

**TITLE 8**

## Health and Sanitation

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**CHAPTER 1**

## Health and Sanitation

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**SEC. 8-1-1 RULES AND REGULATIONS.**

The Health Officer or 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 Health Officer or Board of Health shall be subject to the general penalty provided for in this Code.

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

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Board of Health and Health Officer shall abate health nuisances pursuant to Chapter 146, Wis. Stats., which is adopted by reference and made a part of this Section.
- (c) **Communicable Diseases.** Chapter 252, Wis. Stats., are adopted by reference and made a part of this Chapter, and it shall be the duty of the Board of Health or Health Officer to enforce the provisions thereof.

*State Law Reference: Chapter 146, 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.
- (b) **Animals Excluded From Food Handling Establishments.** No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

**SEC. 8-1-4 DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED.**

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

**SEC. 8-1-5 DESTRUCTION OF NOXIOUS WEEDS.**

- (a) The City Clerk shall annually on or before May 15th and July 31st 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. 66.0407 of the Wisconsin Statutes](#). In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (c) As provided for in [Sec. 66.0407\(1\)\(b\), 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 weeds and those designated as noxious weeds in the Wisconsin Statutes:
  - (1) *Cirsium Arvense* (Canada Thistle)
  - (2) *Ambrosia artemisiifolia* (Common Ragweed)
  - (3) *Ambrosia trifida* (Great Ragweed)
  - (4) *Convolvulus arvensis* (Creeping Jenny) (Field Bind Weed)
  - (5) *Tragopogon dubius* (Goat's Beard)
  - (6) *Rhus radicans* (Poison Ivy)
  - (7) *Cirsium vulgaries* (Bull Thistle)
  - (8) *Pastinaca sativa* (Wild Parsnip)
  - (9) *Arctium minus* (Burdock)
  - (10) *Xanthium strumarium* (Cocklebur)
  - (11) *Amaranthus retroflexus* (Pigweed)
  - (12) *Chenopodium album* (Common Lambsquarter)
  - (13) *Rumex Crispus* (Curled Dock)
  - (14) *Cannabis sativa*, (Hemp)
  - (15) *Plantago lanceolata* (English Plantain)
  - (16) *Euphorbia esula* (Leafy Spurge)

Noxious grasses, as defined in this Section and in Section 8-1-7, shall include but not be limited to the following:

- (1) *Agrostia alba* (Redtop)
- (2) *Dactylis glomerata* (Orchard)
- (3) *Phleum pratensis*, (Timothy)

- (4) *Poa pratensis* (Kentucky Blue)
- (5) *Sorghum halepense* (Johnson)
- (6) *Setaria* (Foxtail)

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

- (1) Ragweed
- (2) Thistles
- (3) Smartweed
- (4) Dandelions (over 10 inches in height)
- (5) Milkweed (over 10 inches in height)

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

#### SEC. 8-1-6 REGULATION OF NATURAL LAWNS.

- (a) **Natural Lawns Defined.** Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-5 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the City corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the City as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- (b) **Natural lawn Management Plan Defined.**
  - (1) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
  - (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the City. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current City records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.
  - (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the City Clerk by the subsequent abutting property owner. Such revocation shall be put in writing and presented to the City Clerk by the subsequent Abutting property owner. Upon receiving the written request to revoke the original waiver, the Common Council shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Common Council shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the City provided the notification is received

- sometime between May 1 and November 1. Property owners who receive notification from the City between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.
- (c) **Application Process.**
- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the City Clerk. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a non-refundable filing fee will be assessed by the City. The City of Ladysmith has established said filing fee for processing the specified application, which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.* Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the Office of the City Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the City receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the City Clerk shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.
  - (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the City Clerk shall issue permission to install a natural lawn.
- (d) **Application For Appeal.** The property owner may appeal the Clerk's decision to deny the natural lawn permit request to the Common Council at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Common Council shall be final and binding.
- (e) **Safety Precautions For Natural Grass Areas.**
- (1) When, in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three 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 Natural Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the City as a party insured. The minimum amount of acceptable insurance shall be as prescribed by the City's Schedule of Insurance Requirements.
- (f) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Common Council, upon the recommendation of the Weed Commissioner, shall have the authority revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Common Council. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to Revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (5) 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 property own (3) days upon Natural lawns abate the nuisance within ten (10) days, the Common Council may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter those charges onto the tax roll as a special tax as provided by State statute.
- (3) The failure of the City Clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.

(h) **Penalty.**

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

**SEC. 8-1-7 REGULATION OF LENGTH OF LAWN AND GRASSES.**

- (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 Ladysmith.
- (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 discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area, drainageway and/or wetland area or where the lawn, grass or weed is part of a Natural Lawn Management Plan approved pursuant to Section 8-1-6 above.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him within the City.
- (d) **Inspection.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **Abatement of Nuisance.**
  - (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he shall immediately cause written notice to be served that the City proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5.
  - (2) The notice shall be served at least seven (7) days prior to the date of the City's date of action to have the grass or lawn cut and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.

- (3) **Second and subsequent violations.** If one notice has been sent, as set forth in this subsection, in any one calendar year, no further notices for additional violations on the same property are required in that calendar year. *Ord. 2020-08 adopted July 13, 2020.*
- (f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Clerk's office within the seven (7) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a decision is rendered in the property owner's favor, the \$25.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of City personnel abating the nuisance, if necessary. When 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 Common 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 Common Council shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Common Council's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
- (g) **City's Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the City may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) The City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Common Council. The charges shall be set forth in a statement to the City Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the City Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under [Sec. 66.0907, Wisconsin Statutes](#).

#### SEC. 8-1-8(A) PURCHASE OR POSSESSION OF TOBACCO PRODUCTS

- (a) State Statute Adopted. The City of Ladysmith by this section, adopts the provisions of [sections 134.66 and 778.25\(1\)\(a\) of Wisconsin Statutes](#), these sections being adopted by reference and incorporated herein.
- (1) "Cigarette" has the meaning given in [Sec. 139.30\(1\) Wis. Stats.](#)
  - (2) "Tobacco Products" has the meaning given in [Sec. 139.75\(12\) Wis. Stats.](#)
  - (3) "Law Enforcement Officer" has the meaning given in [Sec. 30.50\(4s\) Wis. Stats.](#)
- (b) Except as provided in sub. (3) below, no person under eighteen (18) years of age may do any of the following:
- (1) Buy or attempt to buy any cigarette or tobacco product.
  - (2) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
  - (3) Possess any cigarette or tobacco product.
- (c) A person under eighteen (18) years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under [Sec. 134.65\(1\)](#).

