergency illnesses.
  - c. CPR - Cardiopulmonary resuscitation.

- d. Administer defibrillation in a pre-hospital setting to a person who is pulseless and non-breathing due to ventricular fibrillation or rapid ventricular tachycardia.

(d) Training and Certification Required -

1. A First Responder must successfully complete a certified course approved by the Sheboygan County Emergency Medical Services Council and approved by the Wisconsin Department of Health and Social Services. First Responders must be certified as a qualified First Responder and First Responder-DA by the Wisconsin Department of Health and Social Services as required by Wis. Stat. § 146.50(6g)(a) and (8), and Ch. HSS 113 of the Wisconsin Administrative Code, including any amendments or revisions thereto.
2. Annually or biannually renew First Responder and First Responder-DA certifications.
3. Continue updating and reviewing First Responder and First Responder-DA material.
4. Train on practical skills once a month.
5. Meet with representatives of the County providing ambulance service to discuss the program and coordinate emergency scene procedures.
6. Meet with the Police Department representatives at least annually to review emergency scene procedures.

(e) Plan for Defibrillation By First Responders -

The Sheboygan Falls Fire Department shall submit a First Responder Defibrillation Plan to the Wisconsin Department of Health and Social Services, or by agreement, amend or expand an existing EMT-Defibrillation Plan for ambulance service providers licensed under Ch. HSS 110 to include the Sheboygan Falls Fire Department as the First Responder service provider within the scope of operations described in the existing EMT-Defibrillation Plan.

(f) Equipment List -

1. Rescue van
2. Bandages: Triangular, rolled/kling, gauze
3. Occlusive dressings
4. Tape/shears
5. Blankets (2)
6. Splints: Board, air, pro
7. Gloves: Latex exam, heavy leather work
8. Assorted tools: Hammer, knife, screwdrivers, wrenches, etc.
9. Ice/heat packs
10. Burn blanket
11. Long board/straps
12. K.E.D. unit

13. C.I.D.
14. Cervical collars
15. Sterile water
16. Oxygen
17. Oxygen masks: Simple face, non-breather, nasal cannula
18. Blood pressure cuff/scope
19. Bag valve mask
20. Suction unit
21. Stokes basket
22. Sugar packs/instant glucose
23. Eye protectors/paper cups
24. Extrication tool
25. Oral airways
26. Flashlights/penlights

(g) Employment Status -

1. The First Responders of the Sheboygan Falls Fire Department are volunteering their time for providing emergency medical care to the citizens of Sheboygan Falls. The Sheboygan Falls First Responders will not receive any form of reimbursement for emergency calls or training except for the cost of books, tuition, and a training fee for attending monthly training sessions.
2. The First Responders shall have City of Sheboygan Falls worker's compensation and liability insurance coverages in the event the Responder has observed all traffic laws and has been dispatched by the Sheriff's Department.

(h) Transportation -

The Sheboygan Falls Fire Department First Responders shall not provide patient transportation. This will be the responsibility of the county-provided ambulance service.

(i) Duty Schedule -

1. It shall be the responsibility of the Sheboygan Falls Fire Department as First Responder service provider to maintain a minimum of one (1) First Responder to be on emergency medical call all twenty-four (24) hours per day, seven (7) days per week, with at least one person on call for each twelve-hour shift. Shifts are 5:00 a.m. to 5:00 p.m. and 5:00 p.m. to 5:00 a.m. The Sheboygan Falls Fire Department shall submit a monthly schedule of on-call First Responders to the Police Department.
2. When the First Responder is dispatched by the Sheboygan County Sheriff's Department, the First Responder who is on schedule will have a radio and will respond in his/her vehicle directly to the scene. The other Responders will proceed to the Firehouse and the first to arrive will transport the Fire Department van to the scene. Only two (2) First Responders shall respond to the emergency scene unless more members are required by the Sheboygan County Sheriff's Department or the Police Department or the ranking First Responder at the Scene.

