

# **CHAPTER 8**

## **PUBLIC WORKS**

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## 8.01 DEFINITION.

The term "public works" as used in this chapter shall be construed to mean any municipally owned or financed facility provided by the Village for public use. However, municipal sewerage disposal and water supply systems, while normally classified as public works, will be covered in **Ch. 13 of this Code of Ordinances.**

## 8.02 MANAGEMENT OF PUBLIC WORKS.

(1) **VILLAGE BOARD COMMITTEE.** Instead of a Board of Public Works as authorized by **62.14 and 62.15, Wis. Stats.**, the Village elects to provide that the Village Board shall be responsible for the management of facilities covered **by 8.01** and that this responsibility shall be implemented by the Village Board Committee on Public Works appointed **under 2.05 (1)** of this Code of Ordinances.

(2) **JURISDICTION OF VILLAGE BOARD COMMITTEES.** Facilities assigned to the Village Board Committees shall be:

(a) **STREETS AND ROADS.**

1. Paving, new and repairs, snow and ice removal, openings for service work.
2. Obstructions.
3. Visibility at intersections.
4. Adjacent trees.
5. Adjacent signs.

(b) **BUILDINGS, PIERS AND DOCKS.**

1. Village Hall
2. Anderson dock warehouse.
3. Anderson store.
4. Firehouse
5. Piers, docks and launching ramps.

(c) **PUBLIC WELFARE, HEALTH AND RECREATION.**

1. Bathing beaches.
2. Tennis courts.
3. Playgrounds.
4. Lawns.
5. Sanitary landfill.
6. Cooperation with county health department.

- (2) **RESPONSIBILITIES OF TRUSTEE COMMITTEES.** Each Board committee shall be responsible for the proper use, maintenance and repair of the public facilities under its jurisdiction, as listed in this section, and shall take such action as may be necessary to protect and properly maintain them.
  
- (4) **COSTS**
  - (a) **BELOW \$ 200.** Where the cost of maintenance and repairs on any single item is estimated to be less than \$200, the work shall be done as promptly as possible and the Finance Committee shall be requested to issue a purchase order to cover the labor and materials required.
  
  - (b) **EXCEEDING \$200.** Where the cost of maintenance and repair work is estimated to exceed \$200, the matter shall be referred to the Village Board at its next regular meeting, at which time the Board may authorize the necessary work by a vote of 3/4 of its members.
  
  - (c) **EMERGENCY CONDITIONS.** If, in the judgment of the committee under whose jurisdiction it occurs, damages to facilities create an emergency in which life, health and property are endangered and there is not time to await a regular or special meeting of the Village Board, the committee may proceed at once with the necessary repairs even though the cost thereof may be expected to exceed the \$200 and shall arrange for a special meeting of the Board as quickly as possible.

### 8.03 **REGULATIONS GOVERNING PUBLIC FACILITIES.**

#### (1) **GENERAL USE.**

- (a) **CARE.** The publicly-owned facilities of the Village are furnished and maintained for the benefit of all persons. Users are expected to enjoy them with care and shall do nothing that will decrease their availability to others.
  
- (b) **OBSTRUCTIONS.** No person shall encroach upon or in any way obstruct any street or alley, public grounds or other facility dedicated to public use.

## 2) **STREETS AND ROADS.**

### (a) **PAVEMENTS**

1. Repairs to pavements shall be made as promptly as possible under existing weather conditions and repaired or replaced sections shall be left in as good condition as the undamaged sections.
2. Any opening shall be enclosed by an adequate barrier as long as it remains open.
3. The expense of opening and resurfacing to facilitate the installation or repair of any service equipment shall be borne by the person on whose behalf the openings are made and the Committee on Streets and Roads shall make report of the expense thereof to the Village Clerk who shall enter such costs on the next annual tax roll as a special charge against the property involved and such sum shall be levied and collected as other special taxes against real estate.

### (b) **PRIVATE DRIVEWAY**

1. **WIDTH.** No driveway shall exceed 18' in width at the point where it meets the street pavement.
2. **DRAINAGE.** If a private driveway must cross a ditch to meet the street, the property owner shall provide the necessary culvert.
3. **VISION CLEARANCE.** At the point of intersection with the street or road, a triangular space extending along the street or road and the driveway for a distance of 40' shall be kept clear of obstructions above a height of 2 1/2' above the street level. This section shall not apply to tree trunks, posts or wire fences.
4. **INTERFERENCE WITH INTERSECTIONS PROHIBITED.** At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

(c) **MOVING BUILDINGS.**

1. The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Committee on Streets and Roads, shall continue during all hours of the day and night.
2. No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near any fire hydrant as to prevent easy access thereto.
3. Buildings shall be moved only in accordance with the route prescribed by the Committee on Streets and Roads.
4. Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the Committee.