- (d) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of sub. (2) committed in his or her presence.
- (e) If any portion of Section 8-1-8(A) is found to be unconstitutional or otherwise invalid, the validity of the remaining section shall not be affected. *Ord. 98-12 adopted 09-28-98.*

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

- (a) **Connections Required.**
  - (1) Whenever systems for sewer and water service are available to any building used or to be used for human habitation, the facilities for such building shall be connected within one (1) year to the available sewer and water mains of the systems. "Available" shall be defined as City sewer and water service being available in front of the property or in an easement adjacent to the property.
  - (2) Whenever sewer and water service becomes available to any building already in existence and used for human habitation, the Building Inspector shall notify in writing the owner, agent or occupant thereof to connect all facilities thereto required by the Building Inspector. If such person to whom the notice has been given shall fail to comply for more than ten (10) days after the notice, the Building Inspector shall cause the necessary connections to be made and the expense thereof shall be assessed as a special tax against the property.
- (b) **Abatement of Privies and Cesspools.** After connection to a water main and public sewer, no privy, privy vault or cesspool shall be constructed or maintained upon such lot or parcel and shall be abated upon ten (10) days' written notice for such abatement by the Building Inspector. If not so abated, the Building Inspector shall cause the same to be done and the cost thereof assessed as a special tax against the property.
- (c) **Extension of Time.** The City may extend the time for connection hereunder or may grant another temporary relief where strict enforcement as described in (b) above would work an unnecessary hardship without corresponding public or private benefit.
- (d) **Sewer Connection Charge.**
  - (1) Before the required connection is made for an existing or new building, used or to be used for human habitation, a sewer connection charge will be imposed on all such connections and levied as a special charge.
  - (2) Whenever such buildings are to be erected on lots or parcels which are subject to the provisions for subdivisions within the Land Division and Platting Chapter of this Municipal Code, connection and payment of the above charges shall be in accordance with the appropriate provisions of the Subdivision and Platting Chapter.
- (e) **Annexed Areas.** Buildings used for human habitation which are located in areas annexed to the City of Ladysmith are subject to Subsections (a) through (d) above.

## CHAPTER 2

### Pollution Abatement

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

#### **SEC. 8-2-1 CLEANUP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES.**

- (a) **Purposes.** The purpose of this Section is:
- (1) To insure safe and effective hazardous materials and hazardous waste management; and
  - (2) To establish a program of regulation over the storage, transportation, treatment and disposal of hazardous materials and waste in the City.
- (b) **Findings.** The City finds that:
- (1) Increasing production and consumption rates, continuing technological development and energy requirements have led to the generation and use of greater quantities of hazardous materials and associated hazardous waste;
  - (2) The problems of disposing of hazardous waste are increasing as a result of air and water pollution controls and a shortage of available landfill sites;
  - (3) While it is technologically and financially feasible for hazardous waste generators to dispose of their waste in a manner which has a less adverse impact on the environment than current practices, such knowledge is not being utilized to the extent possible;
  - (4) Even though the City is not heavily industrialized, there is significant daily hazardous waste disposal problems; and
  - (5) The public health and safety and the environment are threatened where hazardous materials and wastes are not managed in an environmentally sound manner.
- (c) **Definitions.**
- (1) Disposal. The discharge, deposit, injection, dumping, spilling, leaking of hazardous material or waste into or on any land or water so that this hazardous waste or any constituent thereof may enter the environment, be emitted into the air or discharged into any waters, including groundwaters.
  - (2) Hazardous Material. Any element, compound or combination thereof which is flammable, corrosive, etc., and which, because of handling, storage, processing or packaging, may have detrimental effects on operating and emergency personnel, the public, equipment and/or the environment.
  - (3) Hazardous Waste. Any waste or combination of wastes of a liquid, gaseous or semi-solid form which, because of its quantities, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Such wastes include, but are not limited to, those which are toxic, carcinogenic, flammable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of substances described as hazardous waste.
  - (4) Generation. The act or process of producing hazardous waste.
  - (5) Person. Any individual, partnership, corporation (including a government corporation), trust, association, firm, joint stock company, organization, commission, the City or federal government or other entity.
  - (6) Storage. Containment in such manner as not to constitute disposal.

- (7) **Transport.** The movement from the point of production, generation or use to any intermediate site and finally to the point of ultimate storage or disposal.
- (8) **Treatment.** Any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of hazardous waste so as to neutralize or render it non-hazardous, safer for transport, amenable for recovery or storage, or reduced in volume.
- (9) **Treatment Facility.** A location for treatment, including an incinerator or a facility where generation has occurred.
- (d) **Prohibited Discharge.** No person shall discharge or cause to be discharged, leak, leach or spill upon any public street, alley or public property, or onto the ground, surface waters, subsurface waters, aquifers or on any private property, except those areas specifically licensed for waste disposal or landfill activities within the City as defined by Subsection (c)(2).
- (e) **Containment, Cleanup and Restoration.**
  - (1) All persons, firms or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid, liquid or gas shall be immediately reported to the Fire Chief and County Emergency Government Director.
  - (2) Any person in violation of this Section must, upon authorization by the Fire Chief and County Emergency Government Director, begin immediate actions to contain, clean up and remove to an approved repository the offending material(s) and restore the site to its original condition. Should any person fail to engage or complete the requirements of this Section, the Fire Chief and County Emergency Government Director may order the required actions to be taken by public or private resources, with all costs incurred by the City to be reimbursed by the person violating this Section.
- (f) **Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to the Fire Chief and County Emergency Government Director for purposes of evaluating the threat to the public and monitor containment, cleanup and restoration.
- (g) **Public Protection.** Should any prohibited discharge occur that reasonably causes a threat to the life, safety or health of the public, the senior fire officer on the scene may order an evacuation of the area or take other appropriate protective steps for a period of time as deemed necessary for the safety of the public.
- (h) **Enforcement.** The Fire Chief shall have authority to issue citations or complaints under this Section.
- (i) **Financial Liability.** Any person, firm or corporation in violation of this Section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City by reason of such violation and to any individual whose person or property was damaged by such violation. 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 any effort to minimize the polluttional effects of the discharged waste or hazardous material substance.

#### 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, air and/or into any street, sewer, ditch or drainage way, lake or strewn within the jurisdiction of the City of Ladysmith.