3. No First Responder shall ever respond to an emergency scene unless dispatched via the Sheriff's Department or requested by the Sheboygan Falls Police Department.
  4. When responding to an emergency in their own vehicles, the First Responder shall observe all traffic laws.
- (j) Communications -
1. The First Responders on call shall be furnished with a pager which shall have a separate First Responder frequency assigned for Sheboygan Falls First Responder ONLY.
  2. The First Responders will be paged through the Sheriff's Department using the pagers and frequency mentioned above.
- (k) Additional Requirements and Discipline Statement -
1. The original list of First Responders and First Responder-DAs shall be submitted to the Sheboygan Falls Fire and Police Committee for approval. Any additions or deletions from the list must receive similar approval. The Sheboygan Falls Fire and Police Committee has the authority to limit the number of full-time City employees on the list to minimize liability and to assure adequate staffing of City positions during periods of emergency.
  2. It shall be understood that the First Responder Program will work under the limitations and regulations set forth above. The Fire and Police Committee will review any violations of policy or procedure with the protection of the program in mind. Violations may result in the removal of an individual from the program, or in the case of continued violations, may jeopardize the entire program.
  3. The Fire Chief and the Police Chief shall communicate and/or meet at least annually with the Fire and Police Committee regarding possible changes to this First Responder Operations Policy.

### 11.13 Equal Rights In Housing

(1) Intent -

It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this City that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation [as defined in Wis. Stat. § 111.32(13m)], handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry and it is the duty of the local units of government to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under Wis. Stat. § 66.0125. The Common Council hereby extends the state law governing equal housing opportunities to cover single-family residences which are owner-occupied. The Common Council finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be deemed an exercise of the

police powers for the protection of the welfare, health, peace, dignity and human rights of the people of this state.

(2) Definitions -

The definitions of Wis. Stat. § 101.22(1m), and any acts amendatory thereto, are hereby adopted by this reference.

(3) Discrimination Prohibited -

It is unlawful for any person to discriminate:

- (a) By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof.
- (b) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.
- (c) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
- (d) By publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing.
- (e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.
- (f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(4) Exceptions -

- (a) Nothing in this section shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.
- (b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.
- (c) Nothing in this section shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

(5) Representations Designed to Induce Panic Sales -

No person may induce or attempt to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation or

economic status, or by representations to the effect that such present or prospective entry will or may result in:

- (a) The lowering of real estate values in the area concerned;
  - (b) A deterioration in the character of the area concerned;
  - (c) An increase in criminal or antisocial behavior in the area concerned; or
  - (d) A decline in the quality of the schools or other public facilities serving the area.
- (6) Animals Assisting the Handicapped -
- (a) If an individual's vision, hearing or mobility is impaired, it is discrimination on the basis of handicap for any person to refuse to rent or sell housing to the individual, cause the eviction of the individual from rental housing or a condominium, require extra compensation from an individual as a condition of continued residence in rental housing or a condominium or engage in the harassment of the individual because he or she keeps an animal specially trained to lead or assist individuals with impaired vision, hearing or mobility if all of the following apply:
    - 1. Upon request, the individual shows to the lessor, seller, or representative of the condominium association credentials issued by a school recognized by the Department as accredited to train animals for individuals with impaired vision, hearing or mobility.
    - 2. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.
  - (b) Paragraph (a) does not apply in the case of rental of an owner-occupied dwelling if the owner or a member of his or her immediate family occupying the dwelling possesses and, upon request, represents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.
- (7) Interference, Coercion or Intimidation -
- No person may coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of any right granted or protected by this section, or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this section.
- (8) Requiring References -
- Nothing in this section prohibits an owner or agent from requiring that any person who seeks to buy, rent or lease housing supply information concerning family, marital, financial and business status but not concerning race, color, physical condition, developmental disability as defined in Wis. Stat. § 51.01(5), sexual orientation, or creed.
- (9) Penalty -

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- (a) Any person who willfully violates this section, or any lawful order issued under this section, shall, for the first violation, forfeit not less than \$100.00 nor more than \$1,000.00.
  - (b) Any person adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation committed within the five (5) years, shall forfeit not less than \$1,000.00 nor more than \$10,000.00.
  - (c) Payment of a forfeiture under this section shall be stayed during the period in which any appeal may be taken and during the pendency of an appeal under Wis. Stat. § 101.22(5).
- (10) Civil Actions -
- (a) Any person, including the state, alleging a violation of this section may bring a civil action for appropriate injunctive relief, for damages including punitive damages, and for court costs and reasonable attorney fees in the case of a prevailing plaintiff. The attorney general shall represent the Department in any action to which the Department is a party.
  - (b) An action commenced under subparagraph (a) may be brought in the Circuit Court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred.
  - (c) The remedies provided for in this subsection shall be in addition to any other remedies contained in this section.
- (11) Public Place of Accommodation or Amusement -
- (a) No person may do any of the following:
    1. Deny to another or charge another a higher price than the regular price for the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, creed, handicap, sexual orientation, national origin or ancestry.
    2. Deny to an adult or charge an adult a higher price than the regular rate of the full and equal enjoyment of a lodging establishment because of age, subject to Wis. Stat. § 125.07.
    3. Give preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, sexual orientation, national original or ancestry.
    4. Directly or indirectly publish, circulate, display or mail any written communication, which the communicator knows is to the effect that any of the facilities or any public place of accommodation or amusement will be denied, to any person by reason of sex, race, color, creed, handicap, sexual orientation, national origin or ancestry or that the patronage of a

