

## TITLE 8

# Health and Sanitation

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# Chapter 1

## Health and Sanitation

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### **Sec. 8-1-1 Rules and Regulations.**

The Common Council may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Council shall be subject to the general penalty provided for in this Code.

### **Sec. 8-1-2 Health Nuisances; Abatement of Health Nuisances**

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Common Council shall abate health nuisances pursuant to Sec. 146.14, Wis. Stats., which is adopted by reference and made a part of this Section.

*State Law Reference:* Sec. 146.14, Wis. Stats.

### **Sec. 8-1-3            Deposit of Deleterious Substances Prohibited.**

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

### **Sec. 8-1-4            Destruction of Noxious Weeds.**

- (a) Unless delegated to the county, the City Clerk shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the City which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the City shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (c) As provided for in Sec. 66.96(2), Wis. Stats. the City shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of twelve (12) inches in height from the ground surface shall be prohibited within the City corporate limits. Noxious weed, shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

- Cirsium Arvense (Canada Thistle)
- Ambrosia artemisiifolia (Common Ragweed)
- Ambrosia trifida (Great Ragweed)
- Euphorbia esula (Leafy Spurge)
- Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
- Tragopogon dubius (Goat's Beard)
- Rhus radicans (Poison Ivy)
- Cirsium vulgare (Bull Thistle)
- Pastinaca sativa (Wild Parsnip)

Arctium n-iius (Burdock)  
Xanthium strumarium (Cocklebur)  
Arnaranthus retrotlexus (Pigweed)  
Chenopodium album (Common Lambsquarter)  
Rumex Crispus (Curled Dock)  
Cannabis sativa (Hemp)  
Plantago lancellata (English Plantain)

Noxious grasses, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

Agrostia alba (Redtop)  
Poa pratensis (Kentucky Blue)  
Sorghum halepense (Johnson)  
Setaria (Foxtail)

Noxious weeds are also the following plants and other rank growth:

Ragweed  
Thistles  
Smartweed  
Dandelions (over 8 inches in height)  
Milkweed (over 8 inches in height)

*State Law Reference: Sec. 66.96, Wis. Stats.*

## **Sec. 8-1-5                    Natural Lawns.**

- (a) **Natural Lawns Defined.** Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America, which are designed and purposely cultivated to exceed twelve (12) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-4 of this Chapter. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- (b) **Safety Precautions For Natural Grass Areas.** When, in the opinion of the Fire Chief of the Department serving the City of Prescott, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition.

## Sec. 8-1-6 Regulation of Length of Lawn and Grasses.

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the City of Prescott.
- (b) **Public Nuisance Declared.** The Common Council finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Zoning Code, within the City of Prescott which exceed twelve (12) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds twelve (12) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-5 above.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him within the City.
- (d) **Inspection.** The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **Abatement of Nuisance.**
  - (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, the Weed Commissioner shall immediately cause written notice to be served that the City proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5.
  - (2) The notice shall be served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he/she is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
- (f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he/she may request a hearing before the Health and Sanitation Committee. The request for said hearing must be made in writing to the City Clerk's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a One Hundred Dollar (\$100,00) bond. If a decision is rendered in the property owner's favor, the One Hundred Dollars (\$ 100.00) will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of City personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Health and Sanitation Committee shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the City until such time as the hearing is held by the Health and Sanitation Committee. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the City as well as subpoena witnesses for his own case. At the

close of the hearing, the Health and Sanitation Committee shall make its determination in writing specifying its findings, facts, and conclusions. If the Health and Sanitation Committee determines that a public nuisance did exist, the Health and Sanitation Committee shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Health and Sanitation Committee's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

- (g) **City's Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds within 7 days for the date of the letter, the City may elect to cut said lawn, grass or weeds or impose a penalty as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) The City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Health and Sanitation Committee. The charges shall be set forth in a statement to the City Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the City Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.615(3)(f), Wisconsin Statutes.
  - (3) Or the city shall impose a penalty following the 7 day waiting period of \$50.00. A penalty of \$100 shall be imposed each 5<sup>th</sup> day following the 7 day waiting period.

## **Sec. 8-1-7            Rodent Control.**

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) ***Owner or Manager.*** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the City, as executor, administrator, trustee, guardian of agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.

- (2) ***A Rodent-Proof Container.*** A container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
  - (3) ***Rodent-Proofing.*** Shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the City,
  - (4) ***Rodent Harborage.*** Any place where rodents can live and nest without fear of frequent molestation or disturbance.
  - (5) ***Hardware Cloth.*** Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
  - (6) ***Rodent.*** All nuisance animals.
- (b) **Elimination of Rodent Harborages.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.
  - (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
  - (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the City, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
  - (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the City of Prescott to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

## **Sec. 8-1-8            Composting.**

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the controlled biological reduction of organic waste to humus. Yard waste shall mean the organic waste produced from the growing,

trimming, and removal of grass, branches (not exceeding 1" in diameter) bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.

