

CHAPTER 7

HEALTH AND SANITATION

Section

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7.01 BOARD OF HEALTH - PORTAGE COUNTY. On May 1, 1976, the City of Stevens Point authorized the operation of a county-wide health department and board of health within the corporate limits of the city. A single Portage County Health and Human Services Board, which functions as a Portage County Board of Health in accordance with Chapter 251 of the Wisconsin statutes, was established and empowered to function under the provisions of Chapter 59.025 of the Wisconsin statutes and other applicable Wisconsin statutes.

7.02 ENFORCEMENT OF LAWS AND REGULATIONS. The county health officer shall enforce the health laws of the State of Wisconsin, the ordinances of the City of Stevens Point, and the rules and regulations of the County Board of Health (Human Services Board).

7.03 BURIALS.

(1) Death Certificate Required. No person shall bury or cause to be buried within the limits of the city the remains of any person without first having obtained a physician's certificate as to the cause of death, or in lieu thereof a burial permit.

(2) Burial of Diseased Bodies. It shall be unlawful for any person to bury or cause to be buried with public funeral the remains of any person whose death was caused by scarlet fever, smallpox, diphtheria, or any contagious or pestilential disease without the written consent of the health officer of the board of health, or in his/her absence, of a majority of the members of the Board of Health.

(3) Burial Vault Regulations.

(a) No person shall construct, keep, maintain, or cause to be constructed, kept, or maintained, any structure or vault for the temporary keeping of corpses within the city, except sites or locations first approved by the city plan commission and also the city council, and on written permit duly issued.

(b) This section shall not restrict maintenance of any such receiving vault or structure within the boundaries of any legally established cemetery within the city and shall not be construed to deprive any person who now has or maintains any established receiving vaults within the city now used for that purpose from continuing such use.

(c) This section shall not restrict any undertaking establishment legally operating within the city to keep corpses in such undertaking establishments while awaiting interment services at a location duly approved and conforming with all other city ordinances.

7.04 CONTAGIOUS DISEASES.

(1) Duty of Health Officer. The health officer shall perform all duties prescribed to him/her by state statutes and administrative codes of the Division of Health regarding contagious diseases.

(2) Quarantine Restrictions. No person, whether afflicted with any communicable disease as defined in Chapter 252 and quarantined per 252.06 of the Wisconsin statutes or not, shall visit or depart from any premises which shall have been quarantined by the health officer until given permission by such health officer. Any person who shall violate the provisions of this subsection shall be subject to a fine of not less than \$5.00 nor more than \$500.

(3) A physician knowing or having reason to know that a person treated or visited by him/her has a communicable disease, or having such disease has died, shall report the same to the health officer, as defined in 252.05 of the Wisconsin statutes.

7.05 HUMAN HEALTH HAZARDS, ABATEMENT AND REMOVAL. Pursuant to 254.59, Wisconsin statutes, whenever any human health hazard shall be found on private property, the health officer shall order the owner or occupant thereof to remove or abate the same at his/her own expense within a reasonable time which shall be specified in the notice and if he/she shall refuse or shall neglect to comply with such order, he/she shall be subject to a fine of not more than \$300, and each day on which any person shall so refuse or neglect to comply with such order after service of the same, may be considered a separate offense and a separate penalty collected therefor. Whenever such owner or occupant shall refuse or neglect to remove or abate said condition, said board shall cause the same to be removed or abated and the city shall recover the expenses incurred thereby from the said owner or occupant or from such other person as shall have caused or permitted the same. In the event the owner is absent from the city, notice to the person who receives the rent or has charge of the property shall be deemed notice to the owner.

When the health officer or city sanitarian shall cause any human health hazard existing on private property to be removed or abated in accordance with the provisions of this section, and the owner of such property fails to pay for the expense of such removal or abatement, the costs thereof shall be levied and collected as a special tax upon the lot or land upon which such work was done.

7.06 Solid Waste Disposal, Recycling, Yard Waste and City of Stevens Point Drop-off

(1) Garbage and recycling disposal and City of Stevens Point drop-off operations.

(a) *Supervision.* The curbside collection of garbage, recyclable materials, yard waste and operation of the City of Stevens Point drop-off as defined in this section shall be under the supervision of the board of public works, which shall make such regulations as are necessary regarding the time and method of collection of garbage and recyclable materials. The enforcement of health regulations relating to garbage and refuse disposal shall be designated as the responsibility of the director of public works or his designee.

