

## 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 Health Officer 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 Health Officer shall be subject to the general penalty provided for in this Code.

#### SEC. 8-1-2 HEALTH NUISANCES; ABATEMENT OF.

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Board of Health and Health Officer shall abate health nuisances pursuant to Sec. 252.03 and 252.06, Wis. Stats., which is adopted by reference and made a part of this Section.
- (c) **Communicable Diseases.** Chapter 252, Wis. Stats., and Ch. H 45, Wis. Adm. Code, are

adopted by reference and made a part of this Chapter, and it shall be the duty of the Health Officer to enforce the provisions thereof.

State Law Reference: Sec. 252, Wis. Stats.

### **SEC. 8-1-3 KEEPING OF LIVESTOCK.**

- (a) **Sanitary Requirement.** All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors, and shall only be kept in properly zoned areas.
- (b) **Animals Excluded From Food Handling Establishments.** No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

### **SEC. 8-1-4 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. 8-1-5 DESTRUCTION OF NOXIOUS WEEDS.** (Ord. 2014-06)

- (a) The City Clerk shall annually on or before May 15 publish as required by state law a class 2 notice that every person is required by law to destroy all noxious weeds on lands in the City which he 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. 66.0407 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. 66.0407(1)(a), Wis. Stats., the City shall require that all noxious weeds shall be destroyed at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom and flower stage. The growth of noxious weeds shall be

prohibited within the City corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section, shall include but not be limited to the following weeds and those designated as noxious weeds in the Wisconsin Statutes:

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 minus (Burdock)  
Xanthium strumarium (Cocklebur)  
Amaranthus retroflexus (Pigweed)  
Chenopodium album (Common Lambsquarter)  
Rumex Crispus (Curled Dock)  
Cannabis sativa (Hemp)  
Plantago lanceolata (English Plantain)  
Alliaria Petiolata (Garlic Mustard) (Ord. 98-20)

Noxious grasses, as defined in this Section, shall include but not be limited to the following:

Agrostis alba (Redtop)  
Dactylis glomerata (Orchard)  
Phleum pratensis (Timothy)  
Sorghum halepense (Johnson)  
Setaria (Foxtail)

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

Ragweed  
Thistles  
Smartweed  
Dandelions (over 10 inches in height)

State Law Reference: Sec. 66.0407, Wis. Stats.

## **SEC. 8-1-6 REGULATION OF 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 eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-5 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the City corporate limits unless a Natural Lawn Management Plan is approved and a Permit is issued by the City as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife

(b) **Natural Lawn Management Plan Defined.**

- (1) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
- (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the City. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current City records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any City-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.
- (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the City Clerk by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Common Council shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Common Council shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the City provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the City between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) **Application Process.**

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the City Clerk. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-five Dollar (\$25.00) non-refundable filing fee will be assessed by the City. Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the Office of the City Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the City receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the City Clerk shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.
  - (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the City Clerk shall issue permission to install a natural lawn.
- (d) **Application For Appeal.** The property owner may appeal the Clerk's decision to deny the natural lawn permit request to the Common Council at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Common Council shall be final and binding.
- (e) **Safety Precautions For Natural Grass Areas.**
- (1) When, in the opinion of the Fire Chief, 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. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.
  - (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the City as a party insured. The minimum amount of acceptable insurance shall be as prescribed by the City's Schedule of Insurance Requirements.
- (f) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Common

Council, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Common Council. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. The Common Council in an open meeting shall review all written applications for appeal filed within the fifteen (15) calendar day requirement. The decision rendered by the Common Council shall be final and binding.

(g) **Public Nuisance Defined - Abatement After Notice.**

- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the City as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Common Council may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter those charges onto the tax roll as a special tax as provided by State statute.
- (3) The failure of the City Clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.

(h) **Penalty.**

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-7.
- (2) In addition to any penalties herein provided, the City may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

**SEC. 8-1-7 REGULATION OF LENGTH OF LAWN AND GRASSES.** (Ord. 2014-06)

- (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 Cedarburg.
- (b) **Public Nuisance Declared.** The Common Council finds that lawns, grasses and noxious

weeds on lots or parcels of land which exceed eight (8) 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 lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance. An exception to the height requirement will be allowed for property located in designated floodplain areas, drainageways and/or wetland areas or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-6 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 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, he 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 seven (7) days prior to the date of the City's date of action to have the grass or lawn cut and shall be mailed or served on the owner of the lot or parcel of land or, if he 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 may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Clerk's office within the seven (7) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a decision is rendered in the property owner's favor, the \$25.00 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 the owner of the property requests a hearing, a hearing by the Common Council shall be held within fourteen (14) days from the date of the owner's request. The City will not mow the property in question until such time as the Council holds the hearing. At the hearing, the owner may appear in person or by his 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 Common Council shall make its determination in writing specifying its findings, facts, and conclusions. If the Common Council determines that a public nuisance did exist, the Council 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 Common Council'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 as set forth above, then, and in that event, the City may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his 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 Common Council. 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 Clerk 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.

**SEC. 8-1-8 REGULATION OF SMOKING.** (Ord. 2010-11)

- (a) **Smoking Prohibited in Public Places.** The provisions of Chapter 101.123 of the Wisconsin Statutes, as amended from time to time, relating to the prohibitions of smoking in various enclosed places are hereby adopted and made part of this Code by reference. Smoking in any public place shall be unlawful, including, but not limited to the following:
1. Residence halls or dormitories owned or operated by a college or university.
  2. Day care centers.
  3. Education facilities.
  4. Inpatient health care facilities (includes hospitals, county homes, and county infirmaries, nursing homes, hospices, veterans' homes, and treatment facilities).
  5. Theaters.
  6. Correctional facilities.
  7. State institutions.
  8. Restaurants.
  9. Taverns.
  10. Private clubs (a facility used by an organization that limits the membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose).
  11. Retail establishments.
  12. Common areas of multiple unit residential properties.
  13. Lodging establishments (a bed and breakfast, hotel, or tourist rooming house).
  14. All enclosed places, other than those listed above, that are places of employment or public places.
  15. Government buildings.
- (b) **Definitions.**