(c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:

- (1) All compost piles shall be enclosed in a free-standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches,
- (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the City to proceed under Section 8-1-7.
- (3) All compost bins shall be so maintained as to prevent unpleasant odors.
- (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or City in general.
- (5) a. All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.  
b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance, In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
- (6) No compost bin shall be located in any yard except a rear yard, as defined in the City's Zoning Code, unless a variance is granted by the Board of Appeals.
- (7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.

(d) **Ingredients.**

- (1) No compost bin shall contain any of the following:
  - a. Lake weeds;
  - b. Cooked food scraps of any kind or type;
  - c. Fish, meat or other animal products;
  - d. Manures;
  - e. Large items that will impede the composting process.
- (2) Permitted ingredients in a compost bin shall include the followings:
  - a. Yard waste;
  - b. Coffee grounds and used tea leaves;
  - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
  - d. Commercial compost additives,

(e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.

## **Sec. 8-1-9 Compost Dumping**

The City of Prescott Compost area will be open on Wednesday evenings from 4:00 p.m. to 7:00 p.m. and Saturday from 10:00 a.m. to 4:00 p.m. for City of Prescott and contracted communities residents only. Persons that are not residents of Prescott, who have made arrangements to use the Prescott site for brush and other compost generated in Prescott may use the compost site upon presentation of a letter of authorization signed by the City Administrator or the City Administrator's designee.

Persons not a resident of Prescott or having authorization to use the City compost site from the City of Prescott, who unload brush or compost at the site are subject to a forfeiture of Three hundred (\$300.00) for the first offense and Five Hundred (\$500.00) for each subsequent offence.

## **Sec 8-1-10 Nuisance Ordinance – Brush and Rubbish**

(a) Brush piles, cut or fallen tree limbs, piles of waste material such as metal cans, plastic, scrap metal, boxes, rubbish, etc. which may harbor rodents or other vermin, breed insect pest, create a health or fire hazard shall be deemed a public nuisance.

(b) **Removal.** The City Administrator, or his designee, shall investigate complaints and shall notify the property owner where said nuisance is located and remove the nuisance within 10 working days.

(c) **Failure to remove the nuisance.** Property owners who receive notice to remove nuisances as identified under Section 8-1-10 (a) of this ordinance and fail to remove the material shall pay a forfeiture of One Hundred (\$100.00) plus the cost to the City of Prescott to remove said material.

(d) **Appeal.** Persons who wish to appeal the notice to remove brush or other rubbish may file appeal within ten working days of the date of the notice by contacting the City Administrator's office and depositing a bond in the amount of One Hundred and Twenty-Five (\$125.00) dollars, which will be returned if a decision is rendered in the property owner's favor. In the event that the property owner fails to appear or a decision is rendered against the property owner, the bond shall be forfeited, and the City shall remove the rubbish at the expense of the property owner.

## Chapter 2

# Pollution Abatement

- 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2 Storage of Polluting Substances

### Sec. 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.

- (a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and stream,,; under the jurisdiction of the City.
- (b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Fire Department so that assistance can be given by the proper agency.
- (c) **Financial Ability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the City Administrator, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.
- (d) **Reimbursement for Hazardous Material Emergency Action.**
  - (1) Any person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall reimburse the City of Prescott for actual, reasonable and necessary expenses incurred by the City of Prescott for any emergency action taken under, and consistent with, Sec. 166.22(3), Wis. Stats., whether such action be taken by the City of Prescott or another entity on its behalf or direction.
  - (2) Reimbursement as provided under Subsection (d)(1), above, will be accomplished as provided by Sec. 166.22(5), Wis. Stats., by the Pierce County Board of Supervisors, or by local emergency government officials.
  - (3) Terms not defined above shall have the meaning referred to in Sec. 166.22(1), Wis. Stats.

## **Sec 8-2-2 Storage of Polluting Substances.**

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the City of Prescott.

# Chapter 3

## Refuse Collection and Recycling

8-3-1	Definitions
8-3-2	Containers
8-3-3	Depositing Garbage or Refuse on Streets or Sidewalks
8-3-4	Recyclables
8-3-5	Commercial Businesses to Contract for Services
8-3-6	Unlawful Disposal
8-3-7	Garbage and Refuse Collectors Licenses
8-3-8	Composting

### Sec. 8-3-1 Definitions.

In the interpretation and enforcement of this Chapter, the following definitions shall apply:

- (a) **Garbage.** All kinds of organic refuse resulting from the preparation of food and all decayed or spoiled food products from any source.
- (b) **Refuse.** All inorganic matter such as wire or metal, china, crockery, cloth, wood, ashes and other items of like nature, but not including leaves, trees, tree limbs, earth, tin, aluminum, glass, paper, tires, appliances, batteries, waste oil, stone or manure or material obtained for the demolishing or remodeling of buildings and property.
- (c) **Yard Waste.** All leaves, grass clippings, garden debris and branches up to four (4) inches in diameter.

