

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 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. 146.14, Wis. Stats., which is adopted by reference and made a part of this Section.

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

SEC. 8-1-3 KEEPING OF LIVESTOCK.

- (a) **Sanitary Requirements.** 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, except that rabbits may be properly kept in residential 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.

Except in public trash receptacles, 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.

- (a) The City Clerk-Treasurer shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the City which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the City shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (c) As provided for in Sec. 66.96(2), Wis. Stats., the City shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface 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 and in Section 8-1-7, 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 8-1-7, shall include but not be limited to the following:

Agrostia alba (Redtop)
Dactylis glomerata (Orchard)
Phleum pratensis (Timothy)
Poa pratensis (Kentucky Blue)
Sorghum halepense (Johnson)
Setaria (Foxtail)

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

Ragweed
Thistles
Smartweed
Dandelions (over 10 inches in height)
Milkweed (over 10 inches in height)

State Law Reference: Sec. 66.96, 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-Treasurer 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-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 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-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 City Clerk-Treasurer shall issue permission to install a natural lawn.
- (d) **Application For Appeal.** The property owner may appeal the Clerk-Treasurer'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. 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 Mayor, 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

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. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Common Council in an open meeting. 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 Enforcement Officer 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-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State statute.
- (3) The failure of the City Clerk-Treasurer 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.

- (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 Park Falls.
- (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. 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, except

- (1) property located in a designated floodplain area and/or wetland area;
 - (2) where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-6 above; or
 - (3) undeveloped lots within the city's industrial park.
- (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 five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he 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-Treasurer's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$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 a hearing is requested by the owner of the property, a hearing by the Common Council shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the City until such time as the hearing is held by the Council. 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 ENFORCEMENT OF ORDINANCE. In a case where the owner, occupant or person in charge of the property fails to cut their lawn, grass or weeds as set forth above, then, in that event, the City, by the weed commissioner shall have a written notice issued by mail giving the owner, occupant or person in charge of the property seven (7) days from the date of a written notice to abate this nuisance. The owner, occupant or person in charge of the property shall be given only one notice to abate the nuisance per growing season. The growing season shall be from May 1st to October 1st of each calendar year. In the event the aforementioned violation is not corrected within seven (7) days of the date of the written notice to the owner, occupant or person in charge of the property that person shall be cited and fined for this violation subject to the general penalty found in Section 1-1-7. Any second or subsequent violation of this ordinance at the same property by the same owner, occupant or person in charge of the property during the same growing season shall be issued an additional citation for the violation of this ordinance.

(h) PENALTY.

(1) Any owner, occupant or person in charge of the property 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.

CHAPTER 2
Pollution Abatement

- 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2 Storage of Polluting Substances
- 8-2-3 Removal of Fuel Storage Tanks

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 of Park Falls.
- (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-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 City, or its designated agent, in an effort to minimize the pollutional 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 of Park Falls.

SEC. 8-2-3 REMOVAL OF FUEL STORAGE TANKS

(A) All Owners of commercial and Family Residential Dwelling underground and aboveground flammable and combustible liquid tanks shall notify the Chippewa Fire Protection District of any and all tank removals in accordance with Wisconsin Department of commerce Code ILHR10, which requires a minimum of a 15 day notice of removal.

(B) Fee Schedule:

1) Commercial: For the removal of commercial underground and aboveground flammable and combustible liquid storage tanks, the fee shall be Fifth (\$50.00) dollars per tank with a minimum per site fee of One Hundred (\$100.00) dollars. Commercial tanks are defined as any tanks covered in conjunction with Chapters 54 through 62, and Chapter 66 of the Commercial Building Code of the State of Wisconsin, Department of Commerce.

2) Residential: For the removal of one and two family dwelling flammable and dwelling flammable and combustible liquid storage tanks, the fee shall be Fifth (\$50.00) dollars per tank. Family residential dwellings are defined per Chapters 20 and 21 of the State of Wisconsin- Department of Commerce Uniform Dwelling Code.

(C) The Chippewa Fire Protection District, as the Local Program Operator, is empowered to enforce this ordinance within the City limits, as per its contract with the State of Wisconsin- Department of Commerce.

CHAPTER 3

Municipal Refuse Collection and Disposal

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SEC. 8-3-1 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 of Park Falls by establishing minimum requirements, standards, and fees for the disposal of refuse.

SEC. 8-3-2 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) **Aluminum.** All products made of aluminum, including aluminum cans, foil, wrappers, pie pans, containers for prepared dinners or other foods, screen frames, and lawn chairs. "Aluminum" does not include aluminum that is mixed in with commercial or municipal litter or refuse as the result of the failure of citizens or business invitees to separate aluminum from other discarded material outdoors or in publicly accessible areas of buildings.
- (b) **Cardboard.** Thin, stiff, non-wax coated, corrugated pasteboard paper material, not including wax-coated cardboard, cereal boxes, laundry detergent boxes, or similar dry goods material containers.

- (c) **Commercial Waste.** Refuse or recyclable materials generated by retail businesses, hotels, motels, taverns, restaurants, services, or professional activities, but excluding residential waste and industrial waste.
- (d) **Director of Public Works.** The Street and Water Superintendent of the City of Park Falls.
- (e) **Garbage.** Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving, or consumption of food and including nonrecyclable food containers.
- (f) **Glass.** All products made from silicon, sand, soda ash, or limestone, the product being transparent or translucent and being used for packaging or bottling of various matters and all other materials commonly known as glass excluding window glass, mirrors, ceramics, china, light bulbs, broken or unclean glass and any other nontransparent or nontranslucent glass. "Glass" does not include glass that is mixed in with commercial or municipal litter or refuse as a result of the failure of citizens or business invitees to separate glass from other discarded materials outdoors or in publicly accessible areas of buildings.
- (g) **Glossy Paper.** Paper having a shiny surface including, but not limited to, magazines, catalogs, and newspaper inserts. "Gloss Paper" does not include newsprint or other unfinished paper or paper that is not suitable for recycling purposes or is in a state that makes separation unreasonable or unduly expensive for reasons including, but are not limited to, the following:
 - (1) The paper has been put to another use, such as wrapping of garbage, and is thus rendered unfit for commercial recycling; or
 - (2) The paper is no longer flat and folded to the approximate dimensions of its original condition; or
 - (3) The paper is mixed in with commercial or municipal litter or refuse as the result of the failure of citizens or business invitees to separate glossy paper from other discarded material outdoors or in publicly accessible areas of buildings; or
 - (4) The paper has been damaged or altered by any other means so as to make commercial recycling impossible or unduly difficult.
- (h) **Hazardous Waste.** Waste designated as hazardous by federal or state laws and regulations.
- (i) **Industrial Waste.** Refuse generated by industries and manufacturing which remains are a by-product of their manufacturing process in an amount exceeding one (1) ton per week.
- (j) **Metals.** Items made purely of copper, brass, lead or iron, but excluding tin cans and white goods.
- (k) **Newsprint.** That portion of newspapers or periodicals which remain in substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling. "Newsprint" does not include glossy paper or paper commonly used in the production of magazines, books, and other physical media for written material, other than newsprint as commonly used in newspapers and paper that is not suitable for recycling purposes or is in