- (1) “Enclosed Place” and “Substantial Wall”. An enclosed place is a structure or area that has a roof and more than two substantial walls. A substantial wall is a wall with no opening or with an opening that either does not allow air in from the outside or that is less than 25% of the wall’s surface area.
  - (2) “Public Place”. A public place is an enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.
  - (3) “Place of Employment”. A place of employment is any enclosed place that employees normally frequent during the course of employment, such as an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.
- (c) Designation of Outdoor Area for Smoking. The person in charge of any restaurant, tavern, private club or retail establishment subject to this Code and the smoking restrictions in Wisconsin Statutes 101.123 may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club or retail establishment where customers, employees or persons associated with the restaurant, tavern, private club or retail establishment may smoke. Smoking needs to be a reasonable distance from smoke-free places and entrances.
- (d) Outdoor Smoking. Outdoor smoking is prohibited in the following places, regardless of whether it meets the definition of an enclosed space:
- (1) Sports arenas (any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held).
  - (2) Bus shelters.
  - (3) Public conveyances.
- (e) **Smoking on Outside Property Under the City’s Jurisdiction.** Smoking on outside property under the City’s jurisdiction is prohibited in the following areas:
- (1) Park shelters, athletic fields, bleachers and dugouts, restrooms, and playground and swing set areas.
- (f) **Smoking Outside School Areas.** Smoking is prohibited at outside areas at schools consistent with School Board policy.
- (g) Enforcement.
- (1) Persons in charge of places where smoking is prohibited must enforce the prohibitions by taking steps to ensure compliance, such as not providing ashtrays and matches; posting “no smoking” signs; asking a person to stop smoking; asking a person who is smoking to leave; refusing to serve the person if the place is a restaurant, tavern, or private club; and notifying law enforcement if the person does not leave after being requested to do so.
  - (2) The Cedarburg Police Department and the Department of Engineering and Public Works have the power and duty to enforce the smoking ban. In addition, state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of the smoking prohibition.
- (h) Penalty. Penalties for violation of this section shall be in accordance with Wisconsin

Statutes 101.123. Statutory court costs and assessments shall be added to all forfeitures 6  
such violations.

State Law Reference: Sec. 101.123, Wis. Stats.

## **SEC. 8-1-9 COMPULSORY CONNECTION TO SEWER AND WATER.**

### **(a) Connections Required.**

(1) Whenever systems for sewer and water service are available to any building used or to be used for human habitation, the facilities for such building shall be connected within one (1) year to the available sewer and water mains of the systems. "Available" shall be defined as City sewer and water service being available in front of the property or in an easement adjacent to the property.

(2) Whenever sewer and water service becomes available to any building already in existence and used for human habitation, the Building Inspector shall notify in writing the owner, agent or occupant thereof to connect all facilities thereto required by the Building Inspector. If such person to whom the notice has been given shall fail to comply for more than ten (10) days after the notice, the Building Inspector shall cause the necessary connections to be made and the expense thereof shall be assessed as a special tax against the property pursuant to Sec. 144.06, Wis. Stats.

**(b) Abatement of Privies and Cesspools.** After connection to a water main and public sewer, no privy, privy vault or cesspool shall be constructed or maintained upon such lot or parcel and shall be abated upon ten (10) days' written notice for such abatement by the Building Inspector. If not so abated, the Building Inspector shall cause the same to be done and the cost thereof assessed as a special tax against the property.

**(c) Extension of Time.** The Sewage Commission may extend the time for connection hereunder or may grant another temporary relief where strict reinforcement would work an unnecessary hardship without corresponding public or private benefit.

### **(d) Sewer Connection Charge.**

(1) Before the required connection is made for an existing or new building used or to be used for human habitation, a sewer connection charge will be imposed on all such connections and levied as a special assessment. The charges to be assessed are as follows:

- a. One (1) time connection charge -- Five Hundred Fifty Dollars (\$550.00) per connection. (Ord. 92-54)
- b. Additional charges as required by Title 9, Chapter 2, of this Code of Ordinances.

(2) Whenever such buildings are to be erected on lots or parcels which are subject to the provisions for subdivisions within the Land Division and Platting Chapter of this Municipal Code, connection and payment of the above charges shall be in accordance with the appropriate provisions of the Subdivision and Platting Chapter.

**(e) Annexed Areas.** Buildings used for human habitation which are located in areas annexed to the City of Cedarburg are subject to Subsections (a) through (d) above.

- (f) **Exception.** The sewer connection charge shall not apply to existing buildings already serviced by City sewer when a change of use or remodeling of the premises is undertaken.

**SEC. 8-1-10 DISPOSAL OF STORM AND OTHER CLEAR WATER WASTES.**

- (a) **Prohibition on Disposition.** No person shall connect or continue the connection of any premises with any main sanitary sewer by a drain or sewer through which rain or surface water, foundation footing drainage, garage drainage or other clear water wastes may be discharged into the sanitary sewer system. All such existing connections must be disconnected within thirty (30) days of the date of notice to the owner of the property by the Building Inspector or his designee. The Sewage Commission may grant variances with respect to the time within which disconnection must be completed upon a showing of undue hardship.
- (b) **Required Connections.** Storm and other clear water wastes shall discharge to a storm sewer system where available. Where no storm sewer system is available or is not adequate to receive the anticipated flow, the storm and clear water wastes shall be disposed of by means of a sump pump and drain on the premises. Drainage shall be controlled so as to minimize the flow of such storm and clear water wastes onto streets, sidewalks and adjoining properties.
- (c) **Compliance.**
- (1) General Inspections. The Building Inspector, or his designee, bearing proper credentials and identification, shall make such inspections of individual disposal systems as are necessary to insure compliance with this Section. In those cases in which the City lacks an easement for the purpose of making such inspections and the owner or other occupant of the premises refuses voluntary access to the premises, the Building Inspector is authorized to seek a special inspection warrant under Sec. 66.122, Wis. Stats.
  - (2) Change of Ownership Inspection. Prior to a change in ownership of premises used for residential purposes, whether or not such use is exclusive, the Building Inspector shall inspect the premises to determine whether the disposal of storm and other clear water wastes is in compliance with the provisions of this Section.
  - (3) Certificate of Compliance. Upon an inspection under Subsection (c)(1) or (2) above that shows that the premises inspected comply with the requirements of this Section, a Certificate of Compliance shall be issued to the owner. Except as hereinafter provided, no change in ownership of any such property shall take place unless the Building Inspector has issued a Certificate of Compliance with the provisions of this Section within three (3) months prior to the time such change in ownership takes place. For purposes of this Section, the date the new owner acquires legal title or the right to possession, subject to rights of tenants, shall be deemed the date on which the change in ownership takes place. If a change in ownership occurs prior to the issuance of a Certificate of Compliance, the new owners shall be under a continuing duty to obtain said Certificate of Compliance.
  - (4) Written Notice of Violation. A person found to be violating any provision of this

Section shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The person committing the violation shall, within the period stated within such notice, correct the situation and permanently cease all violations.