(b) *Curbside collection of garbage and recyclable materials.* How and when made. The collection, removal and disposal of garbage shall be made at least once a week. The collection, removal and disposal of recyclable materials shall be made at least twice a month. All collections of garbage and recyclable material shall be made at curb/street side or City maintained alleys only in City owned collection carts. Garbage and recyclable materials must be at curb/street side by 7:00 a.m. Carts shall not be out earlier than 6:00 p.m. the day before collection and must be off curb/street side by 12:00 midnight the day of collection. Each improved and occupied residential tax parcel will be allowed a maximum of four (4) garbage carts and a maximum of four (4) recycling carts. Current fees for carts and cart collection are available on the City of Stevens Point website or by calling the Stevens Point streets department at (715) 346-1537. All carts are the property of the City of Stevens Point.

(c) *City of Stevens Point Drop-off Site.* The drop-off site is located one block north of the entrance to Bukolt Park, in front of the City Garage at 100 Sixth Avenue, Stevens Point WI 54481. Hours of operation are posted at the site and on the City of Stevens Point website at <http://www.stevenspoint.com>. Materials accepted at the drop-off are as follows: Lead acid vehicle batteries, used automotive engine oil filters, motor oil, yard waste, brush, recyclable materials, bulk items may be brought to the drop-off area for a fee and small amounts of demolition may be brought on certain days for a fee. Current fees for bulk items and demolition material are available on the City of Stevens Point website or by calling the Stevens Point street department at (715) 346-1537. A City of Stevens Point employee shall oversee all drop-off operations and shall have the right to refuse any product he/she deems unacceptable. The City drop-off site shall be available for use by City of Stevens Point

residents from improved and occupied residential tax parcels of single-family dwellings up to four (4) units. This drop-off site is not equipped to handle the volume generated from commercial properties and shall not accept any yard waste, brush, recyclable materials, lead acid vehicle batteries, used automotive engine oil filters, motor oil or demolition material from owners or the designees of *Multiple-family dwellings* and *Nonresidential facilities and properties*. Materials shall be deposited in approved containers or designated areas throughout the drop-off for the purpose of collection and/or transportation to a processing or composting site.

(2) *Abrogation and greater restrictions.*

(a) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, codes or permits previously adopted or issued pursuant to law. However, when this chapter imposes greater restrictions, the provisions of this chapter shall apply.

(3) *Interpretations.*

(a) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in chapter NR 544, Wisconsin Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes or chapter NR 544 standards in effect on the date of the adoption of the ordinance from which this chapter derives or in effect on the date of the most recent text amendment to this chapter.

(4) *Definitions.* For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(a) *Aluminum cans* shall include used beverage cans only.

(b) *Aseptic boxes and paper cartons* includes soup, milk, broth, orange juice, soymilk, etc.

(c) *Ashes* shall mean the residue from the burning of combustible materials,

(d) *Bimetal container* means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.

(e) *Brush* means clean woody vegetative material not greater than six inches in diameter and shrubs without root balls attached.

(f) *Bulk item* means any item that is too large to fit in your garbage/refuse cart with the lid closed. Bulk item classification excludes the following items: appliances, demolition material, electronic waste, hazardous waste, recyclables, tires, wet paint and yard waste.

(g) *Container glass* shall include container glass only. The term "container glass" does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead-based glass such as crystal or TV tubes.

(h) *Corrugated cardboard* shall include corrugated cardboard only and does not include waxed cardboard or chipboard such as cereal boxes, shoeboxes and similar materials.

(i) *Demolition Material* means materials produced in the process of construction, renovation and/or demolition of structures. Demolition material typically include concrete, asphalt, wood, gypsum wallboard, glass, rubble, and roofing materials.

(j) *E-cycle Electronics* means computers, televisions, desktops printers, computer peripherals, DVD players, VCR's, digital video recorders, fax machines and telephones with video displays.

(k) *Garbage* means waste products and refuse not identified as recyclable under current or future Wisconsin recycling law or otherwise identified in this ordinance, and which are not otherwise prohibited from being disposed of in any State of Wisconsin funded landfill or transfer facility by this ordinance.

(l) *Household hazardous waste* shall fall into one of four categories, which will be noted on the container.

(1) *Flammable* – Ignites easily and burns rapidly

(2) *Corrosive* – May cause deterioration of body tissues or erosion of material at the site of contact

(3) *Explosive* – Contents may explode if incinerated or stored above 82^o F

(4) *Toxic/Poison* – Harmful or deadly upon contact, ingestion or inhalation

(m) *Lead acid batteries* means lead acid batteries from trucks, motorcycles and automobiles.

(n) *Magazines* means magazines and other materials printed on similar paper.

(o) *Major appliances* means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, microwave oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove. Otherwise known as white goods.