### Sec. 8-3-2 Containers.

All garbage and refuse offered for collection by the City shall be placed in garbage can provided by the city's garbage contractor.

### Sec. 8-3-3 Depositing Garbage or Refuse on Streets or Sidewalks.

- (a) **Prohibited Deposits.** No person shall deposit, throw, scatter or place any garbage or refuse on or within any public place or within or upon any private property or premises whether owned, kept or controlled by such person or not, except in the manner hereinafter specified or as directed by the Director of Public Works, for the health, safety and welfare of the City.

- (b) **Container Placement.** All garbage or refuse containers shall be placed so they are readily accessible for removing and emptying, adjacent to the street or alley adjoining the property by 7:00 a.m. of the pick-up day and shall be removed between collections.
- (c) **Collector May Reject.** The Health and Sanitation Committee and its authorized contractor may refuse to collect any garbage or refuse improperly prepared or deposited for pick-up according to the standards of this Subsection and garbage contract.

## **Sec. 8-3-4            Recyclables.**

- (a) **Mandatory Recycling.** Weekly curbside collection of recyclables is mandatory for all residents and apartment buildings. Recyclable shall be collected curbside and conveyed by the City or its designated contractor to a recognized recycling center. Said recyclables which will be collected are as follows:
  - (1) Aluminum cans.
  - (2) Glass containers.
  - (3) Tin cans.
  - (4) Newspaper.
  - (5) Magazines.
  - (6) High grade paper.
  - (7) Cardboard.
  - (8) Plastic bottles 1 and 2.
  - (9) Waste engine oil
  - (10) Automotive batteries.
- (b) **Recycling Containers.** One container for recyclables will be initially provided by the City of Prescott to all single family dwelling units, duplexes and multi-family dwellings. Replacement of containers which are lost or stolen will be the responsibility of the owners or residents of each household.
- (c) **Collection Schedule.** Placement of containers, pick-up schedule and payment procedure will be determined cooperatively by the City and contracted hauler.
- (d) **Commercial Recycling.** Commercial recycling is mandatory.
- (e) **Recycle Bins.**
  - (1) **Location.** As long as the County provides recycling bins to be used by City residents, the Public Works Director shall determine the best location for these bins. The location shall be somewhere that provides the City residents convenient access.
  - (2) **Usage.** The only items placed in the recycling bin are those that are specifically labeled for that section of the recycling bin. It shall be illegal to place objects in bins that are not specifically labeled in the part of the recycling bin they are being placed. It is also illegal to leave items/fluids on the property or properties adjoining, where the bins are located. This shall include putting items that are considered recyclables next to the bin.
  - (3) **Fines.** People who do not properly use the recycling bins or leave items on the property or properties adjoining the recycling bin shall be subject to a fine of Five

Hundred Dollars (\$500.00). In addition, the parties may be subject to additional fines and penalties for violating County, Federal, and State Laws.

### **Sec. 8-3-5 Commercial Business to Contract for Services.**

All commercial businesses shall contract garbage and refuse service with a licensed hauler, and shall provide proof of such upon request of the City.

### **Sec. 8-3-6 Unlawful Disposal.**

It shall be considered unlawful to dispose of residential, commercial or industrial garbage and refuse other than stated above. No person or business shall place their garbage or refuse on another person's property or in a private or public dumpster unless written permission has been obtained from the owner. If a person or business is identified as violating this Section, they shall be liable for penalties as listed in Section 1-1-7 of this Code of Ordinances.

### **Sec. 8-3-7 Garbage and Refuse Collectors Licenses.**

- (a) **License Required.** A license shall be required for all haulers of refuse or garbage.
- (b) **Fee and Insurance Certificate Required.** An annual fee as prescribed in Section 1-3-1 shall be paid to the City Clerk for issuance of a garbage hauler's license. Applicants for a garbage hauler's license shall file a certificate of insurance with the City Clerk, a copy of which shall be kept on file in the City Clerk office.

### **Sec. 8-3-8 Composting.**

- (a) **State Regulations.** As of January 1, 1993, the State of Wisconsin banned burning of all garbage and refuse. All burning barrels and incinerators are illegal.
- (b) **Composting Required.** Yard waste shall be properly composted at home pursuant to Section 8-1-8 or be taken to the City-designated composting site.

*Cross-Reference:* Sections 5-2-10 and 8-1-8.