(3) **USE OF PUBLIC FACILITIES.** Public facilities are available to all persons without charge except in those cases where it is necessary to charge a nominal fee to cover clerical and maintenance expenses. Permits are required and fees payable for:

- (a) **USE OF VILLAGE HALL.** Apply at the Village Clerk's office. Fees for non-village organizations.
- (b) **USE OF TENNIS COURTS.** Apply at Visitor Center. Fee.
- (c) **OPENING PAVEMENTS.** Apply at Village Clerk's office or to Village President. Fee.
- (d) **DOCKING FACILITIES AND LAUNCHING RAMPS.** Apply to Dockmaster. Fee.

#### 8.04 SPECIAL ASSESSMENTS.

- (1) In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this section.
- (2) Whenever the Village Board shall determine that any public work or improvement or any current service shall be financed in whole or in part by special assessments levied under this section, it shall adopt a resolution specifying this intention and the time, either before or after completion of the work or improvement, when the amount of the assessment will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessments may be deferred while no use of the improvement is made in connection with the property.
- (3) The provision of **66.60, Wis. Stats.**, shall apply to special assessments levied under this section except that, when the Village Board determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement of the rendering of the service, the report required by **66.60 (3), Wis. Stats.**, shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.
- (4) Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given in the manner prescribed by **66.60 (7) and (8) (d), Wis. Stats.**
- (5) Any special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Village Board determining the amount of levy.
- (6) Any person against whose property a special assessment is levied under this section may appeal therefrom in the manner described by **66.60 (12), Wis. Stats.** within 40 days of the date of the final determination of the Village Board.

## 8.05 RECYCLING ORDINANCE

- (1) **PURPOSE.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in **s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.**
- (2) **STATUTORY AUTHORITY.** This ordinance is adopted as authorized under s. **159.09 (3) (b), Wis. Stats., and Village Ordinance 8.05 and Citation Ordinance 25.04.**
- (3) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance 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 ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- (4) **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in **Chapter NR 544, Wis. Administrative 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 ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- (5) **SEVERABILITY.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (6) **APPLICABILITY.** The requirements of this ordinance apply to all persons within the Village limits of Ephraim.
- (7) **ADMINISTRATION.** The provisions of this ordinance shall be administered by the Village Administrator and the Village Board.
- (8) **EFFECTIVE DATE.** The provisions of this ordinance shall take effect on January 3, 1995.

(9) **DEFINITIONS.** For the purposes of this ordinance:

1. **Bi-Metal Container** - means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
2. **Container Board**- means corrugated paperboard used in the manufacture of shipping
3. Containers and related products.
4. **Foam Polystyrene Packaging**- means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  5. Is designed for serving food or beverages.
  6. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  7. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
8. **HDPE**- means high density polyethylene, labeled by the **SPI code**
9. **LDPE**- means low density polyethylene, labeled by the **SPI code #4**
10. **MAGAZINES**- means magazines and other materials printed on similar paper.
11. **MAJOR APPLIANCE**- means a residential or commercial air conditioner, clothes dryer, freezer, dishwasher, microwave oven, refrigerator or stove.
12. **MULTIPLE-FAMILY DWELLING**- means a property containing 5 or more residential units, including those which are occupied seasonally.
13. **NEWSPAPER**- means a newspaper and other materials printed on newsprint.
14. **NON-RESIDENTIAL FACILITIES AND PROPERTIES**- means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
15. **OFFICE PAPER**- means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.



16. **12. OTHER RESINS OR MULTIPLE RESINS-** means plastic resins labeled by the **SPI code #7**.
17. **PERSON-** includes any individual, corporation, partnership, association, local government unit, as defined in **s. 66.299 (1) (a), Wis. Stats.**, state agency or authority or federal agency.
18. **PETE-** means polyethylene terephthalate, labeled by the **SPI code #1**.
19. **PLASTIC CONTAINER-** means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
20. **POSTCONSUMER WASTE-** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in **s. 144.61 (5), Wis. Stats.**, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in **s. 144.44 (7) (a) 1. Wis. Stats.**
21. **PP-** means polypropylene, labeled by the SPI code #5
22. **PS-** means polystyrene, labeled by the SPI code #6
23. **PVC-**means polyvinyl chloride, labeled by the SPI code #3
24. **RECYCLABLE MATERIALS-**includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspapers, 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.
25. **SOLID WASTE-**has the meaning specified in **s. 144.01 (15), Wis. Stats.**
26. **SOLID WASTE FACILITY-** has the meaning specified in **144.43 (5), Wis. Stats.**
27. **SOLID WASTE TREATMENT-** means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.
28. **WASTE TIRE-** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

29. **YARD WASTE-** means leaves, grass clippings, yard and garden debris and brush, including clean, woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

8.05(10) **SEPARATION OF RECYCLABLE MATERIALS.** Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post consumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspapers
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- (14) Steel containers
- (15) Waste tires

8.05 (11) **SEPARATION REQUIREMENTS EXEMPTED** the separation requirements of **8.05 (10)** do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings, and non-residential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in **8.05 (10)** from solid waste in as pure a form as is technically feasible.