**CHAPTER 3**

## Refuse Collection and Disposal

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**SEC. 8-3-1 TITLE; COLLECTION BY CITY.**

- (a) **Title.** This Chapter shall be known as the Solid Waste Management Ordinance of the City of Ladysmith, hereinafter referred to as this "Ordinance" or "Chapter."
- (b) **Residential Garbage and Refuse.** All garbage and refuse produced by commercial and 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) **Industrial and Other Waste.** All industrial garbage and refuse and all garbage and refuse produced by other entities which are not residential or commercial, if the City is unwilling to collect it, shall be collected and disposed of by private licensed garbage and refuse haulers and disposed by them at designated disposal sites.
- (d) **Supervision.** The collection of garbage and refuse as defined herein shall be under the supervision of the Sanitation Director who shall make such regulations as are necessary regarding, the collection of garbage and refuse with the approval of the Common Council. The enforcement of health regulations relating to garbage and refuse disposal shall be the responsibility of the Health Officer of the City of Ladysmith.
- (e) **Private Disposal of Garbage.** This Chapter shall not prohibit the actual producers of garbage or refuse or the owners of residential units upon which refuse has been accumulated from personally collecting, conveying and disposing of refuse at an approved municipal landfill site or at any other lawful disposal site provided such producers or owners comply with other provisions of this Chapter dealing with the accumulation of garbage and refuse, vehicle regulations and specifications and with payment to the City for regularly billed service.
- (f) **Billing as a City Utility for Services.**

- (1) All residential units within the City of Ladysmith shall receive refuse and garbage collection services once per week as set forth in this Chapter, and each residential unit shall be billed for said service as a City utility on a quarterly basis whether said service is used or not.
- (2) All commercial operations within the City of Ladysmith shall receive refuse and garbage collection services from one (1) to seven (7) times per week, based upon their request, and shall be billed quarterly for the service as specified in Section 8-3-13(b) herein, which billing shall be in addition to the basic service fee on a quarterly basis, whether said service is used or not.
- (3) The Common Council of the City of Ladysmith has established an equitable means of recapturing a portion of its costs for solid waste collection, transfer and disposal by establishing a fixed monthly fee for each family or household dwelling unit, building or apartment complex, and each non-residential, commercial, governmental or institutional customer or other entity the City elects to provide service to in accordance with this Chapter. The fee schedule is permanently on file in the Clerk's Office and will be made available for inspection upon request. *Ord. 2018-04 adopted on 10/08/2018.*

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

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

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

- (a) 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.
  - (1) Agricultural Establishment. An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
  - (2) Bulky Waste. Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
  - (3) Collector. The person or persons specifically authorized by the City Council to collect garbage, rubbish and recyclable materials and dispose of the same.
  - (4) Collection. The act of removing solid waste from a storage area or at the source of generation.
  - (5) Combined Refuse. A combination of recyclable and non-recyclable material placed for collection.
  - (6) Commercial Waste. That waste in the City generated by retail businesses, hotels, motels, service or professional activities, but excluding residential units and dwellings and excluding industrial waste generated by manufacturers with ten (10) or more employees.
  - (7) Curb. The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
  - (8) Deciduous Material. Yard and garden wastes including leaves, grass clippings, flowers and similar vegetation, but specifically excluding sod, dirt, twigs, fruits, vegetables and other similar waste material.
  - (9) Demolition /Construction Wastes. That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.
  - (10) Disposal. The orderly process of discarding useless or unwanted material.
  - (11) DNR. The Wisconsin Department of Natural Resources.
  - (12) Dump. A land site where solid waste is disposed of in a manner that does not protect the environment.
  - (13) Dwelling Unit. A place of habitation occupied by a normal single family unit or a combination of persons who may be considered as equivalent to a single family unit for the purposes of this Chapter.

- (14) Garbage. Any refuse accumulation of animal, fruit or vegetable matter, liquid or solid that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, including that from houses, butcher shops and similar establishments and including in both cases natural content of moisture. Any combination of garbage and refuse shall always be deemed to be garbage for the purpose of licensing under this Section.
- (15) Hazardous Waste. Radioactive, volatile, highly flammable, explosive, toxic or hazardous materials. Hazardous materials shall include, but not be limited to, any amount of waste listed or characterized hazardous by the U.S. Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, and applicable state law.
- (16) Industrial Waste. Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (17) Litter. Solid waste, usually rubbish, scattered about in a careless manner.
- (18) Mixed Purpose Units. Where commercial and industrial uses are maintained at or in conjunction with a residential unit, the residential unit shall be deemed commercial for the purposes of this Chapter and City billing purposes.
- (19) Non-Recyclable Material. All pyrex glass, window glass, light bulbs, mirrors, broken glass and china, all styrofoam and melamine-type plastics, all waxed paper, waxed cardboard, enveloped with plastic windows and all other paper, garbage and rubbish, telephone directories, etc., not defined as other paper recyclable materials.
- (20) Non-Residential Solid Waste. Solid waste from agricultural, commercial, governmental, industrial or institutional activities.
- (21) Person. Individuals, firms, corporations and associations, and includes the plural as well as the singular.
- (22) Private Collection Services. Collection services provided by a person licensed to do same by the DNR.
- (23) Recyclable Material. Any of the items listed in Section 8-3-23(b) herein, except hazardous household wastes. For purposes of determining the meaning and intent of this Chapter, the term recyclable material may be substituted for the terms "garbage," "refuse," "waste" or "solid waste" as these terms appear in this Chapter.
- (24) Recyclable Waste. Waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.).
- (25) Refuse. Combustible and non-combustible refuse. Discarded, relatively dry, miscellaneous materials, comprising chiefly wood, paper, rags, excelsior, straw, leather, boxes, sweepings from buildings and similar discarded articles of combustible and non-combustible nature.
- (26) Residential Solid Waste. All solid waste that normally originates in a residential environment from residential dwelling units.
- (27) Residential Unit. Each living unit in the City of Ladysmith designed for permanent living quarters, including single-family dwellings, and units in duplexes, triplexes and multi-family units.
- (28) Scavenging. The uncontrolled removal of materials at any point in solid waste management.
- (29) Solid Waste. Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- (30) Special Haul Items. Body waste, dead animals, large vehicle parts, large equipment, large appliances, large discarded furniture and bulky construction/demolition waste shall be considered items subject to special haul services and charges and are not considered residential waste subject to regular weekly collection.
- (31) Storage. The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (32) Storage Areas. Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

- (33) Yard Wastes. That part of solid waste consisting of leaves, grass clippings, sawdust and twigs, shrubs and small brush less than one (1) inch diameter.

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

- (a) Storage areas shall be kept in a nuisance and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provisions of this and other City Ordinances.
- (b) No garbage, mixed refuse or dead animals shall be kept more than eight (8) days on any premises except at an approved and properly licensed sanitary landfill and except for special circumstances which may be approved by the Health Officer.