- (5) **Escrow.** In the event no inspection of the premises has been made prior to the change in ownership or in the event an inspection of the premises prior to the change in ownership discloses noncompliance with the provisions of this Section and insufficient time remains to effect compliance prior to such change in ownership, then in either event the sum of Six Hundred Dollars (\$600.00) shall be withheld from the proceeds of the transaction and shall be placed in escrow with an agent agreeable to the parties, or with the new owners in the absence of such an agreement, to insure compliance with the provisions of this Section. The parties to a change in ownership shall cause the premises to come into compliance and shall obtain a Certificate of Compliance within thirty (30) days after the change in ownership. After issuance of a Certificate of Compliance and after payment of all labor and materials provided, any balance remaining in the escrow fund shall be released to the former owner of the premises.
- (d) **Penalty.** Every person, firm or corporation who is a party to a change in ownership which takes place prior to the issuance of a Certificate of Compliance and who has not established an escrow as stated previously, who refuses to comply with a special inspection warrant issued pursuant to Sec. 66.122, Wis. Stats., or violates this Section in any other manner, shall be subject to the penalties set forth in Section 1-1-7. Imposition of a penalty shall not abrogate the requirement that a Certificate of Compliance be issued after a change in ownership takes place or that any violation be corrected. Every day that elapses until said Certificate is issued shall constitute a separate violation of this Section.
- (e) **Liability.** Any person violating any provisions of this Section shall be liable to the City for any expense, loss or damage to the City which results from such violation.
- (f) **Appeal.** Any person adversely affected by the enforcement of this Section may file with the Sewage Commission within ten (10) days of the date of the enforcement action a written request for reconsideration, setting forth in detail the facts supporting such request. The Commission shall render a decision within thirty (30) days of receipt of the request. Decisions of the Commission may be appealed to the Common Council. The Council shall hear the appeal within forty-five (45) days of filing the appeal from the decision of the Sewage Commission and render its decision on appeal within twenty (20) days of its hearing. A fee of Twenty-five Dollars (\$25.00) shall be paid to the City Clerk at the time of filing any appeal to the Common Council under this Section. This fee may be refunded by the Common Council if the appeal is sustained in favor of the appellant.
- (g) **Fees.** A fee of fifty (\$50.00) dollars shall be paid to the City Treasurer prior to inspection of the subject premises pursuant to Subsection (c) above. If additional inspection(s) are required to assure compliance with the provisions of this Section and the issuance of a Certificate of Compliance, an additional fee of forty-five (\$45.00) dollars shall be paid to the City Treasurer prior to each such inspection. (Ord. 90-02) (Ord. 90-36) (Ord. 91-37)
- (h) **Disclaimer.** A Certificate of Compliance indicates that, so far as can be reasonably

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determined by a visual inspection of the premises and a review of City records, the premises meets the requirements of this Section. Neither the City of Cedarburg nor the Building Inspector assumes any liability in the inspection or issuance of a Certificate of Compliance and, by the issuance of a Certificate of Compliance, does not guarantee or warrant the condition of the premises inspected.

## 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 streams 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 City Clerk, Fire Department and Police Department so that assistance can be given by the proper.
- (c) **Financial Liability.** 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, or its designated agent, in an effort to minimize the pollutorial effects of the discharged waste.

#### **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.

Cross Reference: Title 5, Chapter 2.

## CHAPTER 3

### Refuse Collection and Disposal

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#### SEC. 8-3-1 TITLE.

This Chapter shall be known as the Solid Waste Management Ordinance of the City of Cedarburg, hereinafter referred to as this "Ordinance" or "Chapter."

#### SEC. 8-3-2 DECLARATION OF POLICY.

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the City by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

#### SEC. 8-3-3 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

- (a) **Appliances, major** - Residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, refrigerators, microwave ovens, stoves, ovens, water heaters and dehumidifiers. (Ord. 91-05) (Ord. 95-36)
- (b) **Building** - A single, occupied structure composed of single or multiple units.
- (c) **Bulky Waste** - Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods (items larger than four (4) feet in any direction and/or weigh more than fifty (50) pounds).
- (d) **Commercial Unit** - Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.

- (e) **Curb** - The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
- (f) **Deciduous Material** - Yard and garden wastes including leaves, grass clippings, flowers and similar vegetation, but specifically excluding sod, dirt, fruits, vegetables and other similar waste material.
- (g) **Demolition Wastes** - That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.
- (h) **Disposal** - The orderly process of discarding useless or unwanted material.
- (i) **DNR** - The Wisconsin Department of Natural Resources.
- (j) **Dump** - A land site where solid waste is disposed of in a manner that does not protect the environment.
- (k) **Dwelling Unit** - A place of habitation occupied by a normal single family unit or a combination of persons who may be considered as equivalent to a single family unit for the purposes of this Chapter.
- (l) **Garbage** - Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables originally used for foodstuffs.
- (m) **Hazardous Waste** - Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
- (n) **Industrial Waste** - Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation. (Ord. 95-36)
- (o) **Litter** - Solid waste scattered about in a careless manner, usually rubbish. (Ord. 95-36)
- (p) **Multi-family** - means a property containing four (4) or more residential units, including those which are occupied seasonally.
- (q) **Non-Residential Solid Waste** - Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four (4) or more dwelling units.
- (r) **Person** - Individuals, firms, corporations and associations, and includes the plural as well as the singular.
- (s) **Private Collection Services** - Collection services provided by a person licensed to do same by the DNR.
- (t) **Recyclable Waste** - Waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastics, newspapers cardboard, metals (aluminum, steel, tin, brass, etc.).
- (u) **Refuse** - Includes all waste material, including garbage, rubbish and industrial waste and shall, by way of enumeration but not by way of limitation, include stone, cement, boards, furniture or household appliances, garden debris.
- (v) **Residential Solid Waste** - All solid waste that normally originates in a residential environment from residential dwelling units.
- (w) **Residential Unit** - Residential unit shall mean an individual household capable of

independent habitation by a family unit. A single family dwelling shall be considered to be one (1) residential unit; multi-family dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.

- (x) **Rubbish** - Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building.
- (y) **Scavenging** - The uncontrolled removal of materials at any point in solid waste management.
- (z) **Solid Waste** - Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- (aa) **Storage** - The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (bb) **Storage Areas** - Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

#### **SEC. 8-3-4 REFUSE STORAGE AREAS.**

Storage areas shall be kept in a nuisance- and odor-free condition. Litter and solid waste shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provisions of this and other City Ordinances.

#### **SEC. 8-3-5 APPROVED WASTE AND REFUSE CONTAINERS.**

- (a) **General Container Standards.** Suitable containers of a type approved by the City shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals. Dumpsters for commercial or multi-family properties shall be screened, subject to the approval of the Building Inspector.
- (b) **Approved Containers.**
  - (1) All garbage created, accumulated or produced shall be deposited in containers of a type approved by the Public Works Commission. Each container for a residential unit shall be equipped with suitable handles and tight fitting covers, shall be watertight and shall have the capacity of not less than twenty (20) nor more than thirty-two (32) gallons if of a metal construction and not less than twenty (20) nor more than forty (40) gallons if of a plastic construction, and no single receptacle shall weigh more than fifty (50) pounds when filled. All garbage containers shall be kept in a neat,

clean and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags.