- (2) Solid waste which is burned as a supplemental fuel if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in **8.05 (10) - (5) through (15)** for which a variance has been granted by the Department of Natural Resources under **s. 159.11 (2m), Wis. Stats. , or s. NR 544.14, Wis. Administrative Code.**

8.05 (12) **CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with **8.05 (10)** shall be clean and kept free of contaminants 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 a manner which protects them from wind, rain, and other inclement weather conditions.

8.05 (13) **MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.** Occupants of single family and 2 to 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:

1. **LEAD ACID BATTERIES-** when purchasing new batteries, suppliers are required to take old batteries, also check salvage yards.
2. **MAJOR APPLIANCES-** check with local waste haulers or salvage yards.
3. **WASTE OIL-** local service stations may be equipped to take waste motor oil and the Ephraim Wastewater Treatment Plant will take it during their regular hours.
4. **YARD WASTE-** contact local landscapers or tree service companies, or it may be composted on your property.

8.05(14) **PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.**

Except as otherwise directed by the Village of Ephraim or Door County, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in

**8.05 (10) - (5) through (15):**

1. **ALUMINUM CONTAINERS** shall be rinsed, may crush to reduce volume; cans must be free of food debris. Labels do not have to be removed.
2. **TIN AND BI-METAL CONTAINERS** shall be rinsed free of food debris; remove ends and flatten. Labels do not have to be removed.
3. **CORRUGATED PAPER** or other container board shall have all plastic tape and staples removed. Any plastic liners or foil must be removed from food boxes.
4. **GLASS CONTAINERS** (clear, brown and green) must be unbroken. Remove all plastic or metal collars, caps, lids, and rings. Rinse containers. Fluorescent light fixtures are recyclable but Pyrex, mason jars, light bulbs, window glass, leaded glass, frosted glass, blue glass or beverage glasses are not.
5. **MAGAZINES, NEWSPAPERS, BOOKS (HARD AND SOFT COVER), AND BROWN GROCERY BAGS AND OFFICE PAPER** may be comingled with corrugated and other cardboard and must be clean and dry.
6. **PLASTIC CONTAINERS** with the numbers 1 or 2 including milk, soda, distilled water, bleach, etc. Remove all collars, caps, lids, and rings. Rinse containers. Labels do not have to be removed.
7. **WASTE TIRES** contact local wastehaulers or the County recycling facility must accept tires with a slight fee.

**8.05(15) RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE FAMILY DWELLINGS.**

1. Owners or designated agents of multiple family dwellings or those renting their own residences or single family dwellings shall do all of the following to recycle materials specified in **8.05 (10) - (5) through (15)**:
  - (a) Provide adequate, separate containers for recycling materials.
  - (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (c) Provide for the collection of the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operations, and a contact person or company, including a name, address and telephone number.
  
2. The requirements specified in (1) 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 Department of Natural Resources that recovers for recycling the materials specified in **8.05 (10) - (5) through (15)** from solid waste in as pure a form as is technically feasible.

**8.05 (16) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES AND BOATS.**

- (1) Owners or designated agents of non-residential facilities and properties and boats shall do all of the following to recycle the materials specified in **8.05 (10) - (5) through (15)**:
  - (a) Provide adequate, separate containers for the recyclable materials.
  - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (c) Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling facility.
  - (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods and sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated 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 Department of Natural Resources that recovers for recycling the materials specified in **8.05 (10) (5) through (15)** from solid waste in as pure a form as is technically feasible.

**8.05 (17) 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 **8.05 (10) - (5) through (15)** which have been separated for recycling, with the exception that waste tires may be burned with energy recovery in a solid waste treatment facility.

8.05 (18) **ENFORCEMENT.** (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Ephraim 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 to recycling 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 Ephraim who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(1) Any person who violates a provision of this ordinance may be issued a citation by the Village of Ephraim 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.

(2) Penalties for violating this ordinance may be assessed as follows:

- (a) Any person who violates **8.05 (17)** 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.
- (b) Any person who violates a provision of this ordinance, **except 8.05 (17)**, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

## **8.10 VIOLATIONS AND PENALTIES.**

- (1) Except as otherwise provided, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in **25.04 of this code**.
- (2) A separate offense shall be deemed committed on each day on which such violation occurs or continues after the date set by the Village Board or a court of record for completion of the correction of the violation.