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

- (a) **General Container Standards.** Each person occupying and dwelling in a house or other building or portion thereof and producing garbage for collection shall provide and renew, when necessary, a sufficient number of cans or containers to hold the garbage accumulating between collections without overloading. Suitable containers of a type approved by the City shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- (b) **Approved Containers.**
- (1) Approved residential solid waste containers shall consist of metal or plastic water-repellant containers with tight-fitting covers and suitable handles, commonly referred to as garbage cans, or plastic garbage bags which are closed by means of a tie, dumpsters or any other container approved by the City. Approved containers other than dumpsters shall have a capacity of not more than thirty-three (33) gallons and shall not weigh more than sixty-five (65) pounds full. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.
  - (2) Cardboard and paper must be placed flat in paper bags to be handled by one (1) person in such a manner that the same will not be able to be blown or scattered. Should bundles, cardboard boxes and/or contents, because of weather conditions, become wet and soaked, they will not be collected, but must be stored by the owner in an approved container for collection on the next collection day. Cardboard boxes will be considered disposable and will not be emptied and returned to the curb.
  - (3) Any defective can or any receptacles having ragged or sharp edges or any defects which might injure or hamper the person collecting the waste shall be replaced immediately by the owner. There shall be no limit on the number of properly stickered\* (8-1-13)(a)(1) bags or approved containers placed for any one (1) collection period. \* See Section 8-3-13 for refuse sticker costs.
- (c) **Illegal Containers.** Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight.
- (d) **Defective Containers.**

- (1) All garbage cans incapable of continuing to meet the definition of an approved container because of damage, loss of handles, or other factors, shall be tagged by the collection crew. The collection crew will also leave notification of the defects on the premises. The next collection day the container appears, it will be collected and disposed of. The Department of Public Works or the private collection firm under contract with the City shall establish standards for the collection crews to use in the determination of whether a container is defective and the methods and procedures for tagging defective containers.
  - (2) Where garbage cans from several residential units are placed for collection at the same location, the garbage cans shall be identified with the address number so ownership can be determined.
- (e) **Commercial and Industrial Waste.** All commercial and industrial waste must be stored in City-approved receptacles upon the premises of the producer of the waste.

#### SEC. 8-3-6 YARD WASTES FROM RESIDENTIAL UNITS.

- (a) **General.** All residential units will be permitted to dispose of yard wastes through regular monthly pickups, usually during late spring, summer and early fall months. Leaves and grass clippings must be properly stored in garbage bags or approved containers for collection or they will not be collected.
- (b) **Shrubs and Tree Trimmings.** Small amounts of shrubs and tree trimmings less than one (1) inch in diameter will be collected in the same manner provided in 8-3-6(a) above and provided they are placed in approved containers or tied into small bundles no longer than four (4) feet in length and not exceeding twenty-four (24) inches in diameter.

#### SEC. 8-3-7 COLLECTION OF REFUSE.

- (a) **Placement For Collection.**
  - (1) Residential solid waste shall be accessible to collection crews. Collection by packer truck is limited to rubbish and garbage. Residential solid waste in approved containers or bags shall be placed immediately behind the curb of the public street for collection. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. During winter months, solid waste shall not be placed on top of the snow bank, nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handing procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.
  - (2) Commercial solid waste shall also be accessible to collection crews. Dumpsters will not be emptied unless accessible from the front by the collection truck and a three (3) foot clear space maintained on their other three (3) sides.
- (b) **Restriction on Time of Placement.** All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above not earlier than twenty-four (24) hours before the regular collection time. All receptacles and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. City employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by Council authority.
- (c) **Residential Units; Time of Collection.** Garbage and refuse collection shall be once a week from every residential unit served. Refuse collection shall occur only between the hours of 6:00 a.m. and 4:00 p.m. When the regular collection day falls on one of the following holidays, such regular collections on the holiday may be omitted and collection shall be made on another day during the

week of such holiday, and the City shall inform the public of the make-up collection day. The holidays herein referred to are New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving Day, Christmas, Veterans' Day and Good Friday. All garbage vehicles used for hauling garbage by a licensee on any day shall empty his trucks daily at an appropriate and lawful site. Notification to the public shall be by newspaper and/or radio advertisement.

- (d) **Commercial Units; Time of Collection.** Commercial accounts may be serviced between 6:00 a.m. and 4:00 p.m. Frequency of commercial collection shall be determined upon the service purchased by the commercial customer.

#### **SEC. 8-3-8 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, the Police, Sanitation Director or Health Officer 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 corrections shall be made. Time limits set for the correction of violations shall be reasonable and consistent. The Police, Sanitation Director or Health Officer 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) working days nor less than twenty-four (24) hours. All such notices shall be kept in a clearly marked file and shall be available for public inspection during regular business hours.
- (b) **Special Violations for Collections.** 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 a notification and/or citation, the Police, Sanitation Director or Health Officer shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefor. The special collection shall be made and if billing is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax roll. A person shall not use the special collection provisions of this Chapter to circumvent requirements for collection by a private firm.

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

In the absence of an agreement to the contrary, title to the solid waste placed for collection by the City of Ladysmith, or collectors licensed by the City, shall vest in the City as soon as it is placed for collection.

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

- (a) **Dead Animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (b) **Undrained Food Wastes.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- (c) **Ashes.** It shall be unlawful to place hot ashes for collection. Ashes that are cool and dry may be placed for collection, but only in non-combustible containers.
- (d) **Improper Placement.** No persons shall deposit, throw or place any garbage, offal, dead animals, combustible refuse or other deleterious matter in any park, lane, alley, street, public grounds or public place within the City, nor place any garbage, offal, dead animals or other refuse matter upon any private property not owned by such person. If not deemed noncollectible, these materials may be placed for collection on the owner's property if the same is enclosed in proper vessels or containers, which shall be watertight and kept so with tightly fitting covers.
- (e) **Compliance With Chapter.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the City contrary to the provisions of this Chapter.

- (f) **Improper Transportation.** It shall be unlawful to transport any solid waste in a vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the affected area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- (g) **Interference With Authorized Collector.** No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any authorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- (h) **Scavenging.** It shall be unlawful for any person to scavenge any solid waste placed for collection.
- (i) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.
- (j) **Burning of Waste.** It shall be unlawful for any person to burn solid waste in any manner within the City of Ladysmith, except as may provided elsewhere in this Code of Ordinances.
- (k) **Non-Collectible Materials.** It shall be unlawful for any person to place for collection any of the following wastes:
  - (1) Hazardous waste;
  - (2) Toxic waste;
  - (3) Chemicals;
  - (4) Explosives or ammunition;
  - (5) Drain or waste oil or flammable liquids;
  - (6) Large quantities of paint;
  - (7) Tires;
  - (8) Dead animals;
  - (9) Animal or human waste.
- (l) **Animal or Human Wastes.** It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as "kitty litter" may be placed for collection if animal wastes are removed prior to disposal.
- (m) **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to prevent and eliminate injury to collection crews.
- (n) **Building Waste.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor, except small quantities placed in approved containers. No license is required if done by owner, contractor or builder.
- (o) **Special Haul Items.** It shall be unlawful for any person receiving residential garbage collection within the City of Ladysmith to set for regular collection special haul items as defined herein. Collection service for the disposal of these items must be arranged prior to pickup at the rates in effect at the time.