- (2) Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags must be closed with a tie and shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.
- (3) All boxes are to be recycled and not considered refuse containers. (Ord. 2008-15)
- (c) **Householder to Provide Containers.** It shall be the duty of every occupant, tenant and proprietor of any residential unit to provide, and at all times keep in a suitable place readily accessible to the garbage collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant thereof to furnish proper garbage containers. Garbage containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.
- (d) **Ashes.** Cold, completely extinguished ashes shall be placed in metal containers of no more than one (1) bushel size, or in cans of the type as specified for garbage, provided that no receptacle shall weigh more than fifty (50) pounds when filled. (Ord. 2008-15)
- (e) **Illegal Containers.** Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight. (Ord. 95-36)
- (f) **Defective Containers.**
  - (1) All garbage cans incapable of continuing to meet the definition of an approved container because of damage, loss of handles, or other factors, shall be tagged by the collection crew. The collection crew will also leave notification of the defects on the premises. The next collection day the container appears it will be collected and disposed of. The Department of Engineering and Public Works or the private collection firm under contract with the City shall establish standards for the collection crews to use in the determination of whether a container is defective and the methods and procedures for tagging defective containers. (Ord. 95-36)
  - (2) Where garbage cans from several residential units are placed for collection at the same location, the garbage cans shall be identified with the address number so ownership can be determined.

#### **SEC. 8-3-6 COLLECTION OF REFUSE.**

- (a) **Placement For Collection**
  - (1) Residential solid waste shall be accessible to collection crews. Collection by packer truck is limited to rubbish and garbage. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. Bulky wastes will not be collected under the normal pickup. During

winter months, solid waste shall not be placed on top of the snow bank nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handing procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.

- (2) No garbage containers or other containers for refuse other than those of the City shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Director of Engineering and Public Works may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse. (Ord. 95-36)

(b) **Restriction on Time of Placement.**

- (1) The City shall provide facilities for the collection of residential garbage, ashes and rubbish once per week. (Ord. 95-36)
- (2) All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above only after 5:00 p.m. on the evenings prior to the regular collection time the following day and no later than 6:30 a.m. on the day of pickup. All receptacles, bags and containers for refuse disposal and recycling carts shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. Refuse and recycling containers must be stored within a garage or accessory structure or in a location screened from street view. City employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner. (Ord. 91-05) (Ord. 91-07) (Ord. 95-36) (Ord. 2001-15) (Ord. 2003-34) (Ord. 2008-15)

(c) **Qualifications to Receive Municipal Refuse & Recyclable Collection Service.**

Effective January 1, 2009, all occupied buildings are eligible to receive refuse and recyclable collection service, subject to the following limitations:

- (1) The base level of service per building for refuse will be up to the equivalent of six (6), thirty-two (32) gallon garbage containers per building per week. If a building generates more refuse than this amount, the building would not be eligible for service through the City. (Ord. 2008-15)
- (2) The base level of service per building for recycling will be one (1), sixty-four (64) gallon recycling cart per building biweekly (every two weeks). If a building generates more recycling than this amount, the building owner has the option to exchange the one sixty-four (64) gallon recycling cart for one ninety-six (96) gallon recycling cart upon paying a one-time non-refundable fee of \$25.00. Pickup would continue to be on a biweekly (every two weeks) basis. If additional carts are needed,

the building owner may purchase an additional cart(s) and an invoice will be sent on a yearly basis for the actual cost of pickup. All recyclable material must be placed within the cart. Any recyclable material placed outside of the cart will not be picked up. (Ord. 2008-15)

- (3) In order to receive municipal service (equivalent of six (6) thirty-two (32) gallon garbage containers or less weekly and up to one (1) sixty-four (64) gallon recycling cart biweekly(every two weeks)), commercial, business, industrial and multi-family building owners shall sign and return a service request form to the Department of Engineering and Public Works. (Ord. 2008-15)
- (4) Buildings regularly exceeding the described municipal service limits for refuse amounts shall have their service revoked. For the purpose of this ordinance, regularly exceeding shall mean having more garbage than the described limits for two (2) consecutive weeks, or five (5) times in a calendar year. (Ord. 2008-15)
- (5) The Director of Engineering & Public Works shall be responsible for making decisions regarding refuse and recycling service qualification. If a building is to have service revoked, such service shall cease no sooner than fourteen (14) days following notice of the Director of Engineering & Public Works. Building owners who have had their service revoked may appeal this decision to the Public Works Commission. The Public Works Commission shall render a final decision regarding garbage and recyclable service appeals.
- (6) Buildings which have had service revoked may request restoration of the service no sooner than the beginning of the next calendar year following the year of their revocation. Such request must also include a statement from the building owner on how they reduced their volume to meet the prescribed limits.

#### **SEC. 8-3-7 RECYCLING OF DECIDUOUS MATERIAL.**

Every owner, occupant or person in charge of any lot, place or parcel of land within the limits of this City shall separate all deciduous material from all other garbage, rubbish and construction waste.

#### **SEC. 8-3-8 SPECIAL COLLECTIONS FOR VIOLATIONS.**

If any person, including those receiving collection from a private firm, is found in violation of the collection and storage requirements of this Chapter and fails to comply with a notification and/or citation, the Director of Engineering and Public Works shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefor. The special collection shall be made and if billing is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax roll. A person shall not use the special collection provisions of this Chapter to circumvent requirements for collection by a private firm. (Ord. 95-36)

#### **SEC. 8-3-9 TITLE TO WASTE.**

In the absence of an agreement to the contrary, title to the solid waste placed for collection by the

City of Cedarburg shall vest in the City of Cedarburg as soon as it is placed for collection.

**SEC. 8-3-10 PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.**

- (a) **Dead Animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (b) **Undrained Food Wastes.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- (c) **Ashes.** It shall be unlawful to place hot ashes for collection. (See Section 8-3-5(d)).
- (d) **Improper Placement.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the City to the provisions of this Chapter.
- (e) **Compliance With Chapter.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the City contrary to the provisions of this Chapter.
- (f) **Improper Transportation.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- (g) **Interference With Authorized Collector.** No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any authorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- (h) **Scavenging.** No person except law enforcement personnel and authorized employees of the City of Cedarburg shall remove, take, or otherwise meddle or tamper with solid waste placed for collection. (Ord. 95-04)
- (i) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.
- (j) **Burning of Waste.** It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.
- (k) **Non-Collectible Materials.** It shall be unlawful for any person to place for collection any of the following wastes:
  - (1) Hazardous waste.
  - (2) Toxic waste.
  - (3) Chemicals.
  - (4) Explosives or ammunition.
  - (5) Drain or waste oil or flammable liquids.
  - (6) Large quantities of paint (paint which is dried out and lid removed is acceptable).
  - (7) Inoperable vehicles.