a state that makes separation unreasonable or unduly expensive for reasons that include, but are not limited to, the following:

- (1) The paper has been put to another use, such as wrapping of garbage, and is thus rendered unfit for commercial recycling; or
 - (2) The paper is no longer flat and folded to the approximate dimensions of its original condition; or
 - (3) The paper is mixed in with commercial or municipal litter or refuse as the result of the failure of citizens or business invitees to separate glossy paper from other discarded material outdoors or in publicly accessible areas of buildings; or
 - (4) The paper has been damaged or altered by any other means so as to make commercial recycling impossible or unduly difficult.
- (l) **Nonrecyclable Material.** All pyrex glass, window glass, light bulbs, mirrors, broken glass, china, styrofoam and melamine-type plastics, including cottage cheese containers, plastic wraps and egg cartons, all wax paper, wax-coated cardboard, envelopes with gummed labels or plastic windows, tin cans, rubbish and garbage. Nonrecyclable material includes recyclable materials that are mixed in with commercial or municipal litter or refuse as a result of the failure of citizens or business invitees to separate recyclable materials from other discarded material outdoors or in publicly accessible areas of buildings. Nonrecyclable material includes all material not deemed recyclable material by the Public Services Committee of the Common Council of the City of Park Falls.
- (m) **Person.** Any person, persons, firm, partnership, association, corporation, company, or organization of any kind.
- (n) **Plastics.** Any of a group of synthetic or natural organic materials that may be shaped when soft and then hardened including resins, resinoids, polymers, cellulose derivatives, casein materials and proteins such as milk containers, juice containers, carbonated beverage containers, soap containers and bleach containers; but not including cottage cheese containers, plastic wraps, egg cartons or any form of styrofoam. "Plastics" does not include plastic that is mixed in with commercial or municipal litter or refuse as a result of the failure of citizens or business invitees to separate plastics from other discarded materials outdoors or in publicly accessible areas of buildings.
- (o) **Recyclable Materials.** All material deemed as recyclable by the Public Services Committee of the Common Council of the City of Park Falls. Recyclable materials may include, but are not limited to or wholly inclusive of newsprint, glossy paper, plastics, cardboard, aluminum, waste oil, and metals depending upon the commercial market conditions at any given time.
- (p) **Refuse.** Discarded waste materials in a solid or semi-liquid state consisting of garbage, rubbish, nonrecyclable materials or a combination thereof and excluding recyclable materials, hazardous waste, tires, sludge, dirt, gravel, construction debris, white goods, trees, and stumps.
- (q) **Residential Unit.** A group of rooms located within a building and forming an inhabitable unit or units with facilities that are used or intended to be used for

living, sleeping, cooking, and eating, including single-family dwellings, and units in duplexes, triplexes, and multi-family units.

- (r) **Residential Waste.** Refuse and recyclable materials from a residential unit.
- (s) **Rubbish.** Nonputrescible waste consisting of combustible and noncombustible material and discarded, relatively dry miscellaneous materials, comprised chiefly of wood, nonrecyclable paper, rags, excelsior, straw, leather, sweepings from buildings and similar discarded articles of combustible and noncombustible nature.
- (t) **Storage.** The interim containment of refuse and recyclable material in an approved manner after generation and prior to collection and ultimate disposal.
- (u) **Storage Areas.** Areas where persons place refuse and recyclable material during noncollection days as well as areas where refuse and recyclable material are set out on collection day.
- (v) **Transfer Station.** A building designed to accept refuse for the purpose of transferring the refuse to a disposal site.
- (w) **Waste Oil.** All used auto crank case, transmission, motor, or hydraulic oil.
- (x) **White Goods.** Large metal or porcelain items, including washers, dryers, sinks, dishwashers, stoves, ovens, refrigerators, water heaters, water softeners, freezers, bath tubs, toilets, and furnaces.
- (y) **Yard Waste.** Unwanted or discarded materials from real property consisting of leaves, grass clippings, sawdust and twigs, shrubs and brush less than one (1) inch in diameter.

SEC. 8-3-3 TITLE; COLLECTION BY CITY.

- (a) **Title.** This Chapter shall be known as the Municipal Waste Collection and Disposal ordinance of the City of Park Falls, Wisconsin, hereinafter referred to as Ordinance or Chapter.
- (b) **Residential Waste.** All refuse produced by residential units in the City shall be collected and disposed of by the City or by persons hired or contracted by the City to perform such service.
- (c) **Nonresidential Waste.** All refuse produced by entities that are not residential units shall be collected and disposed of by the entity or by persons hired or contracted by the entity to perform such service.
- (d) **Supervision.** The collection of refuse as defined herein shall be under the supervision of the Director of Public Works who shall make such regulations as are necessary regarding the collection of refuse with the approval of the Common Council. Enforcement of health regulations relating to refuse disposal shall be the responsibility of the Health Officer of the City of Park Falls.
- (e) **Private Disposal of Refuse.** This Chapter shall not prohibit the actual producers of refuse or the owners of residential units upon which refuse has been accumulated from personally collecting, conveying, and disposing of refuse at the transfer station, provided such producers or owners comply with other provisions of this Chapter.
- (f) **Billing for Services.** All residential units within the City of Park Falls shall receive refuse collection services as set forth in this Chapter and in accordance

with locations and schedules to be determined by the City. Each residential unit shall be billed for said service as a City utility on a quarterly basis.