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

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

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

It shall be unlawful for any nonresident who accumulates refuse outside the City to bring it into the City limits for collection and disposal by the City or licensed collectors, and it shall also be unlawful for any

resident to permit the same. Conversely, it shall be unlawful for any City property owner, except a licensed waste hauler who accumulates waste within the City, to transport it outside the City for disposal. The latter provision shall not apply to burnable waste which is burned in approved locations.

**SEC. 8-3-13 FEES FOR DISPOSAL AND COLLECTION OF GARBAGE AND REFUSE.**

**(a) Residential.**

- (1) No garbage and refuse will be collected unless properly stickered as follows:
  - a. A refuse sticker, in an amount established by the Fee Schedule, shall be affixed to each garbage bag or approved container having a capacity of eight (8) gallons or less.
  - b. A refuse sticker, in an amount established by the Fee Schedule, shall be affixed to each garbage bag or approved container having a capacity of nine (9) to fifteen (15) gallons.
  - c. c. A refuse sticker, in an amount established by the Fee Schedule, shall be affixed to each garbage bag or approved container having a capacity of sixteen (16) to thirty-five (35) gallons.
  - d. See Bulky Items Schedule for acceptable items and price.

The fee schedule is permanently on file in the City Clerk's Office and will be made available for inspection upon request.

- (2) Additionally, residential charges for garbage and refuse collection and disposal shall be determined by resolution of the Common Council of the City of Ladysmith as from time to time amended and shall be billed following service to each residential unit on the quarterly municipal utility bill as set forth in 8-3-1(f)(3). Each residential unit, as defined in this Chapter, shall receive one (1) quarterly bill for collection and disposal as determined by the Clerk-Treasurer's office.
- (3) Any charges for garbage collection and disposal which shall become delinquent by sixty (60) days shall be made a special assessment and lien against the real property to which the service was provided. When an account becomes thirty (30) days delinquent, the Clerk-Treasurer's office shall send a thirty (30) day delinquency notice both to the resident and the property owner if they are different, advising them that failure to pay within thirty (30) days of the notice shall result in assessment against the real property as set forth above. The administrative cost of delinquency notice set by the Clerk-Treasurer shall be added to the delinquent bills as a one percent (1%) monthly charge.

**(b) Commercial.**

- (1) All basic fees for the collection of commercial and other non-residential waste shall be determined by the Common Council from time to time. Said fees shall be based upon the cost of collection, transfer and disposal, as allocated by the Council
- (2) All fees for collection of commercial and other non-residential waste shall be billed quarterly to commercial and other non-residential users of the service. Charges for garbage and refuse collection for commercial and other non-residential users shall be by weight per pound of refuse for those commercial and other non-residential users including those using approved containers including dumpsters unless otherwise exempted on a case by case basis, in which case refuse stickers in 8-3-13(a)(1) would apply. The City of Ladysmith has established weight per pound fees and the fee schedule is permanently on file in the City Clerk's Office

and will be made available for inspection upon request. *Ord. 2017-06 adopted on 11/13/2017.*

- (3) Additionally, commercial and other non-residential charges for garbage and refuse collection and disposal shall be determined by resolution of the Common Council of the City of Ladysmith as from time to time amended and shall be billed following service to each residential unit on the quarterly municipal utility bill as set forth in 8-3-1(f)(3). Each commercial unit, as defined in this Chapter, shall receive one (1) quarterly bill for collection and disposal as determined by the Clerk-Treasurer's office.
- (c) **Suspension and Renewal of Service.** Any class of waste disposal service customer who has the water shut off at the customer's address during the quarterly billing period will be credited for that portion of the period during which the water is shut off, the assumption being that this is adequate verification that the customer is not using the waste disposal service during such period either. Other adjustments shall be at the Council's direction only.

#### SEC. 8-3-14 LICENSING OF REFUSE AND GARBAGE COLLECTORS.

- (a) **Refuse Collection.** No person shall engage in the business of collecting refuse 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 and shall be accompanied by the license fee. The City of Ladysmith has established fees for processing the specified license, which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.* Prior to final action on such application, the same shall be referred to the Sanitation Director for consideration and report thereon to the Common Council. The City Clerk 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.
- (b) **Garbage Collection.** No person shall engage in the business of collecting garbage in the City without first obtaining a City license to do so. Applications for the license shall be presented to the Common Council on forms prepared by the City Clerk and shall be accompanied by the license fee. The City of Ladysmith has established fees for processing the specified application, which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.* Prior to final action on such application, the same shall be referred to the Sanitation Director for consideration and report thereon to the Common Council. The City Clerk 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.
- (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 permits 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. 8-3-15 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 thousand (1,000) residents of the City of Ladysmith. Such a license shall be a one (1) year license in effect on a calendar-year basis.
- (b) **Limitation on Number of Refuse Collection Licenses.** The number of licenses that may be granted under this Charter for collection of refuse shall not exceed one (1) license per one thousand (1,000) residents of the City. Such licenses shall be an annual license in effect on a calendar-year basis.
- (c) **Transfer of Licenses.** Licenses may be transferred at any time upon application to the City Clerk, payment of a transfer fee and approval by the Common Council. The City of Ladysmith has established a transfer fee which is included in the fee schedule which is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted*

5/6/2010. The City Clerk 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 non-licensee 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 waste.
- (e) **Bid for Services.** The City may bid the collection of all residential and commercial garbage and refuse within the City for a contract period not to exceed five (5) years. Bid specifications shall be published and bids taken not less than sixty (60) days prior to the termination of a calendar year. Bid documents must include the license requirements and vehicle permit liability provisions of this Chapter. Any successful bidder shall automatically receive the license under Section 8-3-14 and this Section.

#### **SEC. 8-3-16 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 for industrial 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 that any such collection is being established. Such collection would be subject to any private contracts in effect at the time service would be established.

#### **SEC. 8-3-17 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 Hundred Thousand Dollars (\$100,000.00) per person, Three Hundred Thousand Dollars (\$300,000.00) per occurrence and an additional Five Hundred Thousand Dollars (\$500,000.00) complete umbrella liability policy covering injury, death or destruction of property of any person other than a licensee.

#### **SEC. 8-3-18 COLLECTION VEHICLE PERMIT.**

- (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 Sanitation Director or the duly authorized representative of the Sanitation Director.
- (b) Application for a permit for vehicles collecting garbage shall be on a form prepared by the City Clerk. The annual permit fee shall be Twenty-five Dollars (\$25.00) per vehicle. The permit shall not be transferable between vehicles. The City Clerk 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.
- (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 permits, the vehicle shall first be inspected and approved by the Health Officer or the duly authorized representative of the Health Officer.