- (8) Lumber which is not bundled, exceeds four foot in length, or exceeds 50 pounds in total.
  - (9) Trees and shrubbery.
  - (10) Lead acid batteries. (Ord. 91-05)
  - (11) Major appliances. (Ord. 91-05)
  - (12) Grass clippings, leaves, brush and organic garden and yard waste. (Ord. 92-37)
  - (13) Bulky wastes (items larger than four (4) feet in any direction and/or weighting more than fifty (50) pounds.
- (l) **Animal or Human Wastes.** It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as "kitty litter" may be placed for collection if animal wastes are removed prior to disposal.
  - (m) **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
  - (n) **Building Waste.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor. (Acceptable amount per week is materials under four (4) feet in length and width which is tied or confined and under fifty (50) pounds.
  - (o) **Unlawful Dumping.** No person shall dump any garbage, rubbish, ashes, refuse or deciduous material anywhere in the City except in an approved private or public dump or refuse container at such times and places and conditions as designated by the Director of Engineering and Public Works and except where certain of these materials are used in a normal manner for improving property by grading, fertilizing or resurfacing.

#### **SEC. 8-3-11 GARBAGE ACCUMULATION; WHEN A NUISANCE.**

The accumulation or deposit of garbage, trash, bulky waste or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the City which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

#### **SEC. 8-3-12 REFUSE FROM OUTSIDE THE MUNICIPALITY.**

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the City of Cedarburg.

#### **SEC. 8-3-13 RECYCLING** (Ord. 94-46) (Ord. 2008-15)

- (a) **Purpose:** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in §

287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

- (b) **Statutory Authority:** This ordinance is adopted as authorized under §287.09(3)(b), Wis. Stats.
- (c) **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- (d) **Interpretation:** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544, Wis. Administrative Code, standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment of this ordinance.
- (e) **Administration.** The provision of this ordinance shall be administered by the Public Works Commission.
- (f) **Definitions.** For the purposes of this ordinance:
  - (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;
    - 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 (The Society of the Plastic Industry, Inc.) Code #2.
  - (5) "LDPE" means low density polyethylene, labeled by the SPI Code #4.
  - (6) "Local Authorized Dealer" means a business or individual that is authorized to accept for recycling or other processing any recyclable materials.
  - (7) "Magazines" means magazines and other materials printed on similar paper.
  - (8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
  - (9) "Multiple-family dwelling" means a property containing four (4) or more residential units, including those which are occupied seasonally.
  - (10) "Newspaper" means a newspaper and other material printed on newsprint.

- (11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
  - (12) "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. The term does not include industrial process waste.
  - (13) "Other resins or multiple resins" means plastic resins labeled by the SPI Code #7.
  - (14) "Person" including any individual, corporation, partnership, association, local governmental unit, as defined in §287.01(5m), Wis. Stats., state agency or authority or federal agency.
  - (15) "PETE" means polyethylene terephthalate, labeled by the SPI Code #1.
  - (16) "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.
  - (17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §291.01(7), Wis. Stats.; waste from construction and demolition of structures; scrap automobiles; or high-volume industrial waste, as defined in §289.01(17), Wis. Stats.
  - (18) "PP" means polypropylene, labeled by the SPI Code #5.
  - (19) "PS" means polystyrene, labeled by the SPI Code #6.
  - (20) "PVC" means polyvinyl chloride, labeled by the SPI Code #3.
  - (21) "Recyclable materials" includes lead acid batteries; major appliances, waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers; including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
  - (22) "Solid waste" has the meaning specified in §289.01(33), Wis. Stats.
  - (23) "Solid waste facility" has the meaning specified in §289.01(35), Wis. Stats.
  - (24) "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.
  - (25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
  - (26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean wood vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (g) **Separation of Recyclable Materials.** Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:
- (1) Lead acid batteries
  - (2) Major appliances
  - (3) Waste oil

- (4) Yard waste
  - (5) Aluminum containers
  - (6) Bi-metal containers
  - (7) Corrugated paper or other container board
  - (8) Foam polystyrene packaging
  - (9) Glass containers
  - (10) Magazines
  - (11) Newspaper
  - (12) Office paper
  - (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins
  - (14) Steel containers
  - (15) Waste tires
- (h) **Separation Requirements Exempted.** The separation requirements of Section 8-3-13(g) do not apply to the following:
- (1) Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8-3-13(g) from solid waste in as pure a form as is technically feasible.
  - (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (3) A recyclable material specified in Section 8-3-13(g)(5-15) for which a variance has been granted by the Department of Natural Resources under §287.07(7)(h), Wis. Stats. or NR544.14, Wis. Admin. Code.
- (i) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-13(g) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored between collection dates in a manner which protects them from wind, rain, and other inclement weather conditions.
- (j) **Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:
- (1) Lead acid batteries shall be taken to a local authorized dealer accepting this product.
  - (2) Major appliances shall be taken to a local authorized dealer accepting this product or picked up under the City of Cedarburg Appliance Pickup policy. (Ord. 2008-15)
  - (3) Waste oil shall be taken to a local authorized dealer accepting this product. Waste oil may be taken to the Public Works Facility for acceptance during posted hours of operation.

- (4) Yard waste, brush and grass clippings shall be handled in accordance with adopted City policies. (Policy PW-6) (Ord. 96-31)
- (k) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Director of Engineering & Public Works, occupants of single family and two to four unit residences and multiple families shall do the following for the preparation and collection of the separated materials specified in Section 8-3-13(g).
- (1) Aluminum containers shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day. (Ord. 2008-15)
  - (2) Bi-metal containers shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day. (Ord. 2008-15)
  - (3) Corrugated paper or other container board, magazines, newspapers and office paper shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day. (Ord. 2008-15)
  - (4) Glass containers shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day. (Ord. 2008-15)
  - (5) Rigid plastic containers including PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7) shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day. (Ord. 2008-15)
  - (6) Steel containers shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated day of collection. (Ord. 2008-15)
  - (7) Waste tires shall be disposed at designated local authorized dealer accepting this product.
  - (8) All recyclable material must be placed within the cart. Any recyclable material placed outside the cart will not be picked up.
- (l) **Responsibilities of Owners or Designated Agents of Multi-Family Dwellings.**
- (1) Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in Section 8-3-13(g)(15):
    - a. Provide adequate separate containers for the recyclable materials.
    - b. Notify tenants in writing at the time of renting or leasing the dwelling at least semi-annually thereafter about the established recycling program.
    - c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
    - d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation and a contact person or company, including a name, address and telephone number

- (2) **The requirements specified in (1) do not apply to the owners or designated agents of multi-family dwellings if:**
- a. The postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-13(g)(5-15) from solid waste in as pure a form as is technically feasible.
  - b. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input of the facility is derived from the solid waste burned as a supplemental fuel at that facility.
  - c. Items have been granted a separation variance by the Department of Natural Resources under §287.07(7)(h), Wis. Stats. Currently the items which need not be separated from solid waste are foam polystyrene packing and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).
- (m) **Responsibilities of Owners or Designated Agent of Non-Residential Facilities and Properties.**
- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8-3-13(g)(5-15):
    - a. Provide adequate separate containers for the recyclable materials.
    - b. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
    - c. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
    - d. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
  - (2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licenses by the Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-13(g)(5-15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (n) **Prohibitions on Disposal of Recyclable Materials Separated for Recycling.**
- No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 8-3-13(g)(5-15) which may have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (o) **Enforcement.**
- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, the Director of Engineering & Public Works or his or her designee may inspect

recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to the Director of Engineering & Public Works or his or her designee, who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

- (2) Any person who violates a provision of this ordinance may be issued a citation by the City of Cedarburg Police Department to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Any person who violates a provision of this Ordinance may be required to forfeit not less than \$50 or more than \$1,000 for each violation.