(p) *Medical waste* means medical needles/syringes or other sharps items.

(q) *Medicine* shall mean prescription and over-the-counter pharmaceuticals. Not to include nebulizers (inhalers), empty medicine containers, radioactive medicines, syringes, needles or sharps.

(r) *Mixed papers* shall include all grades of papers including white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes including window, labeled and kraft; magazines; catalogs; phone books; computer printout paper; glued pads and tablets; file folders; keypunch cards; spiral notebooks; cereal boxes; shoe boxes; etc., and can include clips and staples, but may not include hand towels or other paper products from restrooms or soiled napkins and paper plates. The term "mixed papers" also does not include carbon paper, cellophane or any waxed paper.

(s) *Motor oil (automotive)* shall mean any of the well-developed lubrication for automotive engines only.

(t) *Multiple-family dwelling* means a property containing five or more residential units, including those, which are occupied seasonally.

(u) *Newspapers* shall include newspapers and newspaper advertisements only. The term "newspapers" does not include mixed paper as defined in this subsection.

(v) *Nonresidential facilities and properties* mean commercial, retail, industrial, institutional and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multiple-family dwellings.

(w) *Office paper* means high-grade printing and writing paper.

(x) *Oil filters* means used automotive oil filters.

(y) *Other recyclable materials (not collected curbside)*, includes lead acid batteries, large plastic items, waste oil, E-cycle electronics, waste tires, major appliances, used engine oil filters and absorbent materials.

(z) *Person* includes any individual, corporation, partnership, association, or local governmental unit as defined in § 66.0825(3) (f) Wis. Stats., state agency or authority or federal agency.

(aa) *Plastic bottles* shall include only plastic bottles clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE). This does not include motor oil bottles, even if they are labeled #1 or #2.

(ab) *Plastic containers or bottles* made of #3, #4, #5, #6 and mixed or other plastic resin types #7.

(ac) *Recyclable materials* shall include all items deemed collectable by the director of public works for the City of Stevens Point. Such recyclables may include the following: aluminum cans, container glass, corrugated cardboard, mixed papers, newspapers, #1 through #7 plastics, aerosol cans, aseptic boxes, tin and steel cans.

(ad) *Refuse* shall mean all putrescible and nonputrescible solids including garbage, solid waste, ashes and dead animals.

(ae) *Residential* means City of Stevens Point residents from improved and occupied residential tax parcels of single-family dwellings up to four (4) units.

(af) *Solid waste* shall mean garbage, refuse and all other discarded or unsalvageable solid materials, but does not include solids or dissolved materials in wastewater effluents or other water pollutants.

(ag) *Solid waste facility* means a facility for solid waste treatment, solid waste storage or solid waste disposal and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing treatment and recovery facilities using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. The term "solid waste facility" includes the land where the facility is located. The term "solid waste facility" does not include a facility for the processing of scrap iron, steel or nonferrous metal. The term "solid waste facility" does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper fibers or plastics, not mixed with other solid waste, for sale or used for recycling purposes. The term "solid waste facility" does not include an auto junkyard or scrap salvage yard.

(ah) *Tin cans* include tin-coated metal cans and steel containers.

(ai) *Tires* means a tire that is no longer suitable for its original purpose because of wear, damage or defect. This term "Waste tires" does not include bicycle tires.

(aj) *Waste material* means any garbage, recyclables, putrescible and non-putrescible solids and discarded or salvageable materials.

(ak) *Yard waste* means leaves, grass clippings, yard and garden debris. The term "yard waste" does not include brush, including clean woody vegetative material no greater than six inches in diameter, stumps, roots or shrubs with intact root balls.

(5) Curbside Collection Containers.

(a) *Required.* Occupants of single-family, two- to four-unit residences and owners of multiple-family dwellings who choose City curbside collection are required to use City owned carts. Each improved and occupied residential tax parcel will be allowed a maximum of four (4) garbage carts and a maximum of four (4) recycling carts. Current fees for carts and cart collection are available on the City of Stevens Point website or by calling the Stevens Point streets department at (715) 346-1537. All carts are the property of the City of Stevens Point.

(b) *Garbage carts,* shall be brown with a brown lid with the City of Stevens Point logo. All carts shall be owned by the city.

(c) *Recycle carts,* shall be brown with a green lid with the City of Stevens Point logo. All carts shall be owned by the city.

