

TITLE 8

Health and Sanitation

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CHAPTER 1

Health and Sanitation

- 8-1-1 Deposit of Water Material Prohibited
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**SEC. 8-1-1 DEPOSIT OF WATER MATERIAL PROHIBITED.**

No person shall deposit or cause to be deposited in any public street or any public ground or on any private ground not his own any refuse, garbage, litter, or other waste material. 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. 8-1-2 DESTRUCTION OF NOXIOUS WEEDS AND REGULATION OF LENGTH OF LAWN, GRASSES AND WEEDS.**

- (a) **Destruction of Noxious Weeds.** This Subsection (a) of this Section 8-1-2 is enacted pursuant to Sections 66.96, 66.97, and 66.98 of the Wisconsin Statutes and shall govern the destruction of noxious weeds, as defined in paragraph (1) of this Subsection (a), on lands in the Village of Gays Mills as follows:

- (1) Definitions. The following terms shall have the following meanings under this Subsection (a):
- a. Destroy means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.
  - b. Noxious weeds means any weed which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin and shall include, but not be limited to, the following: *Cirsium Arvense* (Canada Thistle); *Ambrosia artemisiifolia* (Common Ragweed); *Ambrosia trifida* (Great Ragweed); *Euphorbia esula* (Leafy Spurge); *Convolvulus arvensis* (Creeping Jenny/Field Bind Weed); *Tragopogon dubius* (Goat's Beard); *Rhus radicans* (Poison Ivy); *Cirsium vulgare* (Bull

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Thistle); *Pastinaca sativa* (Wild Parsnip); *Arctium minus* (Burdock); *Zanthium strumarium* (Cocklebur); *Amaranthus retroflexus* (Pigweed); *Chenopodium album* (Common Lambsquarter); *Rumex Crispus* (Curled Dock); *Cannabis sativa* (Hemp); *Plantago lanceolata* (English Plantain); Ragweed; Thistles; Smartweed; and Dandelions over 12 inches in height.

- (2) Published Notice/Duty. The Village President may annually on or before May 15th publish a notice as a Class 2 notice under Chapter 985 of the Wisconsin Statutes specifying that every person is required by law to destroy all noxious weeds as defined in paragraph (1) of this Subsection (a) on lands in the Village of Gays Mills which she/he owns, occupies or controls. A joint notice with towns or other municipalities may be utilized if the official newspaper of the Village is designated as the official newspaper of or is used for official notices by such town or other municipality.
  - (3) Violation Notice/Destruction. If the owner or occupant shall neglect to destroy any weeds, then the Weed Commissioner of the Village 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 unless such land is exempt from taxation under the provisions of Sections 66.96 and 66.98 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 amount chargeable to each piece of land shall be charged against such land and be collected as a special tax thereon unless such land is exempt from taxation.
- (b) **Regulation of Length of Lawn, Grasses, and Weeds.** This Subsection (b) of this Section 8-1-2 is adopted due to the unique nature of the problems associated with lawns, grasses, and weeds of any type being allowed to grow to excessive length in the Village of Gays Mills, which lawns, grasses, and weeds are regulated as follows:
- (1) Public Nuisance Declared and Defined. The Village Board finds that lawns, grasses, and weeds of any type within the Village of Gays Mills which exceed twelve (12) inches in length are within two hundred (200) feet of any residence or business in the Village 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 same, interfere with the public convenience, and adversely affect property values of other land within the Village. For that reason, any lawn, grass, or weed which exceeds twelve (12) inches in length and is within two hundred (200) feet of any residence or business in the Village is hereby declared to be a public nuisance.
  - (2) Nuisances Prohibited. No person, corporation, limited liability company, association, partnership, or other entity shall permit any public nuisance as defined in paragraph (1) of this Subsection (b) to be or remain on any premises owned, occupied, or controlled by her/him within the Village.
  - (3) Inspection. The Weed Commissioner or her/his designee shall inspect or cause to be inspected all premises and places within the Village other than the Excepted Areas to determine whether any public nuisance as defined in paragraph (1) of this Subsection (b) exists.
  - (4) Notice. If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in paragraph (1) of this Subsection (b) exists, he shall immediately cause written notice to be served of violation of this Subsection (b), specifying the time during which the property owner or occupant can abate the nuisance and comply with the requirements of this Subsection (b) and that in the event of failure to abate the nuisance within the prescribed time the