SEC. 8-3-4 STORAGE AREAS.

Storage areas for refuse shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. The occupant and/or owner of the premises shall be responsible for cleaning up litter in storage areas.

SEC. 8-3-5 COLLECTION OF REFUSE.

- (a) **Yard Waste.** All residential units will be permitted to dispose of yard waste through regular monthly pickups. All yard waste shall be separated from all other refuse or recyclable material and shall be placed in a separate container for collection than that used for collection of other refuse or recyclable material. Yard waste shall not be deposited at the transfer station.
- (b) **Receptacles and containers.**
 - (1) All refuse shall be placed in a garbage receptacle with a lid.
 - a. The receptacle shall not exceed 33 gallon capacity
 - b. The receptacle and refuse shall not exceed 60 pounds in weight
 - (2) The standard refuse collection fee allows for each residential unit to place one garbage can for collection per week.
 - (3) Residential units shall pay a fee for the collection of additional refuse by purchasing a permit from the City Clerk/Treasurer.
- (c) **Restriction on Time of Placement.** All receptacles and containers for refuse that are placed on the curb of a public street for collection as designated by the collector shall be placed behind the curb of the public street not earlier than twenty-four (24) hours before the regular collection time and shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.

SEC. 8-3-6 PROHIBITED ACTIVITIES AND NONCOLLECTIBLE 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) **Ashes.** It shall be unlawful to place hot ashes for collection. Ashes that are cool and dry may be placed for collection in a cardboard container.
- (c) **Improper Placement.** A person may not deposit, throw, or place any refuse in any park, lane, alley, street, public grounds, or public place nor place any refuse upon any private property not owned by such person.
- (d) **Improper Transportation.** It shall be unlawful to transport any refuse or recyclable material in any vehicle where it permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the person shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area.
- (e) **Noncollectible Materials.**
 - (1) Unless specifically authorized by the Director of Public Works, it shall be unlawful for any person to place for collection or dispose of at the transfer station any of the following:
 - a. Hazardous waste.
 - b. Toxic waste.
 - c. Chemicals.
 - d. Explosives or ammunition.

- c. Chemicals.
 - d. Explosives or ammunition.
 - e. Drain or waste oil.
 - f. Flammable liquids.
 - g. Dead animals.
 - h. Trees and stumps.
 - i. Gravel and concrete.
 - j. Construction debris.
 - k. Animal or human waste.
 - l. White goods.
- (2) The aforementioned materials shall be disposed of in the manner prescribed by federal and state laws. The disposal of materials that are without regulation by federal or state law for the disposal thereof shall be disposed of in a manner determined by the Director of Public Works.
- (f) **Refuse from Outside of Municipality.** It shall be unlawful to bring refuse from outside the corporate City limits into the corporate City limits for collection and disposal by the City, other collectors, or at the transfer station, unless specifically authorized by agreement with the City.

SEC. 8-3-7 LICENSING OF REFUSE AND GARBAGE COLLECTORS.

- (a) **Refuse Collection.** No person shall engage in the business of collecting refuse and garbage in the City without first obtaining from the City a license to do so. Applications for licenses shall be presented to the Common Council on forms prepared by the City Clerk-Treasurer and shall be accompanied by the license fee of One Hundred Dollars (\$100.00). Prior to final action on such application the same shall be referred to the Health Department for consideration and report thereon to the Common Council. The City Clerk-Treasurer shall provide the person obtaining a license with a printed or written license containing a number identical to the number of the license on record in the office of the City Clerk-Treasurer.
- (b) **Permit Required.** No person shall engage in the business of collecting garbage in the City without first obtaining a City license to do so and as a requirement of obtaining a license in the City, all residential haulers shall deliver for disposal all residential garbage gathered to the city-owned transfer station. The aforementioned requirement of disposal at the City-owned transfer station does not apply to disposal of commercial or industrial garbage. Applications for the license shall be presented to the Common Council on forms prepared by the City Clerk-Treasurer and shall be accompanied by the license fee as determined by the Public Services Committee of the Common Council. Prior to final action of such application, the same shall be referred to the Public Services Committee for consideration and report thereon to the Common Council. The City Clerk-Treasurer shall provide the person obtaining a license with a printed or written license containing a number

identical to the number of the license on record in the office of the City Clerk-Treasurer.

- (c) **Convenience and Necessity.** In the granting of permits for the collection of garbage and refuse, the Council shall take into consideration the necessity and convenience of granting such permit and unless the applicant for such permit can prove it necessary and convenient for the benefit and welfare of the citizens of the City, no such permit for such collection shall be issued.

SEC. 8-3-8 GENERAL REGULATIONS GOVERNING LICENSING OF REFUSE AND GARBAGE COLLECTORS.

- (a) **Limitation on Garbage Collection Licenses.** The number of licenses that may be granted under this Chapter for garbage collection shall not exceed one (1) license per one thousand (1,000) residents of the City of Park Falls. Such a license shall be a one (1) year license in effect from February 1 to January 31 of the following year. All present haulers must comply with this ordinance.
- (b) **No Restriction on Number of Refuse Collection Licenses.** The number of licenses that may be granted under this Chapter for collection of refuse shall not be limited. Such licenses shall be an annual license in effect from February 1 to January 31 of the following year.
- (c) **Transfer of License.** Licenses may be transferred at any time upon application to the City Clerk-Treasurer, payment of a transfer fee of Twenty-five Dollars (\$25.00), and approval by the Common Council. The City Clerk-Treasurer shall thereupon issue a new license to the transferee for the unexpired portion of the license, subject, however, to all of the terms and conditions of this Chapter. No license transfer or reissuance of a revoked license to a nonlicensee shall be approved for a period of ninety (90) days after a notice of intent to transfer or of revocation of said license has been conveyed to all licensees at the time and the City is satisfied that such notification has been duly made.
- (d) **Compliance With Ordinances and Regulations.** It is a condition of all licenses granted under this Chapter that the license holder shall comply with the ordinances of the City, the rules, regulations and orders of the local and State Boards of Health, and the Wisconsin Statutes relating to the collecting, hauling and disposal of refuse.
- (e) **Bid for Services.** The City shall bid the collection of all residential refuse within the City for a contract period not to exceed five (5) years unless such contract is extended for an additional five (5) year period by the Common Council. Bid specifications shall be published and bids taken not less than sixty (60) days prior to the termination of the prior contract. Bid documents must include the license requirements and vehicle permit liability provisions of this Ordinance. The successful bidder shall automatically receive the license under Section 8-3-7 and this Section.