person is unwelcome, objectionable or unacceptable for any of those reasons.

5. Directly or indirectly publish, circulate, display, or mail any written communication which the communicator knows is to the effect that any of the facilities of a lodging establishment will be denied to any adult because of age, subject to Wis. Stat. § 125.07.
  6. Refuse to furnish or charge another a higher rate for any automobile insurance because of race, color, creed, handicap, national origin or ancestry.
  7. Refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, sexual orientation, national origin or ancestry, regarding the use of any private facilities commonly rented to the public.
- (b) Nothing in this subsection prohibits separate dormitories at higher educational institutions or separate public toilets, showers, saunas and dressing rooms for persons of different sexes.
- (c) Nothing in this subsection prohibits separate treatment of persons based on sex with regard to public toilets, showers, saunas and dressing rooms for persons of different sexes.

#### 11.14 Mandatory Recycling

- (1) Purpose -

The purpose of this section is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as defined in Wis. Stat. § 287.11, and Ch. NR 544, Wisconsin Administrative Code.

- (2) Solid Waste Disposal Regulated -

- (a) Burning or Burying -

Except as permitted by state law above, no person may burn or bury post-consumer waste on lands in the City of Sheboygan Falls.

- (b) Separation of Recyclable Materials-

Occupants of single-family and two- (2-) to four- (4-) unit residences, multiple-family dwellings, and commercial, retail, industrial, and governmental facilities shall separate the materials listed below from post-consumer waste:

1. Single-Stream Recyclables -

- a. Aluminum Cans
- b. Steel and Bi-metal (Tin) Cans
- c. Glass Bottles & Jars
- d. Newspapers/Newsprint
- e. Magazines

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- f. #1 (PETE) and #2 (HDPE) Plastic Bottles & Jugs
  - g. Office Paper & Junk Mail
  - h. Shredded Paper
  - i. Broken Down Cardboard
  - j. Brown Paper (Grocery) Bags
2. Special Recyclables -
- a. Lead acid batteries
  - b. Waste oil
  - c. Yard waste
  - d. Major appliances
  - e. Waste tires
  - f. Microwaves
  - g. Refrigerators, freezers, dehumidifiers and air conditioners
- (c) Single Stream Recyclables -
- Items in subparagraph (2)(b)1. are designated for single-stream recycling and should be grouped together in a blue plastic bag and placed curbside, adjacent to the property owned or occupied by the person so placing the materials, for collection.
- (d) Special Recyclables -
- Items in subparagraph (2)(b)2. shall be managed as follows:
- 1. Lead acid batteries, waste oil, and yard waste shall be deposited by owners at the City public works complex located at 111 Hamann Drive, Sheboygan Falls, Wisconsin.
  - 2. Major appliances shall be placed at the curb line adjacent to the premises owned or occupied by the person so placing the major appliances, for pick up by the City's contracted waste hauler.
  - 3. Owners may arrange for refrigerators, freezers, dehumidifiers, and air conditioners to be picked up by calling the City's contracted waste hauler, Veolia Environmental Services (formerly Onyx), 2905 Paine Avenue, Sheboygan, Wisconsin (920-458-6030). Any disposal fees are the owner's responsibility.
  - 4. Waste tires and microwaves may be brought by owners to Veolia Environmental Services (formerly Onyx), 2905 Paine Avenue, Sheboygan, Wisconsin, or any other facility which accepts the same. Any disposal fees are the owner's responsibility.
- (e) Designation of Non-Recyclable Materials -
- All other post-consumer waste is hereby designated as non-recyclable and may be grouped together in clear trash bags and placed curbside, adjacent to the property owned or occupied by the person so placing the materials, for collection. Examples of non-recyclable materials include, but are not limited to, the following:

1. Plastic Bags;
2. Plastic Toys;
3. Trash/Garbage;
4. Polystyrene/foam;
5. Styrofoam;
6. Window Glass;
7. Light Bulbs;
8. Dishes;
9. Plastic containers made of PVC, LDPE, PP, PS, and plastic containers made of other resins or multiple resins.