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- Village may abate the same and the cost thereof shall be assessed against the property owner as a special charge. The notice shall also inform the owner or occupant of his/her right to request a hearing before the Village Board on the issue of violation of this Subsection and the consequent assessment of costs, that such request must be in writing to the Village Clerk-Treasurer, and that such request must be received prior to the expiration of the time prescribed in the notice. The notice shall be mailed by certified or registered mail or served on the owner of the lot or parcel of land or, if she/he is not known and there is a tenant occupying the property, then to the tenant. If the public nuisance is a noxious weed, as defined in paragraph (1) of Subsection (a) of this Section 8-1-2, the procedures set forth in Subsection (a) and not this paragraph shall govern.
- (5) Village's Abatement of Nuisance/Hearing Option. 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, in addition to a forfeiture, the Village Board may elect to have said lawn, grass or weeds cut. The owner or occupant of the premises may request a hearing before the Village Board on the issue of whether she/he has violated this Subsection (b) and the consequent assessment of costs, which request must be made in writing to the Village Clerk-Treasurer and must be received prior to the expiration of the time during which she/he can abate the nuisance under the notice specified in paragraph (4) of this Subsection (b), and the Village shall not cut the lawn, grass, or weeds prior to such hearing in the event of a request complying with this paragraph, provided, however, that no hearing need be held if the Village Board elects not to cut the lawn, grass, or weeds, whether due to its election to solely pursue a citation remedy pursuant to paragraph (7) of this Subsection (b) or otherwise. After calculation of the charges for the cutting, the Village Clerk-Treasurer 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 Village Clerk-Treasurer 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 Section 66.60 (16), of the Wisconsin Statutes. If the failure to cut concerns a noxious weed as defined in paragraph (1) of Subsection (a) of this Section 8-1-2, the procedures set forth in Subsection (a) and not this paragraph shall govern.
- (6) Public Right-of-Way. Grass and weeds within a public right-of-way not kept mowed by the adjacent property owner so as not to exceed twelve (12) inches in length may be mowed by the Village, the cost thereof charged to the adjacent property owner pursuant to Section 66.60(16), of the Wisconsin Statutes, all according to the procedures set forth in this Subsection (b).
- (7) Citation/Penalty. A citation may be issued after a failure to abate within the period set forth in the notice provided for in paragraph (4) of this Subsection (b) in addition to the other remedies provided for in this Subsection (b). Any person, corporation, limited liability company, association, partnership or other entity shall be subject to the following penalties for violation of this Subsection (b): a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for a first violation and a forfeiture of not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1000.00) for a second violation within a twelve (12) month period, plus any and all allowable costs, fees, surcharges, and assessments. Each violation and each day a violation continues or occurs shall constitute a separate offense.
- (c) **Not Zoning Ordinance.** This Section 8-1-2 is not and shall not be construed to be a zoning ordinance, but is rather a public health ordinance enacted pursuant to statutory mandate and the Village's police power. Therefore, existing nonconforming uses are not excepted or exempt from the application of this Section and Section 62.23(7)(h) of the Wisconsin Statutes does not apply to the terms and provisions of this Section.

Federal and State Law Reference: *Kness v. City of Kenosha*, 699 F.Supp. 1484 (E.D. Wis. 1987);

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*Lundquist v. City of Milwaukee*, 643 F.Supp. 774 (E.D. Wis. 1986);  
Secs. 66.96, 66.97, and 66.98, *Wis. Stats.*

### Sec. 8-1-3      **COMPULSORY CONNECTION TO VILLAGE SEWER AND WATER SYSTEMS.**

- (a) **Compulsory Connection.** Whenever a sewer or water main is located adjacent to any building used for human habitation or when any building used for human habitation is located in a block through which one or both of such systems extend, the Village Board shall notify in writing the owner, agent or occupant thereof to connect such facilities thereto. If such person to whom the notice has been given shall fail to comply for more than ten (10) days after written notice, the Village Board may cause the necessary connections to be made and the expense thereof to be assessed as a special tax against the property pursuant to Section 281.45, Wis. Stats.
- (b) **Extension of Time/Temporary Relief.** The Village Board may extend the time for connection hereunder or may grant other temporary relief where strict enforcement would work an unnecessary hardship without corresponding public or private benefit.
- (c) **Written Option.** The owner may, within thirty (30) days after the completion of the work, file a written option with the Village Clerk-Treasurer stating that he or she cannot pay the amount in one sum and asking that it be levied in not to exceed five (5) equal annual installments. The amount shall be so collected with interest at a rate not to exceed fifteen percent (15%) per year from the completion of the work, the unpaid balance to be a special tax lien.
- (d) **Authority.** This Section is enacted pursuant to Section 281.45, Wis. Stats.