**CHAPTER 4** (Ord. 97-15)

City Cemeteries

8-4-1	Policy Statement
8-4-2	Control and Management of Zur Ruhe Cemetery
8-4-3	Control and Management of Immanuel Cemetery
8-4-4	Platting of New Cemetery Lots
8-4-5	Purchase of Lots
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8-4-14	Miscellaneous

**SEC. 8-4-1 POLICY STATEMENT.**

The Zur Ruhe Cemetery, Immanuel Cemetery and other municipal cemeteries of the City are owned and maintained by the City for the benefit of all citizens. Definite rules and regulations shall be established by the Public Works Commission to insure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth in the ordinances of this Chapter to govern the City cemeteries. The City reserves the right to amend or change any of these ordinances to conform with newly developed cemetery practices. However, before such change is made, a public hearing shall be held thereon before the Public Works Commission and a notice thereof shall be published in the official City newspaper at least seven (7) days prior to such hearing.

**SEC. 8-4-2 CONTROL AND MANAGEMENT OF ZUR RUHE CEMETERY.**

- (a) **Management.** The Zur Ruhe Cemetery is under the control and management of the Public Works Commission for the City of Cedarburg under the terms and conditions as set forth in this Section.
- (b) **Area.** The Zur Ruhe Cemetery, located along Bridge Road, between Jefferson Avenue and the WEPCO right-of-way, was established in 1870 by the owners thereof on that part of the S.W. 1/4 of Sec. 26, T. 10 N., R. 21 E. and described as follows: Commencing at the N.W. corner of the S.W. 1/4 of Sec. 26, running thence East 4 chains and 31 links, thence South 6 chains and 66 links, thence West 4 chains and 31 links, thence North 6 chains and 66 links to the place of beginning;

And also a parcel of land lying in the N.W. 1/4 of the S.W. 1/4 of Sec. 26, T. 10 N., R. 21 E.,

commencing at a point 439.56 feet South of the 1/4 post; running thence East 281.5 feet to a point, thence South 79.2 feet to a point in the North line of the right-of-way of the Milwaukee Northern Railway Co., thence Southwesterly on the North line of said Railway Company 303.0 feet to a point, thence West 58.0 feet to a point in the West line of said Sec. 26, thence North on said Section line 278.0 feet to the place of beginning; an addition made in 1919;

And also on Lot 1, Block 1 of Hilgen Schroeder's Addition, a recorded subdivision in the City of Cedarburg; an addition made in 1971;

And also on the Southerly ½ of that part of the S.E. 1/4 of Sec. 27, T. 10 N., R. 21 E., bounded and described as follows: Commencing at the N.W. corner of Lot 1, Block 1 of Hilgen Schroeder's Addition; thence North along the East line of Jefferson Street, 33.0 feet to the S.W. corner of Lot 10, Block 7 of Ludwig Groth's Subdivision, thence East along the South line of said Lot 10, 102.5 feet to a point, thence South on a line parallel and 102.5 feet distant from the East line of Jefferson Street, 33.0 feet to the N.E. corner of Lot 1, Block 1 of Hilgen Schroeder's Addition; thence West along the North line of said Lot 1, Block 1, 102.5 feet to the N.W. corner of Lot 1, Block 1, the point of beginning, an addition made in 1971;

And also on the Northerly ½ of that part of the S.E. 1/4 of Sec. 27, T. 10 N., R. 21 E., bounded and described as follows: Commencing at the N.W. corner of Lot 1, Block 1 of Hilgen Schroeder's Addition; thence North along the East line of Jefferson Street, 33.0 feet to the S.W. corner of Lot 10, Block 7 of Ludwig Groth's Subdivision; thence East along the South line of said Lot 10, 102.5 feet to a point; thence South on a line parallel and 102.5 feet distant from the East line of Jefferson Street, 33.0 feet to the N.E. corner of Lot 1, Block 1 of Hilgen Schroeder's Addition; thence West along the North line of said Lot 1, Block 1, 102.5 feet to the N.W. corner of Lot 1, Block 1 and the point of beginning; an addition made in 1971.

- (c) **Conveyance.** The cemetery association organized to care and maintain the Zur Ruhe Cemetery on June 1, 1977, voted to convey the cemetery property and all of the trust funds pertaining thereto to the City of Cedarburg.
- (d) **Regulation.** The Zur Ruhe Cemetery shall be cared for and maintained by the City of Cedarburg and placed under the control and management of the Public Works Commission under the following terms and conditions, which terms and conditions may be modified or changed by the acts of the Common Council of the City of Cedarburg as conditions warrant:
  - (1) The name Zur Ruhe Cemetery shall be retained.
  - (2) The cemetery shall be maintained in a neat and orderly and attractive appearance as the income of trust funds and appropriations by the City will permit.
  - (3) The regulations contained in this Chapter shall be applicable.

#### **SEC. 8-4-3 CONTROL AND MANAGEMENT OF IMMANUEL CEMETERY.**

- (a) **Area.** The Immanuel Cemetery, located on Hamilton Road between Park Lane and Landmark Drive, was established in 1924 and has maintained a cemetery on the following-described parcels of land:

Commencing at a point in the center of the Hamilton and Cedarburg Road and being the Southeast corner of a piece of land now owned by Henry Marquardt, and running from there N. 60E E. 7.95 chains, thence South 46E East, 3.43 chains, thence South 61E West 7.95 chains to the center of said Hamilton and Cedarburg road, thence along the center of said road North 46E East 3.43 chains to the place of beginning. And containing 2.64 acres and being a part of Sec. 35-10-21 East.

Commencing at a point, which is 1.38 chains North from the Southeast corner of the Northwest 1/4 of Section 35-10-21 East, and running from there North 2.33 chains to a point, thence North 46E West 2.95 chains to a point, thence South 61E West 1.90 chains to a point, thence South 46E East 5 chains to the place of commencement. Containing 75/100 of an acre and being a part of Section 35, Town 10, North, of Range 21 East.

