

TITLE 8

Health and Sanitation

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Health and Sanitation

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Sec. 8-1-1 Rules and Regulations.

The Village Board, acting as Board of Health, 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 Board 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 shall abate health nuisances pursuant to Sec. 254.59, Wis. Stats., which is adopted by reference and made a part of this Section. Any future amendments, revisions, or modifications of the Statute incorporated herein by reference are intended to be made part of this Code of Ordinances.

State Law Reference: Sec. 254.59, Wis. Stats.

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

- (a) 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/her own, any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid.
- (b) Any person, firm or corporation who violates the provisions of this Section shall be subject to the general penalties found in Section 1-1-6 and shall be liable for any costs incurred by the Village for the removal or cleanup of said deposit.

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

- (a) **General Notice.** The Village Clerk-Treasurer shall annually on or before May 15th publish as required by Sec. 66.0407, Wis. Stats., a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) **Compliance Notice.** If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five (5) days' written notice by mail or personal service 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. 66.0517, Wis. Stats. Service by mail is complete upon the mailing of the notice to the occupant or the last known address of the property owner. Such written notice, in addition to specifying and describing the weeds to be destroyed, shall also set forth on the face thereof the provisions of Subsection (d). 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.
- (c) **Weed Destruction Required.** The Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village 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 and in Section 8-1-6, shall include but not be limited to the following:

Cirsium Arvense (Canada Thistle)

Ambrosia artemisiifolia (Common Ragweed)

Ambrosia trifida (Great Ragweed)
Euphorbia esula (Leafy Spurge)
Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
Tragopogon dubius (Goat's Beard)
Rhus radicans (Poison Ivy)
Cirsium vulgaries (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)

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

Agrostia alba (Redtop)
Sorghum halepense (Johnson)
Setaria (Foxtail)

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

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

- (d) **Due Process Hearing.** Any occupant or property owner served with a written notice from the Weed Commissioner may request a hearing before the Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within five (5) days of the date of the Weed Commissioner's notice. The Board of Appeals shall hold a hearing within seven (7) days from the date of the occupant's or property owner's request. The Weed Commissioner shall not destroy such weeds or cause them to be destroyed until such time as the requested hearing is held. At the hearing, the occupant or property owner may appear in person and/or by attorney and may subpoena, present and cross-examine witnesses. At the close of the hearing, the Board of Appeals shall make its determination in writing specifying its findings of facts and conclusions. If the Board of Appeals

determines that a noxious weed exists, the Board of Appeals shall order the Weed Commissioner to destroy such weeds or cause them to be destroyed unless the occupant or property owner has destroyed such weeds or caused them to be destroyed within forty-eight (48) hours of the Board of Appeals' decision. If the owner does not destroy or have destroyed such weeds within the prescribed forty-eight (48) hours, the Weed Commissioner shall cause said weeds to be destroyed.

(e) **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 penalties found in Section 1-1-6.
- (2) Any person receiving a citation or demand for a general penalty under Section 1-1-6 regarding a violation of this Section, may request a hearing in front of the Board of Appeals by following the procedures outlined in Subsection (d).

State Law Reference: Secs. 66.0407 and 66.0517, Wis. Stats.

Sec. 8-1-5 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 8-1-4 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 Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village 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 Village. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village 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 Village-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 Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board 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 Village Board 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 Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village 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 Village Clerk-Treasurer. 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 Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village 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 Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village Clerk-Treasurer 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 Village Clerk-Treasurer shall issue permission to install a natural lawn. Such permit shall be valid for two (2) years. Permit renewals shall follow the procedures in this Section.

- (d) **Application For Appeal.** The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board 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 Village Board shall be final and binding.

- (e) **Safety Precautions For Natural Grass Areas.**

- (1) When, in the opinion of the Fire Chief of the Department serving the Village of Colfax, 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 Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).

- (f) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Village President, 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 Village Board. 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. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.