- (d) Application for a permit for a vehicle collecting refuse shall be on a form prepared by the City Clerk and is not transferable between vehicles. The City Clerk 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.
- (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 numerals 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 upon approval of the vehicle in writing by the Sanitation 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 Director of Public Works or Sanitation Director 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. 8-3-19 COLLECTION VEHICLE REGULATIONS.**

- (a) **Construction.** All trucks or other vehicles used by waste 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 waste collectors in any R-1 (Single-Family Residential, Two-Family Residential, Multiple-Family Residential Districts, Mobile Home Residential District), or in any C-1 (Commercial District) of the City for more than one (1) hour, unless disabled, or awaiting repair at a repair garage. This Section shall not apply to City collection vehicles stored on City property.

#### **SEC. 8-3-20 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. 8-3-21 BURNING OF GARBAGE OR REFUSE PROHIBITED.**

No person shall burn any garbage within the City of Ladysmith. *Ord 98-09, adopted 8-10-98. Ref. Section 5-2-9 Open Burning.*

#### **SEC. 8-3-22 CONTRACT INCORPORATED BY REFERENCE.**

The terms of any contract from time to time entered into by the City as a result of bidding waste collection, transfer or disposal under this Chapter shall be incorporated by reference and made an integral part of this Chapter. The contract shall be subject to the same penalties and enforcement provisions as any other Section of this Chapter. Any conflict between the existing ordinance and a contract shall be resolved by using common sense interpretation of the provisions of both ordinance and contract and giving greater weight to the more recently enacted Section of either of the two (2) documents.

#### **SEC. 8-3-23 MANDATORY SEPARATION AND RECYCLING.**

Every residence, residential unit, place of business, commerce or other place providing goods or services of any type shall cooperate in the collection, separation, reduction, and recycling of garbage and combined refuse by performing according to this Section, except industrial wastes not collected by or for the City. Waste not separated in this fashion will not be collected:

- (a) **Placement.** Except where otherwise provided herein, separated recyclable material shall be placed for collection as prescribed in Section 8-3-7 herein in containers as prescribed in Section 8-3-5 herein.
- (b) **Method of Separation and Collection.** The following-listed recyclable materials shall be separated from other garbage and combined refuse and grouped together with like items, placed for collection on a rotating schedule in approved containers and in the same manner as regular garbage collection.
  - (1) Aluminum. All aluminum cans shall be rinsed and placed together in see-through bags tied or other approved container. Aluminum items may be placed with other metal items.
  - (2) Appliances. Major appliances, so-called "white goods," shall not be set out unless doors are removed or sealed to prevent entry by curious children and unless a certificate is affixed to the appliance by a licensed remover attesting that CFC or freon refrigerants have been removed from refrigerators or freezers and PCB containing capacitors have been properly removed from microwave ovens and disposed of. Appliances shall thereafter be placed for collection only after an appliance sticker of a value specified in a current schedule maintained by the City Clerk has been affixed to each and a call has been placed to and received by City Hall staff confirming the location of placement for collection.
  - (3) Batteries. Expired vehicle batteries shall be placed inside leakproof containers if they are cracked or if caps are missing.
  - (2) Branches and Tree Cuttings. Branches and tree cuttings no longer than six (6) feet in length shall be placed so that main stems lie in the same direction for ease of handling. Branches and tree cuttings shall be placed for special collection on or about the last week of the months of late spring, summer and early fall. A charge will be assessed to the property owner for collections requiring in excess of ten (10) minutes, according to the current schedule maintained by the City Clerk.
  - (5) Corrugated Cardboard. All cardboard placed for collection in residential areas should be flattened and tied in bundles not more than two (2) feet by three (3) feet by two (2) feet. Beverage containers, gray cardboard, waxed cardboard and other grades shall not be placed.
  - (6) Glass. Green, brown and clear glass containers shall be rinsed and unbroken with caps and metal rings removed and shall be placed in separate see-through bags or other approved containers. Paper labels may be left on. Light bulbs, window glass, windshields, mirrors, pyrex glass, china, etc., are not to be placed.
  - (7) Hazardous Household Wastes. Paint and solvent containers, nail polish bottles, poison containers and other hazardous household wastes shall be placed for special collection at times which will be publicly announced.
  - (8) Mixed Paper. Mixed paper, such as writing paper, typing paper or computer paper, shall be stored in see-through bags or other approved containers. Envelopes, colored papers, carbon paper, etc., shall not be placed, except white envelopes without windows.
  - (9) Leaves and Lawn Rakings. Lawn rakings shall be placed for special collection in bags or other approved containers on or about the last week of late spring, summer and early fall months. Leaves shall be placed for special collection at times which will be publicly announced.
  - (10) Metals. Large metal items shall be placed together for special collection at times which will be publicly announced, usually once each spring and fall.
  - (11) Motor Oil. Waste motor oil, not contaminated with other liquids, shall be placed in resealable, unbreakable containers.
  - (12) Newspapers. Newspapers and non-glossy inserts shall be bundled, and shall be placed in see-through bags or other approved containers.
  - (13) Plastic. Plastics, numbered #1 or #2 only, shall be collected and shall be rinsed to remove residues inside and out, and shall be placed together with caps and metal rings removed.

Exceptions will be noted in flyers and newspaper ads or on a list maintained at City Hall. Paper labels may be left on. Styrofoam board, melamine and other grades of plastic shall not be placed.

- (14) Tin Cans. Tin cans shall be rinsed to remove residues inside and out, and shall be placed together for collection. Ends may be removed and cans may be flattened.
- (15) Tires. Tires shall be collected at special times and sites as noted in flyers or newspaper ads.
- (c) **Time of Collection.** The above-specified recyclables, which may change from time to time, will be collected on regular collection days unless other times are specified herein or by notice from the Sanitation Department.
- (d) **Ownership of Recyclable Material.** All recyclable material collected and deposited for City collection as provided in this Section shall be the property of the City. Recyclable material deposited on a voluntary basis at private or other public recycling centers or material buyer's locations shall be the property of the operator of the recycling center or buyer.

**CHAPTER 4**

## City Cemetery

8-4-1	City Cemeteries Established
8-4-2	Platting of New City Cemetery Lots
8-4-3	Purchase of Lots
8-4-4	Ownership Right of Interment
8-4-5	Perpetual Care of Lots
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**SEC. 8-4-1 CITY CEMETERIES ESTABLISHED.**

Riverside Cemetery is owned and maintained by the City of Ladysmith for the benefit of all its citizens. Definite rules and regulations must be set by the Common Council to insure proper maintenance and beauty and to prevent abuse and destruction. The rules and regulations are set forth in this Chapter to govern Riverside Cemetery. The City reserves the right to amend or change any of these rules or regulations to conform with newly developed cemetery practices.