(d) *Storage and collection.* Garbage and recycle carts shall be set out on the scheduled collection days at an easily accessible place on the premises at ground level as directed by the board of public works. The carts shall be easily accessible during winter months. Do not place carts on snow banks. Carts must be placed with the arrow facing the street and must be placed four (4) feet away from obstacles such as parked cars, mailboxes and utility poles, including other carts. Improperly placed carts will not be collected. Do not over stuff your carts, over stuffed carts do not allow for gravity to aid in the collection process and your carts may not completely empty. Carts set out for any collection shall not be set out more than 13 hours prior to the day of collection and shall be removed no later than midnight the day after collection. Except when set out for street collection, no containers of any type shall be located at any time in any front yards or corner side yards. No garbage or recycle carts of any type shall be located so they are visible from the front of the property, except in cases of scheduled pickup.

(e) *Contents of containers.* Covers to the carts shall be closed as to prevent contents from spilling out of cart and to prevent the admission of snow and water. Garbage carts shall not contain any of the following: *Hot cinders, hot ashes or any smoldering embers, major appliances, recyclable materials, e-cycle electronics, yard waste, branches, waste tires, wet paint, demolition material, motor oil, medical waste, medicines, engine oil filters and absorbent materials.* Recycle carts shall not contain any of the following: *Garbage, hot cinders, hot ashes or any smoldering embers, major appliances, e-cycle electronics, yard waste, branches, waste tires, wet paint, demolition material, medical waste, medicines, motor oil, engine oil filters, absorbent materials, plastic film, shrink wrap or bags, plastic straws, plates, silverware, drink pouches, styrofoam, aluminum foil, baking pans, light bulbs, mirrors, window glass, ceramics and clay pots.*

(6) Additional regulations.

(a) *Demolition material.* All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor. City of Stevens Point residents may use the drop-off for small amounts of demolition on certain days for a fee. Any fees charged for the disposal of

demolition material shall be the responsibility of the generator. The City drop-off site shall be available for use by City of Stevens Point residents from improved and occupied residential tax parcels of single-family dwellings up to four (4) units.

(b) *Nonresident disposal.* No person shall bring waste material for disposal into the City of Stevens Point or to its drop-off or pit unless such person is authorized to do so.

(c) *Storage of waste material.* Storage of waste material shall be in accordance with the following:

(1) *Ownership.* All waste material collected by city trucks or authorized vehicles shall be the property of the city. Transfer of ownership is completed upon disposition into the trucks by the collection personnel. Every owner, tenant or person occupying any building is responsible for the proper storage and removal of all waste materials.

(2) *Storing of waste material.* Any accumulation of waste material, garbage or building waste on any premises in the city is a nuisance and is prohibited. The owner of the premises upon which the accumulation takes place shall be responsible for removal of the accumulation.

(3) *Dumping waste material, recyclables, and brush or yard waste.* No person shall rake, deposit, throw, place or leave any waste material, recyclables, brush or yard waste upon any highway, street, court, lane, alley or other public way, park, vacant lot, yard, body of water or any other place except at an appropriate solid waste, recycling or licensed collection facility required in this chapter for those purposes.

(d) *Nonresidential facility and multi-family dwellings.* Each nonresidential facility and multi-family dwelling must legally dispose of solid waste, recycling, yard waste, brush, demolition material, e-cycle electronics, household hazardous waste, lead acid batteries, major appliances, medical waste, medicines, motor oil, used oil filters, tires, waste oil and wet paint by self-hauling or must arrange for the collection, removal, and disposal with a private hauler licensed to collect these waste materials in the City of Stevens Point.

(e) *Vehicle Licensing and Regulations.* See Section 12.11 of the Revised Municipal Code.

(7) Enforcement and penalty.

(a) Any authorized officer, employee or representative of the city, including the hauler, may inspect recyclable materials separated for recycling, garbage waste

intended for disposal, collection sites and facilities, collection vehicles, collection areas and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this chapter. No person may refuse access to any authorized officer, employee or authorized representative of the city or licensed hauler who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(b) All garbage and recyclable materials must be at curb/street side by 7:00 a.m. Carts shall not be out earlier than 6:00 p.m. the day before collection and must be off curb/street side by 12:00 midnight the day of collection. Any garbage or recyclables placed out beyond these hours is subject to removal with the costs charged to the property owner.

(c) A City of Stevens Point employee shall oversee all drop-off operations and shall have the right to refuse any product he/she deems unacceptable. The City drop-off site shall be available for use by City residents from improved and occupied residential tax parcels of single-family dwellings up to four (4) units. This drop-off site is not equipped to handle the volume generated from commercial properties or private contractors and shall not accept any yard waste, brush, recyclable materials, lead acid vehicle batteries, used automotive engine oil filters, used motor oil or demolition material from owners or the designees of *multiple-family dwellings* and *nonresidential facilities and properties*. The drop-off attendant may request proof of city residency from any person requesting use of the drop-off.