Commencing at a point in the North and South quarter line of Section 35, Township 10 North, Range 21 East, which point is 2383.85 feet South 0 degrees 9 minutes West from the North quarter stone of said Section 35, and running from there North 47 degrees 18 minutes West 194.7 feet to a point; thence South 58 degrees 46 minutes West 127.55 feet to a point, and which point is the point of commencement of the parcel of land to be described, and running from there North 47 degrees 53 minutes West 943.45 feet to a concrete monument; thence South 43 degrees 49 minutes West 499.6 feet to the centerline of the Cedarburg Hamilton Road; thence 47 degrees 59 minutes East 809.8 feet along the centerline of the Cedarburg-Hamilton Road to a point; thence North 58 degree 46 minutes East 519.85 feet to the point of commencement, containing 10.04 acres of land, more or less, together with all buildings and improvements thereon, and being part of the Northwest Quarter of Section 35, Township 10 North, Range 21 East, in the Town of Cedarburg, Ozaukee County, Wisconsin.

- (b) **Conveyance.** The cemetery association organized to care and maintain the Immanuel Cemetery on September 1, 1978, voted to convey the cemetery property and all of the trust funds pertaining thereto to the City of Cedarburg.
- (c) **Regulation.** The cemetery shall be cared for and maintained by the City of Cedarburg and placed under the control and management of the Public Works Commission under the following terms and conditions, which terms and conditions may be modified or changed by the acts of the Common Council of the City of Cedarburg as conditions warrant:
- (1) The name Immanuel Cemetery shall be retained.
  - (2) The cemetery be maintained in a neat and orderly and attractive appearance as the income and trust funds and appropriations by the City will permit.
  - (3) The regulations contained in this Chapter shall be applicable.

**SEC. 8-4-4 PLATTING OF NEW CEMETERY LOTS.**

- (a) **Platting.** Before any new block of a municipal cemetery is opened for the sale of lots, the Public Works Commission shall cause it to be platted and recorded in the office of the Register of Deeds.

**SEC. 8-4-5 PURCHASE OF LOTS.**

- (a) **Definition of Cemetery Lot.** Definition according to Wis. Stats. 157.061(2m), “Cemetery Lot” means “a grave or 2 or more contiguous graves and, when used in reference to the sale, purchase or ownership of a cemetery lot, includes the right to bury human remains in that cemetery lot.”
- (b) **Price of Lots.** The Public Works Commission shall, from time to time, fix a price on all lots to be sold or transferred in City cemeteries.
- (c) **Sale of Lots.** Persons or their agents desiring to purchase a lot in the cemetery are referred to the Cemetery Supervisor or to the duly authorized agent. The Cemetery Supervisor will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection and upon receipt of proper payment, the City Clerk shall issue a deed to the lot in the form prescribed by the City Attorney. The deed shall be signed by the City Clerk and Mayor and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the County Register of Deeds.

**SEC. 8-4-6 OWNERSHIP RIGHTS OF INTERMENT.**

- (a)
  - (1) The lot owner or his authorized agent shall have the right to use a lot for burial purposes only in accordance with the terms of the cemetery rules and regulations.
  - (2) Upon full payment of the purchase price of a lot, the City Clerk will issue a cemetery deed, under seal, and the deed will be recorded in the records of the City as evidence of ownership of the lot. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.
  - (3) The lot owner shall have acquired the lot for interment of himself and members of his family. However, the lot owner may grant written permission (which must be notarized and placed on file with the City Clerk) for the burial of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein, or a relative, or the husband, or wife of such person, or his or her relative, except by the consent of all persons having an interest in the lot.
- (b) Unless otherwise directed in writing and filed with the City Clerk, the lot owner, his devisees, or his heirs, the cemetery will permit the interment of members of his family at the request of any interested person upon proof of eligibility for burial as follows:
  - (1) The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
  - (2) When there is no surviving spouse, the devisees, or heirs of the owners, may, by

agreement in writing, determine who among them shall have the of interment or direction for interment, which agreement shall be filed with the City Clerk.

- (3) In the event the owner, his devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner, shall have the right to interment in order of their need.
- (c) All burial rights in cemetery lots purchased from the City occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of lots. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the City Clerk before the City will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the cemetery lots and devise same to one (1) person.
- (d) Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
- (1) The Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the Clerk until a fee set by the Public Works Commission has been paid therefor. Said fee shall go into the general municipal fund.
  - (2) Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the City Clerk. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the section, block and grave(s) number.
  - (3) No owner of a cemetery lot shall sell, transfer or assign the same or the unused portion thereof to any other person without the City's consent. If the owner of any lot or part of a lot should sell or transfer the same without giving notice to the City, except through probate, of such transaction, such sale or transfer shall be null and void.

#### **SEC. 8-4-7 CARE OF LOTS.**

- (a) In order to assure reliable means for permanent care, a perpetual care fund is created. Income from this fund will provide partial maintenance costs of the cemetery. All lots sold in municipal cemeteries shall be provided with perpetual care services, the expense to be included in the price of the lot.
- (b) Such perpetual care shall be limited to the maintenance of lawn, leaf disposal, filling sunken graves, caring for avenues, alleys, fences, and grounds in general. It is understood that such expenditures shall be made at the discretion of the City.

#### **SEC. 8-4-8 PRIVILEGES AND RESTRICTIONS.**

- (a) No mound shall be raised upon any grave above the general level of the lot.
- (b) No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans and other such objects may not be

placed on lots and, if so placed, will be removed by the City without notice.

- (c) All landscaping, care of lots and other work in the cemetery will be done by the City.
- (d) The City reserves the right for its workmen and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.
- (e) The City, or its employees, assumes no liability for damages to property or of person, or for physical or mental suffering arising out of the performance of its normal operations, or for loss by vandalism or other acts beyond its reasonable control.
- (f) The City reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

#### **SEC. 8-4-9 RULES FOR VISITORS.**

- (a) The cemetery will be open to visitors at all times between the hours of 6:00 a.m. to 11:00 p.m. Permission to enter the cemetery at any other time must be obtained from the Cemetery Supervisor.
- (b) Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
- (c) Persons or picnic parties with refreshments or alcoholic beverages are not permitted within any municipal cemetery.
- (d) Dogs will only be allowed in the cemetery when confined in a vehicle.
- (e) Firearms will not be allowed in the cemetery except in conjunction with military funerals. At all other times, firearms, bows and arrows, sling shots and other like articles will not be allowed.
- (f) Visitors are required to use the walks and drives whenever possible and shall not pick any flowers (either wild or cultivated); injure any shrub, tree or plant; or mar or deface any monument, stone or structure in the cemetery.
- (g) No riding of bicycles, motor bikes, motorcycles or other such vehicles will be allowed in the cemetery unless such vehicles are present in conjunction with cemetery business.
- (h) No vehicle shall be driven in a municipal cemetery except on roads designated for that purpose, nor shall such vehicle be driven in a reckless manner.