SEC. 8-3-9 REVOCATION OR SUSPENSION OF LICENSE OR PERMIT.

- (a) The Common Council may revoke or suspend any license or permit issued under this Chapter for cause after hearing, and on three (3) days notice to the holder thereof. No person whose license or permit has been revoked shall again be issued such license or permit under this Chapter within one (1) year from the date of revocation.
- (b) In the event that a plan of municipal garbage collection is adopted, the Common Council may terminate any license issued under this Chapter without hearing, on thirty (30) days written notice to the license holder than any such collection is being established.

SEC. 8-3-10 LIABILITY INSURANCE REQUIRED.

No license shall be issued until the applicant has furnished satisfactory proof that he has in full force and effect a public liability insurance policy in a company authorized to do business in the State of Wisconsin, for his total operation in the amount of One Million Dollars (\$1,000,000) per person, One Million Dollars (\$1,000,000) per occurrence and an additional One Million Dollars (\$1,000,000) complete liability umbrella policy covering injury, death or destruction of property of any person other than the licensee.

SEC. 8-3-11 COLLECTION VEHICLE PERMITS.

- (a) Each vehicle used by a licensee for the collecting of garbage shall first be issued a permit as approved by the Common Council. The permit term shall coincide with that of the license under which the vehicle is operated. Prior to issuance of any such permit, the vehicle shall first be inspected and approved by the Health Officer or the duly authorized representative of the Health Officer.
- (b) Application for permit for vehicle collecting garbage shall be on a form prepared by the City Clerk-Treasurer. The annual permit fee shall be Twenty-five Dollars (\$25.00) per vehicle. The permit shall not be transferable between vehicles. The City Clerk-Treasurer shall provide the person obtaining a permit with a printed or written permit containing a number identical to the number of the permit on record in the office of the City Clerk-Treasurer.
- (c) Every vehicle used by a licensee for the collection of refuse shall be issued a permit by the Common Council. The permit term shall coincide with that of the license under which the vehicle is operated. Prior to issuance of any such permit, the vehicle shall first be inspected and approved by the Health Officer or the duly authorized representative of the Health Officer.
- (d) Application for permit for vehicle collecting refuse shall be on a form prepared by the City Clerk-Treasurer. The annual permit fee shall be Ten Dollars (\$10.00) per vehicle. The permit shall not be transferable between vehicles. The City Clerk-Treasurer shall provide the person obtaining a permit with a printed or written permit containing a number identical to the number of the permit on record in the office of the City Clerk-Treasurer.

- (e) Vehicles used by licensed operators shall have painted or otherwise securely affixed on both sides of the vehicle used, the name and address of the owner and the City garbage hauler license and vehicle permit number, in letters and numbers not less than three (3) inches in height, in contrasting colors and ordinarily visible at a distance of fifty (50) feet. If such vehicle breaks down or otherwise becomes mechanically immobilized, the temporary use of a substitute vehicle not having a permit may be made only upon permit issued by the City Clerk-Treasurer upon approval of the vehicle in writing by the Health Director or his duly authorized representative. Such temporary permit shall be kept in the substitute vehicle and be readily available upon request of the Health Director or his duly authorized representative. The temporary permit of any vehicle shall become void when the vehicle for which it was substituted is again put into operation.
- (f) The Street Superintendent or Health Officer or duly authorized representative of either may temporarily suspend any permit issued under this Chapter for a violation of any provision of the Chapter for a period not exceeding three (3) days, or may revoke such permit, after an opportunity for hearing before the Common Council upon ten (10) days personal notice to the permittee.

SEC. 8-3-12 COLLECTION VEHICLE REGULATIONS.

- (a) **Construction.** All trucks or other vehicles used by garbage collectors shall be of substantial construction and the body shall be watertight or shall be a type commonly known as "Packers." No vehicle shall be loaded so that the contents shall fall or blow from the vehicle. In the case of combustible refuse, the vehicle shall be equipped with a covering or the combustible refuse covered with a tarpaulin or a similar covering in such a manner as to prevent the combustible refuse from falling or blowing from the vehicle.
- (b) **Parking Restrictions.** No person shall park or cause to be parked any such vehicle as described in Subsection (a) and used by such garbage collector in any R1-R5 (Single Family Residential, Two-Family Residential, Multiple-Family Residential Districts, Mobile Home Residential District), in any C-1 to C-2 (Commercial Districts) of the City for more than one (1) hour.

SEC. 8-3-13 GARBAGE ACCUMULATION; WHEN A NUISANCE.

The accumulation or deposit of garbage, trash 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. 8-3-14 MANURE STORAGE.

All stored manure from any animals shall be kept only in fly-proof and impervious containers which are kept and maintained in good repair.

SEC. 8-3-15 BURNING OF GARBAGE OR TRASH PROHIBITED.

No person shall burn any garbage within the City of Park Falls. No person shall burn any trash in any receptacle other than an incinerator which is approved by the Fire Department or its designee based on its durability and suitability for use in accordance with applicable governmental regulations and standards.

SEC. 8-3-16 FEES FOR DISPOSAL AND/OR COLLECTION OF REFUSE.

(a) **Residential.**

- (1) Residential charges for refuse and recyclable materials collection and/or disposal shall be determined by resolution of the Common Council of the City of Park Falls from time to time and the standard fee for one receptacle of refuse shall be billed following service to each residential unit on the quarterly municipal utility bill. Each residential unit as defined in this Chapter shall receive one (1) quarterly bill for collection and disposal as determined by the City Clerk-Treasurer's office.
- (2) The Common Council of the City of Park Falls shall determine the fee for additional refuse beyond the standard of one receptacle and shall determine the method of collection of that fee.
- (3) Residential charges for refuse and recyclable collection and disposal shall be as follows:
 - a. The charges shall be determined by the price of the bid received and accepted by the City from haulers licensed under this ordinance.
- (4) Where commercial uses are maintained at or in conjunction with a residential unit(s), the residential unit(s) shall be deemed commercial for the purpose of this Chapter and billing purposes.