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

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Colfax.
- (b) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Village Zoning Code, within the Village of Colfax 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 discomforting 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 Village. For that reason, any non-agricultural 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, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-5 above.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him/her within the Village.
- (d) **Inspection.** The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **Abatement of Nuisance.** If the Weed Commissioner or other authorized Village official shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) exists, said official shall immediately cause a five (5) day written notice to be served upon the occupant or owner of the property by mail or personal service. Said notice shall inform the occupant or property owner that, after the expiration of five (5) days, the Village will have the lawn or grasses cut so as to conform with this Section and that the cost thereof will assessed as a tax upon the lands upon which such public nuisance are located. Service by mail is complete upon the mailing of the notice to the occupant or the last known address of the property owner. Such written order, in addition to specifying and describing the lawn or grasses to be cut, shall also set forth on the face thereof the provisions of Subsection (f). In case the owner or occupant shall further neglect to comply within such five (5) day notice, then said official shall cut or have cut the lawn or grasses in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises. If such bill is not paid within sixty (60) days, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax.
- (f) **Due Process Hearing.** Any occupant or property owner served with a written notice under Subsection (e) may request a hearing before the Board of Appeals. The request for

said hearing must be made in writing to the Village Clerk-Treasurer's office within five (5) days of the date of the notice. The Board of Appeals shall hold a hearing within seven (7) days from the date of the occupant's or property owner's request. The Village shall not mow the property in question until such time as the requested hearing is held. At the hearing, the occupant or property owner may appear in person and/or by attorney and may subpoena, present and cross-examine witnesses. At the close of the hearing, the Board of Appeals shall make its determination in writing specifying its findings of facts and conclusions. If the Board of Appeals determines that a public nuisance did exist, the Board of Appeals shall order the Village to cut or have cut the lawn or grasses unless the grass or lawn has been cut by the owner within forty-eight (48) hours of the Board of Appeals' decision. If the owner does not abate the nuisance within the prescribed forty-eight (48) hours, the Village shall cause said nuisance to be abated.

(g) 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 penalties found in Section 1-1-6.
- (2) Any person receiving a ticket or demand for a general penalty under Section 1-1-6 regarding a violation of this Section, may request a hearing in front of the Board of Appeals by following the procedures in Subsection (f).

Sec. 8-1-7 Compulsory Connection to Village Sewer and Water System.

- (a) Whenever public sewer or water service has become available to any building used for human habitation or human occupancy, the Village Board shall notify in writing the owner, agent or occupant thereof to connect such facilities thereto. If such persons to whom the notice has been given shall fail to comply for more than ten (10) days after notice, the Village Board shall cause the necessary connections to be made and the expenses thereof to be assessed as a special tax against the property pursuant to Section 144.06 of the Wisconsin Statutes.
- (b) The Village Board may extend the time for connection hereunder or may grant other temporary relief where strict enforcement would work an unnecessary hardship without corresponding public or private benefit.
- (c) This Section is enacted pursuant to Section 144.06 of the Wisconsin Statutes.

Sec. 8-1-8 Unhealthy, Hazardous or Unsightly Materials on Public or Private Property.

- (a) **Inspections.** Whenever the Building Inspector, Fire Inspector or other authorized Village official shall, upon inspection of any premises within the Village of Colfax, find that there

is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish, rubble, trash, abandoned, outmoded or non-salable merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Village of Colfax in general, such official shall issue a written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Village in general, such official shall issue a written order, by registered mail with return receipt requested, to the owner and to the occupant of the premises to abate said nuisance within thirty (30) days after the date of said order, except as set forth in Subsection (g). Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection (b).

- (b) **Appeal.** Any person aggrieved by an order of a Village official under this Section may, within thirty (30) days from the date of such order, request a hearing before the Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within thirty (30) days of the date of said order. The Board of Appeals shall hold a hearing within seven (7) days from the date of the aggrieved party's request. The Village shall take no abatement action until such time as the requested hearing is held, except when necessary to remove a human health hazard in accordance with Subsection (g). At the hearing, the person aggrieved may appear in person and/or by attorney, and may subpoena, present and cross-examine witnesses. At the close of the hearing, the Board of Appeals shall make its determination in writing specifying its findings of facts and conclusions. If the Board of Appeals determines that a public nuisance did exist, the Board of Appeals may order the Village to proceed under Subsections (e), (f) and/or (h) of this Section.
- (c) **Exceptions.** Nothing contained in this Section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or nonsalable merchandise or parts or unsightly materials or things which are:
- (1) Lawfully sited pursuant to the Village Zoning Code and operated in a manner not constituting a nuisance; or
 - (2) Temporarily deposited due to an emergency; or
 - (3) Materials during construction; or
 - (4) Collected and piled for immediate pickup and disposal by the Village or by private means.