(8) Separation of non-refuse materials.

(a) *Required.* Occupants of single-family and two- to four-unit residences, multiple-family dwellings and properties shall separate the following materials from garbage or refuse:

- (1) Aerosol cans non-pesticide only. Nozzle must be attached to can.
- (2) Aluminum containers
- (3) Aseptic boxes and paper cartons
- (4) Bimetal containers
- (5) Brush
- (6) Corrugated paper or other container board
- (7) Demolition material

- (8) E-cycle electronics
- (9) Glass containers
- (10) Household hazardous waste
- (11) Lead acid batteries
- (12) Magazines or other material printed on similar paper
- (13) Major appliances
- (14) Medical waste/sharps
- (15) Medicines
- (16) Motor oil (automotive) and oil filters
- (17) Newspaper or other material printed on newsprint
- (18) Office paper
- (19) Plastic containers made of PETE #1 and HDPE #2.
- (20) Plastic containers or bottles made of #3, #4, #5, #6 and mixed or other plastic resin types #7.
- (21) Tin/steel cans
- (22) Tires, as defined in § 289.55(1)(c) Wis. Stats.
- (23) Waste oil, used automotive engine oil filters and absorbent materials
- (24) Wet paint
- (25) Yard waste

(b) *Designation of recyclable materials.* The director of public works reserves the right to designate additional solid waste materials as recyclable, or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the city or its contractors.

(c) *Care of recyclable materials.* To the greatest extent practicable, the recyclable materials separated in accordance with this section shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other

nonrecyclable materials, including but not limited to household hazardous waste, medical waste, medicine and agricultural chemical containers. Recyclable materials shall be stored in a manner, which protects them from wind, rain and other inclement weather conditions.

(9) Preparation and collection of recyclable materials.

(a) Except as otherwise directed by the director of public works, occupants of single-family, two- to four-unit residences and owners of multiple-family dwellings who choose City curbside collection of recyclables shall do the following for the preparation and collection of the separated materials as specified in this section:

(1) *Aerosol cans* non-pesticide only, shall be empty with the nozzle attached.

(2) *Aluminum cans* shall be empty and shall include used beverage cans only.

(3) *Aseptic boxes and paper cartons* includes soup, milk, broth, orange juice, soymilk, etc. Discard removable plastic caps; do not remove spouts. Empty, rinse and flatten.

(4) *Bimetal cans* shall be empty.

(5) *Corrugated cardboard*, not to exceed cart dimensions, shall be clean and must be flattened.

(6) *Glass containers* shall be clean and labels may remain on the glass containers. Glass should not be broken. Glass does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead-based glass such as crystal or TV tubes.

(7) *Magazines/mixed paper* includes all grades of paper such as white, colored, ledger, shiny, coated, carbonless and NCR papers; envelopes including windowed, labeled and kraft; magazines; catalogs; phone books; computer printout paper; glued pads and tablets; file folders; keypunch cards; post-it notes; spiral notebooks; cereal boxes; shoe boxes; etc. Magazines/mixed papers can include paper clips and staples, but may not include carbon paper, cellophane or any waxed paper, hand towels or other paper products from restrooms or soiled napkins and paper plates.

(8) *Newspaper* includes newspaper and newspaper advertisements only and does not include catalogs, magazines or other paper.

(9) *Plastic bottles #1 and #2* shall be clearly marked with the recycling emblem encircling the #1 (PET or PETE) or the #2 (HDPE). This does not include motor oil bottles, even if they are labeled #1 or #2. Caps must be removed; labels may remain on plastic bottles.

(10) *Plastics #3 - #7* includes bottles, jugs, food, beverage, deli, ice cream, yogurt, cottage cheese, bakery, medicine/pill, kitty litter containers, flower pots or trays, clear/rigid clam shell packaging, 5 gallon pails and small toys. Plastics shall be clean, caps and lids must be removed; labels may remain on plastics.

(11) *Tin/steel cans* shall be clean; labels may remain on cans. Tin cans with molded or round bottoms can be recycled without the molded or round bottom removed, provided the can has been rinsed. This includes tin-coated metal cans and steel containers.

(b) All recyclable material shall be co-mingled and placed in a City of Stevens Point owned brown cart with a green lid and city logo. Recyclable materials must be at curb/street side by 7:00 a.m. Carts shall not be out earlier than 6:00 p.m. the day before collection and must be off curb/street side by 12:00 midnight the day of collection. Any garbage or recyclables placed out beyond these hours is subject to removal with the costs charged to the property owner.