**CHAPTER 2**

Flammable Materials; Hazardous Substances

8-2-1 Flammable Materials; Hazardous Substances

**SEC. 8-2-1      FLAMMABLE MATERIALS; HAZARDOUS SUBSTANCES.**

- (a) **Flammable Materials.** Storage of flammable and combustible liquids shall be governed by Section 5-3-1 of this Code of Ordinances.
- (b) **Hazardous Substances.** Discharge of Hazardous Substances shall be governed by Section 5-3-2 of this Code of Ordinances.

**CHAPTER 3**  
Recycling

8-3-1	General Provisions
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8-3-3	Separation of Recyclable Materials
8-3-4	Separation Requirements Exempted
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8-3-8	Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings
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8-3-11	Enforcement

**SEC. 8-3-1        GENERAL PROVISIONS.**

- (a) **Title.** The title of this Chapter is the Recycling Ordinance for the Village of Gays Mills.
- (b) **Purpose.** The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 287.11, Wis. Stats., and Chapter NR 544, Wis. Adm. Code.
- (c) **Statutory Authority.** This Chapter is adopted as authorized under Section 287.09(3)(b), Wis. Stats., and the Village of Gays Mills.
- (d) **Abrogation and Greater Restrictions.** It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.
- (e) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.
- (f) **Severability.** Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.
- (g) **Applicability.** The requirements of this Chapter apply to all persons within the Village of Gays Mills.
- (h) **Administration.** The provisions of the Chapter shall be administered by the Village Board and its designees.
- (i) **Effective Date.** The provisions of this Chapter shall take effect upon Village Board adoption, recording, and publication.

**SEC. 8-3-2        DEFINITIONS.**

For the purpose of this Chapter:

- (a) **Bi-metal container.** “Bi-metal container” means a container for carbonated or malt

beverages that is made primarily of a combination of steel and aluminum.

- (b) **Container board.** “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) **Foam polystyrene packaging.** “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one (1) of the following criteria:
  - 1. Is designed for serving food or beverages.
  - 2. Consists of loose particles intended to fill space and cushion the packaged articles in a shipping container.
  - 3. Consists of rigid materials shaped to hold and cushion the package articles in a shipping container.
- (d) **Glass Container.** “Glass Container” means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- (e) **HDPE.** “HDPE” means high density polyethylene, labeled by the resin code #2.
- (f) **LDPE.** “LDPE” means low density polyethylene, labeled by the resin code #4.
- (g) **Magazines.** “Magazines” means magazines and other material printed on similar paper.
- (h) **Major appliances.** “Major appliances” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- (i) **Multiple-family dwelling.** “Multiple-family dwelling” means a structure containing five (5) or more residential units, including units that are occupied seasonally.
- (j) **Newspaper.** “Newspaper” means a newspaper and other materials printed on newsprint.
- (k) **Non-residential facilities and properties.** “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple-family dwellings.
- (l) **Office paper.** “Office paper” means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
- (m) **Other resins or multiple resins.** “Other resins or multiple resins” means plastic resins labeled by the resin code #7.
- (n) **Person.** “Person” includes any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in Section 66.0131 (1)(a), Wis. Stats., state agency or authority or federal agency.
- (o) **PETE.** “PETE” or “PET” means polyethylene terephthalate, labeled by the resin code #1.
- (p) **Plastic container.** “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, this is originally used to contain a product that is the subject of a retail sale.
- (q) **Postconsumer waste.** “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 289.01(17)., Wis. Stats.
- (r) **PP.** “PP” means polypropylene, labeled by the resin code #5.
- (s) **PS.** “PS” means polystyrene, labeled by the resin code #6.
- (t) **PVC.** “PVC” means polyvinyl chloride, labeled by the resin code #3.
- (u) **Recyclable materials.** “Recyclable materials” includes lead acid batteries; major appliances;

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- waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers; including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (v) **Solid waste.** “Solid waste” has the meaning specified in Section 289.01(33), Wis. Stats.
  - (w) **Solid waste facility.** “Solid waste facility” has the meaning specified in Section 289.01(35), Wis. Stats.
  - (x) **Solid waste treatment.** “Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological character or composition or solid waste. “Treatment” includes incineration.
  - (y) **Waste tire.** “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
  - (z) **Yard waste.** “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

### Sec. 8-3-3 SEPARATION OF RECYCLABLE MATERIALS.

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwelling and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries.
- (b) Major appliances.
- (c) Waste oil.
- (d) Yard waste.
- (e) Aluminum containers.
- (f) Bi-metal containers.
- (g) Corrugated paper or other container board.
- (h) Foam polystyrene packaging.
- (i) Glass containers.
- (j) Magazines.
- (k) Newspapers.
- (l) Office paper.
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- (n) Steel containers.
- (o) Waste tires.