(b) **Delinquent Charges.** Any charges for refuse and recyclable materials collection and/or disposal which are delinquent by November 1 of the year of the delinquency shall be made a special assessment and lien against the real property to which the services were provided. When an account becomes thirty (30) days delinquent, the City Clerk-Treasurer's office shall send a thirty (30) day delinquency notice to both the resident and the property owner, if they are different, advising them that failure to pay the account shall result in assessment against the real property as set forth above. The administrative cost of the delinquency notice sent by the City Clerk-Treasurer shall be added to the delinquent bill as a one and one-half percent (1.5%) monthly charge.

(c) **Billing Adjustment.** An adjustment to the fee assessed for disposal and/or collection of refuse and recyclable materials shall be at the discretion of the Common Council of the City of Park Falls. Requests for adjustment of fees must be made to the City Clerk-Treasurer's office and reviewed by the Public Services Committee prior to consideration by the Common Council.

SEC. 8-3-17 TITLE TO REFUSE.

In the absence of an agreement to the contrary, title to the refuse placed for collection by the City shall vest in the City as soon as it is placed for collection. In the absence of an agreement to the contrary, title to refuse placed for collection by a private entity shall vest in the private entity as soon as it is placed for collection. In the absence of an agreement to the contrary, title to the refuse placed in the transfer station shall vest in the owners of the transfer station as soon as it is placed there. It shall be a violation of this Chapter for any person unauthorized by the City to collect or pick up or cause to be collected or picked up any refuse that are placed for collection by the City or by any authorized private entity. Any and each such unauthorized collection of refuse in violation hereof shall constitute a separate and distinct offense punishable as provided for herein.

SEC. 8-3-18 VIOLATIONS; NOTICES; SPECIAL COLLECTIONS FOR VIOLATIONS.

- (a) **Notices.** In all instances where inspections reveal violations of this Chapter and regulations authorized herein or the laws of this state, police or health officers shall issue a written notice for each such violation, stating therein the violation found, the date and time of such violation and the corrective measures to be taken, together with the time in which such correction shall be made. The time limit set for the correction of violations shall be reasonable and consistent. Police or health officers shall consider time needed for repairs or purchases to correct deficiencies, public health and consistent time limits for like violations. Time limits shall not be greater than ten (10) days nor less than twenty-four (24) hours.
- (b) **Special Collections for Violations.** If any entity, 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 the notification and/or citation, law enforcement or health officers shall be empowered to order a special collection to remove such violation. The entity shall be notified of such special collection and charges therefor. This special collection shall be made and if the 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.

SEC. 8-3-19 VIOLATION; PENALTY.

Any person who violates any of the provisions of this Chapter shall be subject to the penalties as set forth by resolution of the Park Falls Common Council.

CHAPTER 4

Municipal Cemetery Regulations

- 8-4-1 Purchase of Lots
- 8-4-2 Cemetery Management
- 8-4-3 Ownership Right of Interment
- 8-4-4 Privileges and Restrictions
- 8-4-5 Rules for Visitors
- 8-4-6 Interments
- 8-4-7 Disinterments
- 8-4-8 Monuments and Markers
- 8-4-9 Vaults and Mausoleums
- 8-4-10 Cemetery Fund

SEC. 8-4-1 PURCHASE OF LOTS.

SALE OF CEMETERY LOTS. The City Clerk-Treasurer shall and he is hereby authorized to sell lots in the Municipal Cemetery and collect fees for grave openings at the prices set by the Board of Public Works and to make, execute, and deliver to the purchasers of said lots or portions of lots a proper deed of conveyance; the form of such deed of conveyance shall be prescribed by the Common Council of the City of Park Falls.

SEC. 8-4-2 CEMETERY MANAGEMENT.

The Municipal Cemetery shall be under the management and operation of the Board of Public Works and the Water and Street Superintendent of their hire; all planting and landscaping shall be done only in accordance with the rules and regulations of the Board of Public Works and under the direct supervision of the Water and Street Superintendent; all foundations for markers or monuments shall be constructed and erected in accordance with the rules and regulations of the Board of Public Works and under the direct supervision of the Water and Street Superintendent; and no improvement of any nature shall be made without the express permission of the Water and Street Superintendent of said cemetery.

SEC. 8-4-3 OWNERSHIP RIGHT OF INTERMENT.

- (a) The lot owner or his authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of the Cemetery Rules and Regulations.
- (b) (1) Upon full payment of the purchase price of the lot, the City Clerk-Treasurer will issue a cemetery deed; and the deed will be recorded in the records of the City as evidence of lot ownership. Lots or fractions of lots, for which lot deeds have been issued by the City, will not thereafter be divided except by consent of the City. All lots are exempt from taxation, and they cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.

- (2) All deeds which shall be executed by said City to purchasers of lots or portions of lots shall contain a covenant whereby the purchaser or purchasers covenant and agree to release to the City full jurisdiction over the cemetery grounds. No purchaser or purchasers of a lot or a portion of a lot in said Municipal Cemetery shall convey his or her interest in said lot or a portion of said lot without the consent and approval of the Common council of said City, which reservation shall be embodied in the deed or conveyance.
- (c) All repossessed vacant grave spaces shall be subject to the same fees and charges.
- (d) 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-Treasurer) 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.
- (e) Unless otherwise directed in writing and filed with the City Clerk-Treasurer, 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 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 right of interment or direction for interment, which agreement shall be filed with the City Clerk-Treasurer.
 - (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.
- (f) 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 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-Treasurer 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 cemetery lots and devise the same to one (1) person.
- (g) Lot owners may not resell or transfer their lots or parts of lots, except as outlined below:
 - (1) The Clerk-Treasurer shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots.
 - (2) Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the City Clerk-Treasurer. Such application shall be executed by the owner(s) of said lots or if owner(s) are deceased by the legal heirs. The application shall state the lot and block number.
- (h) Whenever possible, repossessed lots will be used for burials before new areas of the cemetery are used or platted.