(c) The hauler has the right to reject or leave at the curb any recyclable material or solid waste that is not prepared according to the specifications of this section, or in the regulations provided by the contractor or the City of Stevens Point to the service recipients. Materials may also be rejected if proper separation of materials has not occurred, if your carts are improperly placed or the lid on your cart is not completely closed. In such cases, the hauler shall notify the generator in writing by means of issuing a tag listing the reason/reasons for non-collection.

(10) Management of lead acid batteries, major appliances, motor oil, yard waste, brush, demolition material, household hazardous waste, large plastic items, medical waste/sharps, medicines, bulk items, wet paint, e-cycle electronics, waste tires and used automotive engine oil filters.

(a) Except as otherwise directed by the director of public works, occupants of single-family and two- to four-unit residences, shall manage lead acid batteries, major appliances, motor oil, yard waste, brush, demolition material, household hazardous waste, large plastic items, medical waste/sharps, medicines, bulk items, wet paint, e-cycle electronics, waste tires, used automotive engine oil filters and absorbent materials as follows:

(1) *Brush* six inches in diameter and under may be transported to the City of Stevens Point drop-off. No branches shall be disposed of as general waste.

(2) *Bulk item* collection occurs the Monday after the bulk item tag is purchased in most cases. (Collection will take place the following Tuesday if a Holiday occurs on the preceding Monday.) Bulk item pick-up tags can be purchased at the City of Stevens Point Comptroller/Treasurer's office, 1515 Strongs Avenue, Stevens Point WI 54481. Bulk items should be placed at curb/street side no sooner than 13 hours before your scheduled collection day. (In most cases that will be Monday morning.) Place your bulk item in the same area your garbage cart is collected, making sure you do not block the sidewalk. Bulk items may also be brought/self-hauled to the Stevens Point drop-off facility or to the Portage County Solid Waste Transfer Facility for a fee. Current fees for bulk items are available on the City of Stevens Point website or by calling the Stevens Point Streets department at (715) 346-1537. Any fees charged for bulk items shall be the responsibility of the generator.

(3) *Demolition material* shall be transported to the City of Stevens Point drop-off for a fee. Please call (715) 346-1537 for restrictions and fees. No demolition material shall be disposed of as general waste. Any fees charged for the disposal of demolition material shall be the responsibility of the generator.

(4) *E-cycle electronics* shall be transported to an e-cycle drop-off location. Call (715) 346-1537 for a current list of e-cycle components and e-cycle locations. Any fee charged for recycling electronics shall be the responsibility of the generator.

(5) *Household hazardous wastes* shall be transported to the Portage County Solid Waste Department Transfer Facility by appointment only. Any fees charged for the disposal of hazardous wastes shall be the responsibility of the generator.

(6) *Lead acid batteries* shall be recycled at a retail business that sells lead acid batteries and accepts used batteries for the purpose of recycling, at a recycling facility or may be brought to the City of Stevens Point drop-off. Any fee imposed for the recycling of used batteries shall be the responsibility of the generator.

(7) *Major appliances* shall be recycled at a retail business that sells appliances and accepts used appliances for the purpose of recycling, at a scrap metal dealer or at a solid waste facility that accepts appliances for the purpose of recycling. Any fee imposed for the recycling of used appliances shall be the responsibility of the generator. Freon free major appliances excluding microwaves, may be brought to the City of Stevens Point drop-off at the cities discretion. Please call (715) 346-1537 for more information.

(8) *Medical waste/sharps* are collected by local pharmacies. Call (715) 346-1537 for the list of participating pharmacies. No medical needles/syringes or other sharps items shall be disposed of as waste material.

(9) *Medicines* can be brought to the City of Stevens Point or Plover police departments. Call (715) 346-1537 for more information.

(10) *Motor oil* shall be recycled at a retail business that sells oil or automotive products and accepts oil for the purpose of recycling, at an oil refinery or at a solid waste facility or automotive waste oil only may be brought to the City of Stevens Point drop-off in a clear screw cap plastic container of 2.5 gallons or less. Any fee imposed for the recycling of used oil shall be the responsibility of the generator.

(11) *Oil filters* from automotive engines shall be transported to the City of Stevens Point drop-off or the Portage County Solid Waste Transfer Facility. Any fee charged for recycling oil filters shall be the responsibility of the generator.

(12) *Plastic items (large)* shall be transported to the Portage County Material Recovery Facility at 600 Moore Road in Plover, Wisconsin.

(13) *Tires* shall be recycled at a retail business that sells tires or automotive products or at a solid waste facility. Any fee charged for the recycling of used tires shall be the responsibility of the generator.