### SEC. 8-3-4 SEPARTION REQUIREMENTS EXEMPTED.

The separation requirements of Section 8-3-3 do not apply to the following:

- (a) Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the material specified in Section 8-3-3 from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of



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the heat input to the facility is derived from the solid waste burned as supplemental fuel.

- (c) A recyclable material specified in Section 8-3-3(e) through (o) for which a variance has been granted by the Department of Natural Resources under Section 287.11(2m), Wis. Stats., or NR 544.14, Wis. Adm. Code.

### SEC. 8-3-5 CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable material separated in accordance with Section 8-3-3 shall be clean and kept free of contaminations such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in manner which protects them from wind, rain, and other inclement weather conditions.

### SEC. 8-3-6 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, AND YARD WASTE.

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows.

- (a) **Batteries.** Lead acid batteries shall be recycled at retailers.
- (b) **Appliances.** Major appliances call village office for recycling options.
- (c) **Waste Oil.** Waste oil shall be recycled at retailers.
- (d) **Yard Waste.** Yard waste shall be set at curb side on Monday morning between the months of April and October.

### SEC. 8-3-7 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by the Village of Gays Mills, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8-3-3(e) through (o):

- (a) **Aluminum Containers.** Aluminum containers shall be clean and placed in the recycle toter at the curb on regular waste pickup days.
- (b) **Bi-Metal Containers.** Bi-metal containers shall be clean and placed in the recycle toter at the curb on regular waste pickup day.
- (c) **Corrugated Paper/Other Container Board.** Corrugated paper or other container board shall be placed in the recycle toter at curb on regular waste pickup day.
- (d) **Foam Polystyrene Packaging.** Foam polystyrene packaging shall be placed in the garbage toter at curb on regular waste pickup day.
- (e) **Glass Containers.** Glass containers shall be clean, have lids removed, and placed in the recycle toter at the curb on regular waste pickup days.
- (f) **Magazines.** Magazines shall be placed in the recycle toter at the curb on regular waste pickup days.
- (g) **Newspapers.** Newspapers shall be placed in the recycle toter at the curb on regular waste pickup days.
- (h) **Office Paper.** Office paper shall be placed in the recycle toter at the curb on regular waste pickup days.
- (i) **Rigid Plastic Containers.** Rigid plastic containers shall be rinsed, have lids removed, and placed in the recycle toter at the curb on regular waste pickup days.

- (j) **Steel Containers.** Steel containers shall be rinsed and placed in the recycle toter at the curb on regular waste pickup days.
- (k) **Waste Tires.** Waste tires shall be recycling at retailers or brought to Spring Cleanup which includes a disposal charge.

**SEC. 8-3-8 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.**

- (a) **Duties.** Owners of designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 8-3-3(e) through (o):
  - (1) Provide adequate, separate containers for the recyclable program established in compliance with the Chapter. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
    - i. The minimum total volume of recycling container space is equal to twenty (20) gallons per week per dwelling unit.
    - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
    - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (3) Provide for the collection of the material separated from the solid waste by the tenants and the delivery of the material to a recycling facility.
  - (4) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or site, and locations of drop-off collection sites to recycle materials not collected on-site.
- (b) **Exception.** The requirements specified in Subsection (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-3(e) through (o) from solid waste in as pure a form as is technically feasible.

**SEC. 8-3-9 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.**

- (a) **Duties.** Owner of designate agents or non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8-3-3(e) through (o):
  - (1) Provide adequate, separate containers for the recyclable program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and deliver to a recycling facility.
  - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) Provide for the collection of the material separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - (4) Notify users, tenants and occupants which materials are collected, how to prepare the material in order to meet the processing requirements, collection methods or sites, locations of drop-off collection sites to recycle materials not collected on-site.
- (b) **Exception.** The requirements specified in Subsection (a) do not apply to the owners or designated

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agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-3(e) through (o) from solid waste in as pure a form as is technically feasible.

### **SEC. 8-3-10                      PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.**

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 8-3-3 (e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

### **SEC. 8-3-11                      ENFORCEMENT**

- (a) **Inspection.** For the purpose of ascertaining compliance with the provisions of the Chapter, any authorized officer, employee or representative of the Village of Gays Mills may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village of Gays Mills who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection
- (b) **Citation.** Any person who violates a provision of this Chapter may be issued a citation by the Village of Gays Mills to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (c) **Penalty.** Penalties for violating this Chapter may be assessed as follows:
  - (1) Any person who violates s. 8-3-10 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
  - (2) Any person who violates a provision of this Chapter, except s. 8-3-10, may be required to forfeit not less than \$10 or more than \$1,000 for each violation.