SEC. 8-4-4 PRIVILEGES AND RESTRICTIONS.

- (a) Each lot in the cemetery will, prior to sale, be suitably marked by the City with a metal, brick or concrete post placed on each lot corner and set level with the adjacent ground. To maintain accuracy and uniformity of marking, substitutes or additional cornerposts may be used only if approved by the City.
- (b) No mound shall be raised upon any grave above the general level of the lot.
- (c) No hedges, fences or enclosures of any kind will be permitted on or around lots.
- (d) Natural flowers in approved vases which are the temporary pin-type bases are permitted. Potted plants in pots up to ten (10) inches will be allowed as other sizes are not suitable for cemetery use. No pots will be allowed dug into the ground. Pots placed in stands that are approved by the Water and Street Superintendent may be up to fourteen (14) inches in size. All pots are measured by diameter at the top. Pots normally should be set in front of or close to the memorial. All other plantings are strictly prohibited and will be removed. This includes unauthorized trees, bushes, and evergreens.
- (e) All fall and winter decorations must be removed by April 15. Insofar as is possible, persons should refrain from placing any new decorations during this period.
- (f) Artificial flowers shall be allowed on any of the graves in the cemetery during a period of time of one (1) week before Memorial Day each year and for two (2) weeks thereafter, and at no other time shall said artificial flowers be allowed in the cemetery during the growing season. Artificial flowers are allowed if in a container off the ground or attached to stone so they do not interfere with mowing.
- (g) No person will be permitted to trim, prune, or remove branches from any existing tree or ornamental shrub in the cemetery, whether on his lot or not. All work of pruning or trimming trees or removal of trees shall be done under the direction of the Water and Street Superintendent. Lot owners may remove, under the direction of the Water and Street Superintendent, large trees on grave sites that hinder the full usage of the grave site. The expense of the tree and stump removal will be paid for by the lot owners.
- (h) All landscaping, care of lots and other work in the cemetery will be done by the City, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. Their advice will be given without charge and may be of value to those contemplating the purchase of or improvements to cemetery lots.
- (i) 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 performance of such duties.
- (j) The City, or its employees, assumes no liability for damages to property or of person, or for physical or mental suffering arising out of performance of its normal operations, or for loss by vandalism or other acts beyond its reasonable control.
- (k) The City reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

SEC. 8-4-5 RULES FOR VISITORS.

- (a) The cemetery will be open to visitors at all times.
- (b) Persons or picnic parties, with refreshments, will not be permitted.
- (c) Dogs will be only allowed in the cemetery when confined in a vehicle.

- (d) Firearms will not be allowed in the cemetery, except in conjunction with military funerals. At all other times, firearms, bows and arrows, slingshots and other like articles will not be permitted.
- (e) Visitors are required to use the walks and drive whenever possible and shall not pick flowers (either wild or cultivated); injure any shrub, tree or plant; or mar or deface any monument, stone or structure in the cemetery.
- (f) Vehicles traveling in the cemetery shall not exceed fifteen (15) miles per hour.
- (g) No riding of bicycles, motor bikes, motorcycles, snowmobiles, or such vehicles will be allowed in the cemetery unless in conjunction with cemetery business.
- (h) Horses are not permitted in the cemetery.

Cross-Reference: Section 11-3-5.

SEC. 8-4-6 INTERMENTS.

- (a) Interments will not be made on Sundays or official City holidays, except by order of the local Board of Health.
- (b) All interments shall conform to the Wisconsin State Board of Health specifications.
- (c) All graves shall be dug by the City under the direction of the Water and Street Superintendent or his duly authorized agent. The Water and Street Superintendent shall not permit any burial until he is presented with a certificate or order from the City Clerk-Treasurer that the lot or a portion of said lot has been fully paid for and that the grave digging charges on the same have likewise been paid for. In the case of parties who own lots in said cemetery, they shall likewise apply to the City Clerk-Treasurer for a burial permit, submitting to him evidence of their ownership of said lot and the Clerk-Treasurer shall thereupon issue a certificate as provided herein.
- (d) A charge for opening and closing a grave, including the sodding and seeding of the plot, will be made at a current rate set by the City. Said charge will be paid to the City Clerk-Treasurer prior to performance of the service. No burial will be allowed until all fees have been paid to the City Clerk-Treasurer and an authorization has been issued. This authorization must be presented to the Water and Street Superintendent.
- (e) The lot owner or funeral director shall designate on the interment form the location of the graves on the lot to the Water and Street Superintendent and any change in location made after the opening of a grave has begun shall be at the expense of the lot owner. When definite information for locating a grave is not available thirty-six (36) hours prior to grave preparation to meet the time requested for interment, the cemetery may exercise its best judgment in making a location in order that the requested time for interment may be met. The cemetery assumes no responsibility for any error or inconvenience of such location and any additional charge will be made for any change requested.
- (f) The Water and Street Superintendent or his agent shall, whenever possible, be given thirty-six (36) hours' notice to assure the opening and preparation of a grave prior to interment. Barring unforeseen or other untoward circumstances, such grave shall be opened and prepared in time for interment.
- (g) When several burials occur in a one (1) or two (2) day period, said burials may be scheduled at the discretion of the Water and Street Superintendent, but in a prompt and efficient manner.
- (h) 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.

- (i) The interments of two (2) bodies in one (1) grave will not be allowed, except in the case of a mother an infant, twin children, or two (2) children buried at the same time or in special circumstances with the approval of the Water and Sewer Superintendent or his agent.
- (j) More than one (1) cremains may be buried in a single grave space. Only two (2) markers will be allowed on grave space of which one (1) shall be flush with the ground and of a size which meets the approval of the Water and Street Superintendent.
- (k) All interments will be made in a permanent outer container excluding the use of wood.

SEC. 8-4-7 DISINTERMENTS.