- (d) **Nonconforming Uses.** It shall not be a defense to the provisions of this Section that the owner or occupant of the premises involved has a nonconforming use under the provisions of the Village Zoning Code, but the provisions of this Section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.
- (e) **Abatement by Village.** If the inspecting officer determines that said nuisance is a human health hazard, as defined in Sec. 254.01, Wis. Stats., and is not abated within the time provided in Subsection (a), and there has been no appeal as set forth in Subsection (b), the officer shall file a written report of his/her findings with the Village Board; the Village Board shall direct the Health Officer, in case of health nuisances, and the Chief of Police, in all other cases, to cause the abatement or removal of such public nuisance. If an appeal pursuant to Subsection (b) has been denied, the Village Board shall direct the Health Officer, in case of health nuisances, and the Chief of Police, in all other cases to cause the abatement or removal of such public nuisance.
- (f) **Abatement by Court Action.** If the inspecting officer determines that said nuisance is not a human health hazard as defined in Sec. 254.01, Wis. Stats, and the nuisance is not abated within the time provided in Subsection (a), and there has been no appeal as set forth in Subsection (b), the officer shall file a written report of his/her findings with the Village Board who may cause an action to abate such nuisance to be commenced in the name of the Village in the Dunn County Circuit Court, in accordance with the provisions of Ch. 823, Wis. Stats. If an appeal pursuant to Subsection (b) has been denied, the Village Board may cause an action to abate such nuisance to be commenced in the name of the Village in the Dunn County Circuit Court, in accordance with the provisions of Ch. 823, Wis. Stats. Nothing in this Subsection shall prevent the inspecting officer or the Village from taking action under Subsection (h).
- (g) **Summary Abatement.** If the inspecting officer deems it necessary to abate or remove a human health hazard found on private property, the inspecting officer shall serve notice on the owner or occupant to abate or remove the human health hazard within a reasonable time that is not less than twenty-four (24) hours. Notice shall be personally served on the owner or occupant. If such person(s) cannot be located, the inspecting officer shall cause a copy of said notice to be posted on the premises. If the owner or occupant fails to abate or remove the hazard within the time prescribed, the inspecting officer shall cause abatement or removal.
- (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 penalties found in Section 1-1-6.
 - (2) In addition to any penalties herein provided, the Village 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.
 - (3) Any person receiving a citation or demand for a general penalty under Section 1-1-6 regarding a violation of this Section, may request a hearing in front of the Board of Appeals by following the procedures outlined in Subsection (b).

- (4) In addition to any other penalty imposed by this Chapter, the cost of abating or removing a public nuisance by the Village shall be collected as a debt from the property owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge if not paid within sixty (60) days of the billing thereof.

Sec. 8-1-9 Rodent Control.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.
 - (2) **A Rodent-Proof Container** shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
 - (3) **Rodent-Proofing** shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the Village.
 - (4) **Rodent Harborage.** Any place where rodents can live and nest without fear of frequent molestation or disturbance.
 - (5) **Hardware Cloth.** Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
- (b) **Elimination of Rodent Harborage.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.

- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
- (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Village, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
- (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the Village of Colfax to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.
- (f) **Inspections.** Whenever the Building Inspector, Fire Inspector or other authorized Village official shall, upon inspection of any premises within the Village, find that there is a violation of this Section, such official shall issue a written order, by registered mail with return receipt requested, to the owner and to the occupant of the premises to abate said violation within thirty (30) days after the date of said order, except as set forth in Subsection (j). Such written order, in addition to specifying and describing the violation, shall also set forth on the face thereof the provisions of Subsection (g).
- (g) **Appeal.** Any person aggrieved by an order of a Village official under this Section may, within thirty (30) days from the date of such order, request a hearing from the Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within thirty (30) days of the date of said order. The Board of Appeals shall hold a hearing within seven (7) days from the date of the aggrieved party's request. The Village shall take no abatement action until such time as the requested hearing is held, except to remove a human health hazard in accordance with Subsection (j). At the hearing, the person aggrieved may appear in person and/or by attorney and may subpoena, present and cross-examine witnesses. At the close of the hearing, the Board of Appeals shall make its determination in writing specifying its findings of facts and conclusions. If the Board of Appeals determines that a public nuisance did exist, the Board of Appeals may order the Village to proceed under Subsections (h), (i) and/or (k) of this Section.
- (h) **Abatement by Village.** If the inspecting officer determines that said nuisance is a human health hazard, as defined in Sec. 254.01, Wis. Stats., and is not abated within the time provided in Subsection (f), and there has been no appeal as set forth in Subsection (g), the officer shall file a written report of his/her findings with the Village Board, the Village Board shall direct the Health Officer, in case of health nuisances, and the Chief of Police,

in all other cases to cause the abatement or removal of such public nuisance. If an appeal pursuant to Subsection (g) has been denied, the Village Board shall direct the Health Officer, in case of health nuisances, and the Chief of Police, in all other cases to cause the abatement or removal of such public nuisance.

- (i) **Abatement by Court Action.** If the inspecting officer determines that said nuisance is not a human health hazard as defined in Sec. 254.01, Wis. Stats., and the nuisance is not abated within the time provided in Subsection (f), and there has been no appeal as set forth in Subsection (g), the officer shall file a written report of his/her findings with the Village Board who may cause an action to abate such nuisance to be commenced in the name of the Village in the Dunn County Circuit Court, in accordance with the provisions of Ch. 823, Wis. Stats. If an appeal pursuant to Subsection (g) has been denied, the Village Board may cause an action to abate such nuisance to be commenced in the name of the Village in the Dunn County Circuit Court, in accordance with the provisions of Ch. 823, Wis. Stats. Nothing in this Subsection shall prevent the inspecting officer or the Village from taking action under Subsection (k).
- (j) **Summary Abatement.** If the inspecting officer deems it necessary to abate or remove a human health hazard found on private property, the inspecting officer shall serve notice on the owner or occupant to abate or remove the human health hazard within a reasonable time that is not less than twenty-four (24) hours. Notice shall be personally served on the owner or occupant. If such person(s) cannot be located, the inspecting officer shall cause a copy of said notice to be posted on the premises. If the owner or occupant fails to abate or remove the hazard within the time prescribed, the inspecting officer shall cause abatement or removal.
- (k) **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 penalties found in Section 1-1-6.
 - (2) In addition to any penalties herein provided, the Village 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.
 - (3) Any person receiving a ticket or demand for a general penalty under Section 1-1-6 regarding a violation of this Section may request a hearing in front of the Board of Appeals by following the procedures outlined in Subsection (g).
 - (4) In addition to any other penalty imposed by this Chapter, the cost of abating or removing a public nuisance by the Village shall be collected as a debt from the property owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge if not paid within sixty (60) days of the billing period.

Sec. 8-1-10 Composting Regulations.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the organic waste produced from the growing, trimming, and removal of grass, branches [not exceeding one (1) inch in diameter] bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
 - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Village to proceed under Section 8-1-9.
 - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
 - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or Village in general.
 - (5)
 - a. All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
 - b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
 - (6) No compost bin shall be located in any yard except a rear yard, as defined in the Village Zoning Code. A compost bin may be located in a side yard as defined in the Village Zoning Code subject to the annual variance procedure contained in Subsections (c)(5)b and must be screened from view to the street.
 - (7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.
- (d) **Ingredients.**
 - (1) No compost bin shall contain any of the following:
 - a. Lakeweeds;
 - b. Cooked food scraps of any kind or type;