(14) *Wet paint* must be dried out and can be added to your garbage cart.

(15) *Yard waste* either shall be home-composted using an effective back yard compost system or transported to the City of Stevens Point drop-off. No yard waste shall be disposed of in City owned garbage or recycle carts.

(11) Prohibitions on disposal of recyclable materials and unlawful burning or burial of waste material.

(a) *Generally.* No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in section 7.06 which has been separated for recycling.

(b) *Unlawful burning or burying.* It shall be unlawful for persons to burn or bury solid waste materials, recyclable materials, bulk items, demolition material, e-cycle electronics, household hazardous waste, lead acid batteries, major appliances, oil filters, large plastic items, tires, motor oil, paint, medicines and medical waste/sharps on residential or nonresidential properties.

(12) Unlawful removal of recyclable materials (antiscavenging).

(a) It shall be unlawful for any person, unless under contract with or licensed by the City of Stevens Point, to collect or remove any recyclable material that has been deposited or placed at the curb for the purposes of collection for recycling.

7.07 LEGISLATIVE FINDINGS AND DECLARATIONS. The common council finds and determines that the smoking of tobacco, or any other weed or plant, is a positive danger to the health and material annoyance, inconvenience, discomfort and health hazard to those who are present in confined spaces. That smoking indoors and in vehicles adversely affects, among other things, health, safety, comfort, employee production, and building and vehicle maintenance expenses.

The common council further adopts the findings of the federal agencies such as the Environmental Protection Agency and the Surgeon General of the United States which indicate that smoking contributes to health problems of city employees and members of the public exposed to indoor smoke, both directly through deliberate use of smoking materials and indirectly, to nonsmokers, through involuntary inhalation of smoke in the air.

(1) Definitions. The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section:

(a) “Adult Day Care Facility” means any facility as defined in section 49.45(47)(a) of the Wisconsin Statutes.

(b) “Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

(c) “Childcare Facility” means any state licensed or county certified childcare facility including licensed family day care or licensed group day care centers, licensed day camps, certified school-age programs and Head Start programs.

(d) “Educational Facility” means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

(e) “Employer” means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

(f) “Enclosed Area” means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

(g) “Health Care Facility” means an office or institution providing care or treatment of diseases as defined in section 155.01(6) of the Wisconsin Statutes.

(h) “Home Based Business” means an accessory use of a dwelling unit for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the building or site.

(i) “Place of Employment” means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles.

(j) “Private Club” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation. The affairs and management of the private club are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The private club has established bylaws and/or a constitution to govern the club’s activities. The private club has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C.A. section 501.

(k) "Public Place" means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, retail food production and marketing establishments, retail service establishments, retail stores, shopping mall, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

(l) "Restaurant" means any building, room or place where meals are prepared or served or sold to transients or the general public. The term "restaurant" shall not include a "tavern" as defined in this section.

(m) "Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(n) "Service Line" means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

(o) "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

(p) "Smoking" means inhaling, exhaling, burning, or carrying a lighted cigar, cigarette, pipe or any other lighted tobacco smoking equipment.

(q) "Sports Arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and other similar places where members of the general public assemble to engage in physical exercise.

(r) "Tavern" means a licensed establishment with a full service bar in which fermented malt beverages and/or intoxicating liquors are sold for consumption on the premises and whose sale of alcoholic beverages account for fifty percent (50%) or more of the establishment's gross receipts for the most recent licensing year.

(2) Prohibition of Smoking in Public Places. Smoking shall be prohibited in all enclosed public places within Stevens Point, including but not limited to, the following places:

(a) All enclosed areas of worksites and public places owned, rented, leased or otherwise under the control of the City of Stevens Point, including city motor vehicles.

(b) Adult day care facilities.

- (c) Aquariums, galleries, libraries and museums.
- (d) Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels and motels.
- (e) Bingo facilities.
- (f) Child care facilities.
- (g) Educational facilities, including all premises owned, rented by or under the control of a school board.
- (h) Elevators.
- (i) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital or other similar performance, except performers when smoking is part of a stage production.
- (j) Health care facilities.
- (k) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (l) Polling places.
- (m) Public transportation facilities, including ticketing, boarding and waiting areas of public transit depots, taxicabs and bus shelters.
- (n) Restaurants with a seating capacity of more than 50 persons.
- (o) Restrooms, lobbies, reception areas, hallways, and other common areas within prohibited places.
- (p) Retail stores.
- (q) Rooms, chambers, places of meeting or public assembly under the control of an agency, board, commission, committee or council of the City of Stevens Point or a political subdivision of the State of Wisconsin when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the City of Stevens Point.