- (a) Disinterment of a human body, ashes, cremains and/or remains from a grave in the cemetery shall be performed in accordance with the requirements of the State, including the State Board of Health, and as set forth in this section.
- (b) Disinterment of a human body, ashes, cremains and/or remains from a grave in the cemetery shall only be permitted upon providing the City with a disinterment permit from the State.
- (c) The City may set a permit fee for disinterment of a human body, ashes, cremains and/or remains from a grave in the cemetery and the permit fee must be paid to the City in advance of disinterment.
- (d) Disinterment of a human body, ashes, cremains and/or remains from a grave in the cemetery shall be performed under the supervision and direction of the Water and Street Superintendent or his/her designee.
- (e) Disinterment of a human body, ashes, cremains and/or remains from a grave in the cemetery shall be performed by a private contractor under the supervision of a licensed embalmer. The cost of the aforementioned independent contractor and licensed embalmer shall be paid by the person or entity granted the permit for the disinterment, including, but not limited to the cost of excavation, gravemarker removal and replacement, gravemarker damage repair and landscape repair.
- (f) Disinterment of a human body, ashes, cremains and/or remains from a grave in the cemetery shall be performed in a manner that does not disturb an adjoining grave.
- (g) Graves in the cemetery shall not be reopened for inspection except for official investigation by a law enforcement agency in accordance to State law or by Court order.

SEC. 8-4-8 MONUMENTS AND MARKERS.

- (a) 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. The top of the concrete foundation will be constructed flush with the ground line. All markers will be set with a five (5) inch margin.
- (b) The setting of monuments, stones and markers and the transportation of all tools, materials, etc., within the cemetery grounds shall be subject to the supervision and control of the Water and Street Superintendent. Whenever possible, at least twenty-four (24) hours' notice shall be given to the Water and Street Superintendent that said work is to take place. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Water and Street Superintendent, 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 Water and Street Superintendent 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 Water and Street Superintendent or his agent.
- (d) Stone work or monument work, once placed on its foundation, shall not be removed, except by permission of the Water and Street Superintendent.
- (e) The lot must be paid in full before markers or monuments are set or any burial is authorized by the City Clerk-Treasurer.
- (f) Temporary markers must be removed or replaced with a permanent marker within one (1) year.

SEC. 8-4-9 VAULTS AND MAUSOLEUMS.

Construction of any above-ground vaults or mausoleums is prohibited. Underground vaults, of concrete or steel, shall be required for all grave openings that measure twenty-six (26) inches wide by sixty-four (64) inches long or larger.

SEC. 8-4-10 CEMETERY FUND.

The City of Park Falls shall establish a special cemetery fund to take hold and use donations, contributions, and gifts or the income and proceeds thereof for the improvement, maintenance, repair, preservation, or ornamentation of the cemetery or any lot therein according to the terms of such donations and gifts and all such donations, contributions, and gifts shall be kept in a special cemetery account.

CHAPTER 5

Minimum Requirements for Airport Aeronautical Services

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SEC. 8-5-1 PREAMBLE.

- (a) The Minimum Standards Ordinance of the Park Falls Municipal Airport, City of Park Falls.
- (b) Being the owner and in a position of responsibility for the administration of the Park Falls Municipal Airport, Price County, Wisconsin, and
- (c) In order to insure adequate aeronautical services and facilities to the user of the Park Falls Municipal Airport, and
- (d) To encourage the development of the Airport and its activity, and
- (e) To foster the economic health and orderly development of commercial aeronautical operators at the Airport, Herewith Provide:
 - (1) The minimum standards for a person or persons, firm or corporation based upon and engaging in one or more aeronautical services at the Park Falls Municipal Airport; and
 - (2) Requirements for all Flying Clubs based at the Park Falls Municipal Airport; and
 - (3) Minimum standards for all non-commercial aviation fuel users: and
 - (4) Penalties for violation of the minimum standards herein provided.

SEC. 8-5-2 DEFINITIONS.

As used in this ordinance, unless the context otherwise requires:

- (a) "Aeronautical Services" - Any service which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.
- (b) "Agricultural Lands" - Airport owned property that is not presently needed for aeronautical use and is available for agrarian purposes.
- (c) "Airport" - Means the Park Falls Municipal Airport.
- (d) "FAA" - Means the Federal Aviation Administration.
- (e) "Lease" - Means the right to conduct commercial, aeronautical or agricultural activities on the airport as defined within the parameters of the established minimum standards.
- (f) "Owner" - Means the City of Park Falls.

- (g) "Operator" - Means any person, firm, partnership, corporation, association or group providing any one or a combination of aeronautical services to or for aviation users at the Airport.
- (h) "Minimum Standards" - Means the qualifications which are established herein by the City as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the airport.

SEC. 8-5-3 Minimum Standards For All Operators.

- (a) The following standards shall apply to all operators with the exception of flying clubs whose complete list of standards are presented in the section which pertains solely to that type of operation.
 - (1) Any lease shall be for a term to be mutually agreed upon between the parties commensurate with the operator's financial investment in his facility. If the duration of the lease is to exceed five years in length, provisions shall be made to review the terms, lengths, and rents of the lease relative to other changes in the airport environment that have occurred during that period.
 - (2) Any operator shall have the experience necessary to conduct any aeronautical service the operator wishes to provide to the public and shall submit a statement of qualifications to the City upon request. It will be satisfactory if the operator has in a reasonable supervisory position, a person of such experience. Should an operator not have such experience, but can demonstrate to the City's satisfaction that the operator has had equivalent related experience or training, such will be deemed acceptable. The operator shall submit a letter of intent detailing the services which the operator wishes to provide, compliance with the relevant minimum standard as presented in this document, ratings and licenses the operator's organization will have, and general scope of the operation.
 - (3) Any operator seeking to conduct aeronautical services at the airport must provide the City a letter of financial integrity, to the City's satisfaction, from a bank or trust company doing business in the area, or other such source that may be readily verified through normal banking channels. The operator must also demonstrate that the operator has the financial ability or backing, where applicable, for the construction of facilities that may be required for the proposed concept of operation. In addition, the financial institution letter should include a current financial net worth showing that applicant holds unencumbered current assets in a total amount at least equalling three (3) months estimated maintenance and operating expenses.
 - (4) All operators shall demonstrate to the City's satisfaction evidence of its ability to acquire insurance coverage as stipulated for each particular type of operation. The following shall be established as minimum coverage:
 - (i) Aircraft Liability