(f) Preparation of Separated Recyclable Materials -

Recyclable cans, bottles, and jars should be rinsed clean; cardboard or container board should be broken down and flattened. To the greatest extent practicable, recyclables 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.

(g) 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 promote recycling:
  - a. Provide adequate, separate containers for recyclable materials.
  - b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually 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 users, tenants, and occupants 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 subparagraph 1., above, 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 subparagraph (2)(b)1. from solid waste in as pure a form as is technically feasible.

(h) 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 subparagraph (2)(b)1.:
  - a. Notify in writing, at least semiannually, all users, tenants, and occupants of the properties about the established recycling program.
  - b. 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.
  - c. 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 subparagraph 1. above 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 subparagraph (2)(b)1. from solid waste in as pure a form as is technically feasible.

(3) Administrative Provisions -

(a) Definitions -

For the purposes of this section:

1. "Bi-metal container" means a container for carbonated or malt 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.

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- 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, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.
  8. "Multiple-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 governmental unit as defined in Wis. Stat. § 66.0131, 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 the subject of a retail sale.
  16. "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in Wis. Stat. § 289.01(17).
  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" means the items listed in (2)(b), above.
21. "Solid waste" has the meaning specified in Wis. Stat. § 289.01(33).
22. "Solid waste facility" has the meaning specified in Wis. Stat. § 289.01(35).
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.

b) Statutory Authority -

This section is adopted as authorized under Wis. Stat. § 287.09(3)(b).

(c) Abrogation and Greater Restrictions -

It is not intended by this section 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 section imposes greater restrictions, the provisions of this section shall apply.

(d) Interpretation -

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

(e) Severability -

Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

(f) Applicability -

The requirements of this section apply to all persons within the City of Sheboygan Falls.

## (g) Administration -

The provisions of this section shall be administered by the Common Council of the City of Sheboygan Falls.

## (4) Enforcement -

For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee, or representative of the City of Sheboygan Falls 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.

(a) No person may refuse access to any authorized officer, employee, or authorized representative of the City of Sheboygan Falls 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 section may be issued a citation by the City of Sheboygan Falls 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 section may be assessed as follows:

1. Any person who violates subsection (2)(g) may be required to forfeit Fifty Dollars (\$50.00) for a first violation, Two Hundred Dollars (\$200.00) for a second violation, and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation.

2. Any person who violates a provision except subsection (2)(g), may be required to forfeit not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.

a. 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 subparagraph (2)(b)1. which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

b. No Dumping -

It shall be unlawful for any person to dispose of or dump garbage in any street, alley, or other public place within the City of Sheboygan Falls or in any receptacles or private property without the owner's consent.

## c. Nondisposable Materials -

It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, or medical wastes (unless personal needles, which shall be contained in cardboard to eliminate injury to handlers).

## d. Collection Refusal Authorized -

In addition to the penalty provisions hereof, any material not properly separated may be refused for collection.

## e. Ownership of Recyclable Materials -

All recyclable materials placed curbside or roadside for collection become the property of the City of Sheboygan Falls, and no person without written approval of the City shall collect the same.

### 11.15 Smoking Prohibited

## (1) Definition -

For the purpose of this section, "smoking" shall mean carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

## (2) Public Buildings -

No person shall smoke in any City owned or leased public building at any time, including, but not limited to, the following:

- (a) City Hall, 375 Buffalo Street.
- (b) The Municipal Auditorium located at 375 Buffalo Street.

## (3) Notification to Public -

The Director of City Services/Clerk/Treasurer, or his or her designee, shall cause to be posted at the entryway of all public buildings described herein, signs notifying the public of the fact that the building is a smoke free building. Absence of such signs, however, shall not be a defense to a violation of this ordinance.

## (4) Penalty -

Any person who shall violate any provision of this section or any regulation, rule or order made hereunder, shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

### 11.16 Prohibiting Smoking On Public School Property

Accordingly, no person may, at any time, use, distribute, sell, or transfer cigarettes, cigars, tobacco or any tobacco product or any derivative thereof, in a public school building, on public

school grounds, in a public school vehicle, or in or on any public school facility in the City of Sheboygan Falls.

**11.17 Penalty**

Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder, shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.