(r) Service lines.

(s) Shopping malls.

(t) Sports arenas, including enclosed places in outdoor arenas.

(3) Prohibition of Smoking in Places of Employment.

(a) Smoking shall be prohibited in all enclosed facilities within places of employment except as noted in (4). This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities.

(b) This prohibition on smoking shall be communicated to all existing employees prior to the effective date of this ordinance and to all prospective employees upon their application for employment.

(c) All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

(4) Where Smoking is Not Regulated. Notwithstanding any other provision of this ordinance to the contrary, the following areas shall be exempt from the provisions in section (2) and (3).

(a) Bowling centers.

(b) Home based businesses.

(c) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided however, that not more than twenty-five percent (25%) of rooms rented to guests in a hotel or motel may be so designated. Additionally, hotel meeting and conference rooms rented for private functions not to exceed twenty-five percent (25%) of a hotel's entire meeting room inventory.

(d) Outdoor areas of places of employment.

(e) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted.

(f) Private residences, except when used as a licensed childcare, adult day care, or health care facility.

- (g) Restaurant(s) with a seating capacity of fifty (50) persons or less.
- (h) Retail tobacco stores.
- (i) Taverns.
- (j) Private clubs.

(5) Declaration of Establishment as Non-Smoking. An owner, operator, manager or other person in control of an establishment, facility, or outdoor area may declare the entire premises of an establishment, facility, or outdoor area as smoke free.

(6) Posting of Signs.

(a) The proprietor or other person having control of an establishment where smoking is prohibited under this article shall post, in a conspicuous place at every building entrance and in prominent locations throughout the establishment, a sign not smaller than 24 square inches indicating whether the building permits smoking or whether it is smoke free. The signs shall be posted in such a manner that the public has reasonable notice of the establishment's smoking policy and must be present at any time the establishment is open for business.

(b) It shall be unlawful for any person to remove, deface or destroy any sign required by this section, or to smoke in any place where any such sign is posted.

(7) Hardship

(a) As a result of complying with this ordinance, a business which realizes a loss of gross receipts greater than ten percent (10%) for the three (3) months immediately following the effective date of this ordinance when compared to the average for the same three (3) months of the preceding three (3) years, may apply to the City of Stevens Point Clerk for a one-time temporary hardship exemption. Upon granting of the hardship exemption, the business shall be exempt from the requirements of this ordinance for a period of twelve (12) months. This hardship provision shall automatically cease one (1) year after its granting.

(b) To obtain a hardship exemption, application to the Clerk must be made within one hundred twenty (120) days after this ordinance becomes effective by submitting the following:

1. Written proof subscribed and sworn to by an accountant certifying that the gross receipts have declined by; ten percent (10%) for the time period indicated above.

2. Written proof subscribed and sworn to by an accountant certifying that the business has complied with this ordinance and that the ten percent (10%) decline in gross receipts is the direct result of complying with this ordinance and not a result of other factors unrelated to this ordinance.

(c) The Clerk shall make its determination regarding hardship within sixty (60) days of receipt of a hardship application or the application will be deemed granted.

(d) This hardship provision does not apply to any business not in existence as of the effective date of this ordinance.

(8) Non-retaliation. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant or customer exercises any rights afforded by this ordinance or reports or attempts to prosecute a violation of this ordinance.

(9) The statutory provisions describing and defining regulations with respect to indoor smoking contained in section 101.123 of the Wisconsin Statutes, known as the clean indoor air act, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by Wisconsin Statute 101.123 and incorporated herein by reference is required or prohibited by this Section. The penalty for violation of Wis. Stats. 101.123(2) relating to an individual smoking in a prohibited area, shall be forfeiture of \$25 for the first violation and \$50 for each violation thereafter. The penalty for violation of Wis. Stats. 101.123(2m), relating to responsibility of persons in charge allowing smoking in violation of law, shall be a forfeiture of \$50 for the first violation and \$100 for each violation thereafter.

(10) Other Applicable Laws. This ordinance shall not be interpreted nor construed to permit smoking where it is otherwise restricted by other applicable laws.

(11) Liberal Construction. This ordinance shall be liberally construed so as to further its purposes.

(12) Severability. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Inconsistencies. In the event section 101.123 of the Wisconsin Statutes as amended, known as the clean indoor air act, contains prohibitions or prohibited acts that are otherwise permitted in section 7.07, the prohibitory provisions of section 101.123 of the Wisconsin Statutes will prevail.

(13) Enforcement. This Ordinance shall be enforced by the Mayor or his or her designee.