**SEC. 8-4-2 PLATTING OF NEW CITY CEMETERY LOTS.**

Before any new block of a municipal cemetery is opened for sale of lots, the Common Council shall cause it to be platted and recorded in the office of the Register of Deeds. Six (6) copies of the plat map shall be deposited with the Cemetery Sexton and six (6) copies with the City Clerk. The plat shall be so designed as to provide direct access to each lot from either a road or walk.

**SEC. 8-4-3 PURCHASE OF LOTS.**

Persons or their agents desiring to purchase a lot in the cemetery are referred to the City Clerk or duly authorized agent. The Clerk will have available suitable plats showing size and price of lots and such other information as may be required and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the prospective purchaser may appear at the Office of the City Clerk where the lot sale will be made and deed issued.

**SEC. 8-4-4 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) Upon full payment of the purchase price of the lot, the City Clerk 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 cemetery) nor can they be mortgaged.
- (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/herself and members of his family. However, the lot owner may grant written permission (which must be notarized and placed

- on file with the City Clerk) for the burial of other persons. No corpse shall be interred in a lot, except the corpse of one having an interest therein, or a relative, or the husband or wife of such person, or his or her relative, except by the consent of all persons having an interest in the lot.
- (e) Unless otherwise directed in writing and filed with the City Clerk, the lot owner, his/her devisees, or his/her heirs, the cemetery will permit the interment of members of his/her 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.
  - (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 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 shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by said Clerk until a transfer fee shall have been paid therefor. The City of Ladysmith has established a fee for processing the specified transfer, which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.*
  - (2) Said fee shall go into the General Fund.
  - (3) Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the City Clerk. Such application shall be executed by the owner(s) of said lots or if owner(s) are deceased by the legal heirs. The application shall state the lot and block number.
- (h) Whenever possible, reposessed lots will be used for burials before new areas of the cemetery are used or platted.

#### **SEC. 8-4-5 PERPETUAL CARE OF LOTS.**

- (a) The City shall provide all maintenance in perpetuity for all grave sites in Riverside Cemetery. Riverside Cemetery is owned by the City of Ladysmith and is described as follows:

The South One-Half of the Northwest Quarter of the Southwest Quarter (S1/2-NW1/4-SW1/4) of Section Twenty-six (26), Township Thirty-five (35), North, Range Six (6) West, and Government Lot Four (4) of Section Twenty-six (26), Township Thirty-five (35) North, Range Six (6) West excluding street or highway right of way.

#### **SEC. 8-4-6 PRIVILEGES AND RESTRICTIONS**

- (a) **LOT CORNER POSTS.** 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 corner and set level with the adjacent ground. To maintain accuracy and uniformity of marking, substitutes or additional corner posts may be used only if approved by the City.

- (b) **PERPETUAL CARE.** Perpetual care of the cemetery, which includes mowing, landscaping, tree trimming, spring raking and care of lots will be assumed by City employees. All grave owners wishing to make improvements must consult the Cemetery Sexton before any improvements are made. No persons, except City employees or City authorized contractors will be allowed to disturb any grave marker or sod any grave.
- (c) **FRESH FLOWERS.** Fresh flowers are encouraged anytime during the year, and will remain in place until they wilt, at which time they will be discarded without notice by the City.
- (d) **ANNUALS/PERENNIALS.** Annuals and certain perennials are allowed. However, annuals/perennials must be planted in a container (i.e., concrete or clay urn, wooden planter) placed on either side of the memorial, hung on a shepherd's hook or placed in an above-ground stand. Plants that reach 6-8 inches in height are recommended. Do not plant in flower beds, dig or fertilize on the graves. Plants must be maintained by the owners or family. Plants that have died or become unsightly shall be removed by the Cemetery Sexton without notice.
- (e) **ARTIFICIAL FLOWERS.** Artificial flowers must be in containers on either side of memorial, above ground pot stands or hung on shepherd hooks. In the case of decorative wreaths, they must be placed at the head of the lot. All artificial flowers that become deteriorated or weathered will be removed and discarded without notice by the City.
- (f) **SHRUBS AND TREES.** The planting of shrubs and trees are only allowed in family owned plots of 3 or more grave sites. The owner may choose from a listing of approved shrubs and evergreens. The list is in the possession of the Cemetery Sexton or the City Clerk and all tree/shrub planting must be under the direction of the Cemetery Sexton.
- (g) **REMOVAL OF PLANTS, SHRUBS AND TREES.** The Cemetery shall have the right to remove, without notice, trees and shrubs and flowers planted in violation of these rules or that have been deemed dead, diseased or detrimental to any adjacent lot, monument, walkway or driveway because of roots, branches or otherwise. When it is necessary to remove any trees on a cemetery lot in order to make the lot usable, the City will remove the trees and cost of removal shall be borne by the lot owner.
- (h) **PROHIBITED ITEMS.** At no time will hedges, fences, enclosures, absorbent materials (stuffed animals, toys), decorative stone, bark, rocks or other material that would impede maintenance, be permitted on or around lots. If any of the above items are found on the gravesites, they will be removed and discarded without notice.
- (i) **RIGHT OF INGRESS AND EGRESS BY CEMETERY PERSONNEL.** Perpetual right of ingress and egress over any lots by cemetery personnel for the purpose of operation and maintenance is reserved. The City reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.
- (j) **SPRING CLEAN-UP.** Spring cleanup will be from April 15 through May 20. Lot owners are asked to remove all winter decorations before April 1st and not place any Memorial Day decorations until the Friday before the Memorial Day weekend.
- (k) **LIABILITY.** The City or its employees are not responsible for theft or damage to anything placed on graves or lots. The City or its employees assume no liability for physical or mental suffering arising out of the performance of its normal operations or other acts beyond its reasonable control.

*Ord. 2010-02 adopted on 1/25/2010.*

#### **SEC. 8-4-7 RULES FOR VISITORS.**

- (a) The cemetery will be open to visitors at all times.
- (b) Dogs will be only allowed in the cemetery when confined in a vehicle.
- (c) 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.
- (d) Vehicles traveling in the cemetery shall not exceed fifteen (15) miles per hour.
- (e) Horses are not permitted in the cemetery.

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

- (a) All interments shall conform to the Wisconsin State Board of Health specifications.
- (b) All graves shall be dug by the City under the direction of the Sexton or his/her duly authorized agent.
- (c) 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 prior to performance of the service. No burial will be allowed until all fees have been paid to the City Clerk and an authorization has been issued. This authorization must be presented to the Sexton.
- (d) The lot owner or funeral director shall designate on the interment form the location of the graves on the lot to the Sexton 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.
- (e) The Sexton 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.
- (f) When several burials occur in a one (1) or two (2) day period, said burials may be scheduled at the discretion of the Sexton, but in a prompt and efficient manner.
- (g) 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.
- (h) The interments of two (2) bodies in one (1) grave will not be allowed, except in case of a mother and infant, twin children, or two (2) children buried at the same time or in special circumstances with the approval of the Sexton or his/her agent.
- (i) No more than four (4) cremains may be buried in a single grave space or the traditional remains of one (1) individual and two (2) cremains per gravesite. Only two (2) markers will be allowed on a single grave space.