#### **SEC. 8-4-10 INTERMENTS.**

- (a) Interments will be made only during daylight hours unless with prior approval of the Cemetery Supervisor.
- (b) All underground interments shall be made in a concrete or similar material burial vault which completely encases the casket. The burial vault is intended to support the weight of the earth above the grave including the movement of cemetery machinery. A burial liner which only covers the top and side of the casket is not allowed. (Ord. 2011-08)
- (c) All graves shall be dug at no cost to the City but shall be under the direction of the Cemetery Supervisor or his authorized agent.
- (d) No burial will be permitted until a Final Disposition of Human Corpse permit has been

presented to the Cemetery Supervisor. Furthermore, no grave shall be prepared for burial until an Authorization to Open Grave form has been signed by the legal owner of a lot or his designee.

- (e) There will be no responsibility on the part of the City for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
- (f) The interment of two (2) bodies, neither of which are cremated remains, in one (1) grave will not be allowed, except in the case of a parent and infant, twin children, or two (2) children buried at the same time, or in special circumstances with the approval of the Cemetery Supervisor.
- (g) The interment of four (4) cremated remains may be allowed in one (1) lot. The minimum container requirement for cremated remains shall be as supplied by a crematorium.
- (h) The interment of one body and one (1) or two (2) cremated remains may be allowed in one (1) lot.
- (i) Regardless of the number of interments per grave, only two (2) markers will be allowed on a lot, of which one (1) shall be flush with the ground and of a size which meets the approval of the Cemetery Supervisor.

#### **SEC. 8-4-11 MONUMENTS AND MARKERS.**

- (a)
  - (1) In Zur Ruhe and Immanuel Cemeteries, the parties with interests in lots may maintain one (1) existing monument per platted lot or erect one (1) monument, approved by the Cemetery Supervisor, per platted lot. Owners of areas less than a platted lot may retain or erect a monument if approved by the Cemetery Supervisor.
  - (2) Grave markers and foundations will be set only by the monument company according to regulations specified by the City. Except as herein otherwise provided, under no conditions will the City construct monument or marker bases or erect monument or markers on bases. The City reserves the right to require the construction of a foundation of such size, material and design as will provide ample insurance against settlement or injury to the stone work. These requirements will be on file and available from the office of the Cemetery Supervisor. A permit shall be required and available from the office of the Cemetery Supervisor. (Ord. 99-09)
- (b) The setting of monuments, stones and markers and the transportation of all tools, materials, etc., within the cemetery ground shall be subject to the supervision and control of the Cemetery Supervisor. Unless special arrangements are made with the Cemetery Supervisor, such work shall be conducted between the hours of 8:00 a.m. and 4:00 p.m., Mondays through Fridays, except on national holidays. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Cemetery Supervisor, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.
- (c) The City reserves the right to refuse permission to erect any monument work not in keeping with the good appearance of the grounds. The size of the monument and/or stone work must be given to the Cemetery Supervisor or his agent and approved before said work will be permitted on a lot. All monuments must be set in line with other monuments so far as

- possible as directed by the Cemetery Supervisor or his assistant.
- (d) Stone work or monumental work, once placed on its foundation, shall not be removed, except by permission of the Cemetery Supervisor.
  - (e) Temporary markers must be removed or replaced with a permanent marker within one (1) year.

**SEC. 8-4-12 VAULTS AND MAUSOLEUMS.** (Ord. 95-46)

- (a) Construction of vaults and mausoleums is prohibited in Zur Ruhe Cemetery and in all areas of Immanuel Cemetery except areas certain to contain bedrock that prohibits grave excavation.
- (b) Construction of vaults, crypts and mausoleums shall be permitted in Immanuel Cemetery in areas certain to contain bedrock that prohibits grave excavation under the following conditions:
  - (1) Above ground vaults, crypts or mausoleums shall be constructed of a polished, durable-cut hard stone on a one-piece stone slab placed over a concrete slab (see #2). Walls shall be anchored with bronze or otherwise corrosion-resistant hardware. All joints shall be pinned and sealed with epoxy. No concrete, mortar or soft stone shall be used in construction of the vault, crypt or mausoleum (see #2).
  - (2) The vault, crypt or mausoleum shall be placed on a concrete slab with a concrete footing installed to a depth below the frost line or upon solid bedrock. The foundation and slab shall be of a sufficient size and strength to support the weight of the vault, crypt or mausoleum.
  - (3) The vault, crypt or mausoleum for one- or two-person interment shall be permitted provided that in the case of a two-person vault, crypt or mausoleum, it shall be centered or placed forward, if necessary, to allow access to other grave sites on a minimum of an eight-grave burial plot. For a one-person vault, crypt or mausoleum, it shall be centered or placed forward, if necessary, to allow access to other grave sites, on a minimum of a four-grave burial plot. The Building Inspector, or his designee, shall have the authority to site the vault, crypt or mausoleum to allow access to surrounding grave sites.
  - (4) The two-person vault, crypt or mausoleum shall be no higher than forty-eight (48) inches as measured from the top of the foundation slab. It shall be no longer than nine (9) feet, no wider than eight (8) feet. The one-person vault, crypt or mausoleum shall be no higher than forty-eight (48) inches as measured from the top of the foundation slab. It shall be no longer than nine (9) feet nor wider than four (4) feet.
  - (5) No other markers, monuments or burials, including cremains, shall be permitted on the four- or eight-grave burial plot site containing the vault, crypt or mausoleum.
  - (6) The Building Inspector shall approve all vaults, crypts or mausoleums before construction begins. The Building Inspector may, at his discretion, refer the vault, crypt or mausoleum design to the Public Works Commission for their review and approval if the architectural design is not compatible for the site chosen.

**SEC. 8-4-13 TREES, SHRUBS AND FLOWERS.** (Ord. 97-15)

- (a) The planting of trees and shrubs on any lot will not be permitted.
- (b) The removal of any trees, shrubs and/or stumps will be done by the City under the direction of the Cemetery Supervisor.
- (c) Fresh cut, potted or artificial plants and flowers are permitted on the lot; however, all plantings must be no more than twelve inches (12") from the front of the monument and no glass vases are allowed. If these plants and flowers are not maintained and when they become unsightly or undesirable, they will be removed by the City.

**SEC. 8-4-14 MISCELLANEOUS.**

- (a) It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire Cemetery.
- (b) All fees and charges as outlined in the current schedule of fees and charges are payable at the office of the City Treasurer, where receipts will be issued for the amounts paid.
- (c) A schedule of the fees and charges, as established by the Public Works Commission, shall be on file in the office of the City Clerk. Such schedule may change from time to time without advance notice to conform with current economic conditions.
- (d) The City will take reasonable precautions to protect all private property, lots and/or grave owners' property in the Cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of Providence, including wind, tornadoes, hail, snow, rain and frost, whether the damage be indirect or proximate.
- (e) The City Cemetery trust fund shall be managed in accordance with Chapter 881 of the Wisconsin Statutes. (Ord. 97-15)