- c. Fish, meat or other animal products;
 - d. Manures;
 - e. Large items that will impede the composting process.
- (2) Permitted ingredients in a compost bin shall include the following:
 - a. Yard waste;
 - b. Coffee grounds and used tea leaves;
 - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
 - d. Commercial compost additives.
- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.
- (f) **Inspections.** Whenever the Building Inspector, Fire Inspector or other authorized Village official shall, upon inspection of any premises within the Village, find that there is a violation of this Section, such official shall issue a written order, by registered mail with return receipt requested, to the owner and to the occupant of the premises to abate said violation within thirty (30) days after the date of said order, except as set forth in Subsection (j). Such written order, in addition to specifying and describing the violation, shall also set forth on the face thereof the provisions of Subsection (g).
- (g) **Appeal.** Any person aggrieved by an order of a Village official under this Section may, within thirty (30) days from the date of such order, request a hearing before the Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within thirty (30) days of the date of said order. The Board of Appeals shall hold a hearing within seven (7) days from the date of the aggrieved party's request. The Village shall take no abatement action until such time as the requested hearing is held, except to remove a human health hazard in accordance with Subsection (j). At the hearing, the person aggrieved may appear in person and/or by attorney and may subpoena, present and cross-examine witnesses. At the close of the hearing, the Board of Appeals shall make its determination in writing specifying its findings of facts and conclusions. If the Board of Appeals determines that a public nuisance did exist, the Board of Appeals may order the Village to proceed under Subsections (h), (i) and/or (k) of this Section.
- (h) **Abatement by Village.** If the inspecting officer determines that said nuisance is a human health hazard, as defined in Sec. 254.01, Wis. Stats., and is not abated within the time provided in Subsection (f), and there has been no appeal as set forth in Subsection (g), the officer shall file a written report of his/her findings with the Village Board, the Village Board shall direct the Health Officer, in case of health nuisances, and the Chief of Police, in all other cases, to cause the abatement or removal of such public nuisance. If an appeal pursuant to Subsection (g) has been denied, the Village Board shall direct the Health Officer, in case of health nuisances, and the Chief of Police, in all other cases, to cause the abatement or removal of such public nuisance.
- (i) **Abatement by Court Action.** If the inspecting officer determines that said nuisance is not a human health hazard as defined in Sec. 254.01, Wis. Stats., and the nuisance is not abated

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within the time provided in Subsection (f), and there has been no appeal as set forth in Subsection (g), the officer shall file a written report of his/her findings with the Village Board who may cause an action to abate such nuisance to be commenced in the name of the Village in the Dunn County Circuit Court, in accordance with the provisions of Ch. 823, Wis. Stats. If an appeal pursuant to Subsection (g) has been denied, the Village Board may cause an action to abate such nuisance to be commenced in the name of the Village in the Dunn County Circuit Court, in accordance with the provisions of Ch. 823, Wis. Stats. Nothing in this Subsection shall prevent the inspecting officer or the Village from taking action under Subsection (k).

- (j) **Summary Abatement.** If the inspecting officer deems it necessary to abate or remove a human health hazard found on private property, the inspecting officer shall serve notice on the owner or occupant to abate or remove the human health hazard within a reasonable time that is not less than twenty-four (24) hours. Notice shall be personally served on the owner or occupant. If such person(s) cannot be located, the inspecting officer shall cause a copy of said notice to be posted on the premises. If the owner or occupant fails to abate or remove the hazard within the time prescribed, the inspecting officer shall cause abatement or removal.

(k) **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 penalties found in Section 1-1-6.
- (2) Any person receiving a ticket or demand for a general penalty under Section 1-1-6 regarding a violation of this Section, may request a hearing in front of the Board of Appeals by following the procedures outlined in Subsection (g).
- (3) In addition to any other penalty imposed by this Chapter, the cost of abating or removing a public nuisance by the Village shall be collected as a debt from the property owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge if not paid within sixty (60) days of the billing thereof.

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 Village.
- (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 Village Clerk-Treasurer so that assistance can be given by the proper agency.
- (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 Village, or its designated agent, in an effort to minimize the polluttional 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 Village of Colfax.