Bodily injury and property damage combined single limit	\$100,000.00
Bodily injury (each passenger)	\$100,000.00

- (ii) Comprehensive Public Liability and Comprehensive Property Damage, Including Vehicular
Bodily injury and property damage
combined single limit \$100,000.00
 - (iii) Hangar Keepers Liability \$100,000.00 each accident
 - (iv) Products Liability \$100,000.00 each accident
 - (v) Student and Renters Liability \$100,000.00 each accident
 - (vi) Documentation of Financial Responsibility Compliance (limits as required by the Environmental Protection Agency.)
- (b) In addition, the operator shall include the City as an additional insured and stipulates the operator hold harmless the City in all actions against it.
- (c) Each lease for ground space and contract for business at the airport entered into by the City shall include each of the following provisions as are required by State and Federal governments:
- (1) Fair and Nondiscriminatory Provisions
 - (2) Affirmative Action Assurances
 - (3) Civil Rights Assurances
 - (4) Nonexclusive Rights Provision
 - (5) Other mandated provisions
- (d) The most current amendment or form of such mandatory lease provisions shall be obtained from the State or Federal governments and shall be included in each lease at the time of execution.
- (e) All operators shall have the right in common with others so authorized, to use common areas of the airport, including runways, taxiways, aprons, roadways, floodlights, landing lights, signals and other conveniences of the take-off, flying and landing of aircraft.
- (f) Any construction required of any operator shall be in accordance with design and construction requirements of the owner, State and Federal regulations and applicable codes. All plans and specifications shall be submitted to the City for approval.
- (g) The operator shall provide adequate auto parking space within the leased area sufficient to accommodate all activities and operations.
- (h) The operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the operator's building to the taxiway or the access to the taxiway that has been or will be provided for the operator.
- (i) These minimum standards should be renewed on a periodic basis and adjusted if necessary to reflect changes to the airport environs, compliance requirements and lease terms as they relate to the existing minimum standards.
- (j) All present operators conducting operation on the airport prior to the installation of this minimum standards may be allowed to continue operations without fully complying with them provided the City determines that the continued operation is in the best interest of activity at the airport and that the operation is not in violation of any airport assurance compliance regulations. At the termination of the operator's

present lease, all existing operators or tenants will be required to comply with these minimum standards.

SEC. 8-5-4 FLYING CLUBS.

- (a) Statement of Concept: All clubs must be a non-profit Wisconsin corporation or partnership. Each member must be a bona fide owner of the aircraft or owner of the corporation.
- (b) Minimum Standards
 - (1) The club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual cost of operation, maintenance and replacement of its aircraft. The club will keep current a complete list of the club's membership and will make such available to the City upon request.
 - (2) The club's aircraft will not be used by other than bona fide members and by no one for hire, charter, or air taxi. Student instructions may be given in the club aircraft by one (1) club member to another club member, providing no compensation takes place. Otherwise, it must be given by an operator with a current agreement with the City.
 - (3) In the event the club fails to comply with these conditions, the City will notify the club in writing of such violations. The club shall have fourteen (14) days to correct such violations. If the club fails to correct the violations, the City may demand the club's removal from the airport.
 - (4) The flying club must agree and provide as a minimum insurance in the following categories to the same level as required for all operators:
 - (i) Aircraft liability.
 - (ii) Comprehensive public liability and comprehensive property damage, including vehicular.
 - (5) Aircraft maintenance performed by the club shall be limited to only that maintenance that does not require a certified mechanic.

SEC. 8-5-5 NON-COMMERCIAL AVIATION FUEL USAGE.

- (a) Statement of Concept: A non-commercial aviation fuel user maintains fuel storage and transfers only for the owner's aircraft or aircraft leased for the owner's exclusive use.
- (b) Minimum Standards
 - (1) No person shall engage in the activity of storing, transporting, or dispensing of non-commercial aviation fuels except those persons holding a written agreement with the City.
 - (2) At no time, shall lessee share, sub-lease, or in any other manner provide fuel or fueling facilities to any other tenant or any other aircraft except those aircraft owned or leased for the exclusive use of the tenant designated in the agreement.
 - (3) Lessee shall install and maintain all fuel facilities within the fuel farm in accordance with plans and specifications approved in writing by the City.

- (4) Lessee shall comply with all local, State and Federal laws and regulations governing the installation, operation, and maintenance of all fueling facilities, equipment and dispensing trucks.
- (5) Dispensing trucks, bulk fuel trucks, emergency vehicles and other vehicles approved by the City shall be the only vehicles permitted within the fuel farm area.
- (6) All fuel storage shall be done in a manner as required by Federal and State law.
- (7) Each prospective fuel lessee shall submit to the City a written proposal which sets forth the extent of operations to include: fuel grades; estimated annual volume; experience and training of fuel handling personnel; type, size and condition of all fueling facilities and equipment to be used; assurance provisions for the security and safety of the facility; and any cost that may be expected by the City.
- (8) The lessee shall have the following insurance in the amounts required by all operators:
 - (i) Comprehensive public liability and comprehensive property damage, including vehicular.
 - (ii) Fuel tank financial responsibility.
- (9) The lessee shall pay to the City a fuel flowage fee on the amount of fuel received into storage at the current rate established for commercial fuel operators on the airport. The lessee shall submit to the City the amount of gallons received each month on or before the 10th day of the following calendar month. The lessee shall also maintain copies or original receipts from the wholesale fuel vendor as evidence of amount of gallons dispenses per month.

SEC. 8-5-6 RULES, REGULATIONS AND LICENSING

- (a) The Airport Advisory Committee, after approval by the Board of Public Works and the Common Council of the City of Park Falls, shall set all rules and regulations pertaining to the following matters:
 - (1) Aircraft sales; and
 - (2) Aircraft airframe, engine and accessory maintenance and repair; and
 - (3) Aircraft lease and rental; and
 - (4) Flight training; and
 - (5) Aircraft fuels and oil service; and
 - (6) Radio, instrument, or propeller repair station; and
 - (7) Aircraft charter and air taxi; and
 - (8) Aircraft storage; and
 - (9) Specialized commercial flying services; and
 - (10) Multiple services; and
 - (11) Operators subleasing from another commercial operator.