#### **SEC. 8-4-9 DISINTERMENTS.**

- (a) Disinterments of bodies from graves in the cemetery will be made only by the City in accordance with the requirements of the State Board of Health. Charges set by the City for removal must be paid in advance.
- (b) Lot owners, or their heirs, desiring graves opened may secure the necessary disinterment permit from the State and deliver the same to the Cemetery Sexton. All removals will be made by the City under the supervision of a licensed embalmer.
- (c) For sanitary reasons, graves will not be reopened for inspection except for official investigation.

#### **SEC. 8-4-10 MONUMENTS AND MARKERS.**

- (a) Grave markers and foundations will be set only by the monument company according to regulations specified by the City, and only after a Placement Permit is obtained from the City Clerk and a permit fee, established by the Common Council, is paid. Concrete foundations shall be warrantied for twenty (20) years; repairs shall be made within thirty (30) days of the date on which

the Sexton sends written notice of flaws in foundations. 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.

- (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 Sexton. Whenever possible, at least twenty-four (24) hours' notice shall be given to the Sexton that said work is to take place. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Sexton, 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 Sexton or his/her agent and approved before said work will be permitted on a lot. All monuments must be set in line with other monuments as directed by the Sexton or his/her agent.
- (d) Stone work or monument work, once placed on its foundation, shall not be removed, except by permission of the Sexton.
- (e) The lot and extended term maintenance fees must be paid in full before markers or monuments are set or any burial is authorized by the City Clerk.
- (f) Temporary markers must be removed or replaced with a permanent marker within one (1) year.
- (g) Marker stones engraved with two (2) or more names, often referred to as monuments, shall be placed at the east or foot end of the grave.
- (h) Marker stones engraved with a single name, often referred to as headstones, shall be placed at the west or head end of the grave.
- (i) Benches will be allowed in place of a family monument on two (2) or more lots, with the base being larger than the actual bench.
- (j) Only flush markers will be permitted in newly platted areas of the cemetery. No planting of any kind will be permitted in newly platted areas of the cemetery.
- (k) Monuments and markers placed in Riverside Cemetery shall be sized as follows:
  - a. All monuments and markers shall be set on a concrete foundation that provides for a five inch (5") margin around the monumentation.
  - b. Concrete foundations shall not encroach within two inches (2") of the boundary of a single grave or multiple graves if owned by a common owner.

#### **SEC. 8-4-11 COLUMBARIUM, NICHE, VAULTS AND MAUSOLEUMS.**

Construction of any above-ground vaults or mausoleums is prohibited without approval from the Cemetery Board. 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.

(Definition) Columbarium means a freestanding structure containing niches for the inurnment of cremains.

(Definition) Niche means a recessed compartment in a columbarium designed to hold urns.

Owners of burial spaces and purchasers of columbarium niches in Riverside Cemetery are subject to the ordinances, rules, and regulations of Riverside Cemetery now or hereafter adopted. The City of Ladysmith reserves the right to amend at any time its ordinances, rules, and regulations, following a period for public comment.

#### **a. Columbarium & Niche specifications:**

1. A columbarium consists of niches for cremation interments only. No columbarium shall be used for any purpose other than the interment of human cremains (ashes).
2. Up to two sets of cremains are permitted in a single columbarium niche. Owners must give notice of the number of cremains to be placed in a niche at time of purchase. No cremation urn shall contain the cremains of more than two individuals.

3. Cremains to be placed in a columbarium niche are required to be enclosed in a rigid, permanent, rustproof, waterproof, sealed container.
- b. **Opening and Closing of Columbarium Niches:**
  1. Interments or inurnments will only be made after the cemetery sexton has received the authorization of the owner of the space or columbarium niche, disposition document and the opening and closing fees due to the city have been paid in full.
  2. For burials in columbarium units or niches, the funeral director or monument company will be responsible for the openings and closings under the supervision of the cemetery sexton.
  3. In opening and closing spaces for the burial of cremation urns or in opening columbarium niches for the placement of urns, care shall be taken to avoid damages to monuments, stones, markers and other structures on other lots in the cemetery. The city will not be held responsible for the loss or destruction of interred remains due to vandalism, acts of nature or any unforeseen circumstances.
- c. **Removal of cremains from a Columbarium shall comply with the following provisions:**
  1. The person(s) wishing to remove cremains must have a legal right to manage the cremains and must be next of kin.
  2. The person(s) wishing to remove cremains must provide acceptable proof of identity, as determined by the cemetery sexton or his or her agent.
  3. The request for removal of cremains must be approved by the surviving spouse of the decedent. If there is no surviving spouse, the removal of cremains must be approved by all of the living children of the decedent. If there are no living children, the removal of cremains must be approved by all living parents of the decedent. If there are no living parents, the removal of cremains must be approved by all living siblings of the decedent. In any case, a notary public must confirm each individual signature.
  4. The request for cremains removal must be approved by the cemetery sexton or his or her agent before removal may occur.
  5. If satisfactory documentation is not provided to remove cremains, the cemetery sexton or his or her agent will deny the request for cremains removal. His or her decision will be final.
  6. The request for removal of cremains must be accompanied by the payment of all costs incurred by the city of Ladysmith associated with cremains removal.
  7. The cemetery sexton or his or her agent shall amend the records to reflect the removal of the cremains.
  8. The applicant must indemnify and hold harmless the city of Ladysmith from any and all actions which may result from the disinterment.

*Updated 3.23.26*

#### **SEC. 8-4-12 MISCELLANEOUS CEMETERY REGULATIONS.**

- (a) Prospective lot purchasers may visit the cemetery for information without obligation. Lot owners are urged to contact the City Clerk at any time if the meaning and intent of these regulations is unclear or if other information is desired during the normal business hours.
- (b) All fees and charges as outlined in the current cemetery fee schedule are payable at the Office of the City Clerk where receipts will be issued for the amounts paid.
- (c) A schedule of the fees and charges as established by the Common Council shall be on file in the Office of the City Clerk. Such schedule may change from time to time without advance notice to conform with current economic conditions.

**SEC. 8-4-13 RIVERSIDE CEMETERY RATES.** The City of Ladysmith has established fees for the purchase of grave lots, grave opening/closing, extended term maintenance, marker/monument permits, winter burial surcharge and transfer deed fees. The fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.*

Effective January 1, 2010 and on January 1 of each year thereafter, the rates included in the fee schedule for Riverside Cemetery shall automatically increase by three percent (3%) each year. *Adopted September 22, 2008 Effective October 1, 2008 Revised 1/1/2010*

*Ordinance 2012-04 Adopted 5/14/2012*