

CHAPTER 5 - DIRECTOR OF PUBLIC WORKS, STREETS AND SIDEWALKS

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### 5.01 DIRECTOR OF PUBLIC WORKS.

- A. Appointment. The director of Public Works shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- B. Term. The Director of Public Works shall hold office for an indefinite term subject to removal for cause after a public hearing by a 3/4 vote of the Village Board.
- C. Duties and Powers. The Director of Public Works shall have the following duties and powers:
  - 1) They shall have general charge and supervision of all public works in the Village.
  - 2) They shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, sewers, Village buildings and structures and all machinery, equipment and property used in the activities under their control.
  - 3) They shall have charge of all public services, garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
  - 4) They shall perform such other activities and duties as are imposed upon them from time to time by the Village Board.

### 5.02 STREET AND SIDEWALK GRADES.

- A. Establishment. The grade of all streets and alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in their office. No street, alley or sidewalk shall be worked on until the grade is established.
- B. Alteration of Grade Prohibited. No person shall alter the grade of any street, alley sidewalk or public ground or any part in the Village of Ridgeway by any means whatsoever unless authorized or instructed to do so by the Village Board or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk by the Clerk or the officer authorizing the alterations.

- C. Penalty. The penalty for violating any provision of this section shall be a penalty as provided in this Code under Chapter 12.

### 5.03 SIDEWALK CONSTRUCTION AND REPAIR.

(Cr. Nov. 3, 1982; Am. May 20, 2014; Am. May 27, 2014) (Am. June 13, 2017).

- A. Owner to Construct. It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Ridgeway. The entire cost of the curb, gutter and sidewalk installation, repair or improvement shall hereafter be paid 100% by the abutting property owners.
- B. Whenever the Village Board shall, by resolution, determine that a curb or sidewalk be rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Ridgeway, the cost of such work shall be split equally between the Village of Ridgeway and the abutting property owner. All new installation of curb, gutter, and/or sidewalk shall be paid 100% by the abutting property owners. The cost of such work may be deferred and paid equally over a five (5) year period which amounts shall bear interest at a rate equal to the first published Wall Street Journal prime rate of the calendar year.
- C. Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Ridgeway unless he/she is under contract with the Village to do such work or has obtained a permit therefor from the Director of Public Works at least seven days before work is proposed to be undertaken. No fee shall be charged for such permits.
- D. Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in this Code under Chapter 12.

### 5.04 DRIVEWAYS.

(Am, June 13, 2017)

- A. Approval Required. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a permit from the Director of Public Works.
- B. Specifications for Driveway Construction.
1. Width. No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.
  2. Interference with Intersections Prohibited. At street intersections a driveway shall not provide direct ingress 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.

3. Interference with Street. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with an existing structure on the right of way. When required by the Director of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

4. Number of Approaches Limited. No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Director of Public Works. Any 2 approaches shall be at least 10 feet apart.

5. Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction including thickness.

6. Permittee Liable for Damages or Injury. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavements and sidewalk in a neat workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced as required.

C. Driveways Greater than 300 Feet in Length Installed After March 1, 2002.

1. Specifications.

Minimum Road surface width	12 feet
Minimum Width clearance	24 feet
Minimum height clearance	18 feet
Maximum grade	10%

2. Other Requirements.

A. At least one 25ft length and 18 ft width segment of road surface shall be provided for each 300ft of driveway length.

B. The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto public road. An adequate roadbed of suitable material to support the projected traffic

and any requirements for culverts shall be determined by the Planning Commission and the Village Public Works in considering an application for driveway approval. At the dead end of the driveway, a turnaround of at least 25ft radius or some other method to allow vehicles to turn around shall be provided.

(c) Inspection. An inspection fee of \$159 is required to be submitted with all applications for a driveway. All applications will be delivered to the village clerk along with required fee. The clerk will notify the planning commission, all applications will be reviewed at a regular meeting and inspections will be done by a minimum of two planning member and approval done in writing before building permits will be issued if second inspections is not up to code, a new application must be submitted and a: new fee will be charged. If planning decision is disputed and at becomes necessary to have an engineer inspect, the cost for the engineer will be the responsibility of the applicant.

(d) Construction; Maintenance. All driveways shall be constructed in accordance with the above requirements and other specifications as may be set forth by the Planning Commission. The maintenance of the driveway shall be the responsibility of the applicant and/or owner.

D. Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in this Code under Chapter 12.

#### 5.05 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

(Am. June 13, 2017)

- A. Permit Required. No person shall make or cause to be made any excavation or opening in any street alley, highway, sidewalk or any other public way within the Village of Ridgeway until obtaining a permit from the Director of Public Works.
- B. Fee. The fee for a street opening permit shall be \$5.00 and shall be paid to the Village Treasurer who shall issue the receipt.
- C. Bond. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk an indemnity bond, approved by the Village President, in the sum of \$5,000 conditioned that they will indemnify and save harmless the Village of Ridgeway and its officers from all liability for accidents and damage caused by any of the work covered by their permit, and that they will fill up and place in good condition all excavations and openings made in the street, and will replace and restore the pavement over any opening they may make as near as can be to the state and condition in which they found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Works for a period of

one year, and that they will pay all fines imposed upon them for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same one year.

Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.

An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which will be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

- D. Insurance. Prior to commencement of excavation work, a permittee must furnish to the Director of Public Works satisfactory written evidence that they have in force and will maintain during the life of the permit and the period of excavation, public liability insurance for one person, for one accident and property damage insurance. Amounts to be set at the discretion of the Village for the project.
- E. Regulations Governing Street and Sidewalk Openings.
1. Frozen Ground. No opening in the street or sidewalk for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Works.
  2. Removal of Paving. In opening any street or other public way, all paving or ballast materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along the gutters.
  3. Protection of Public. Every person shall enclose with sufficient barriers each opening which they may make in the streets or public ways of the Village. All machinery or equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, their agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one red light or torch lamp to be

placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Director of Public Works, no trench may be excavated more than 250 feet in advance of pipe laying or left unfilled more than 500 feet where pipe have been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as the cost of any appeal, that may result from the neglect by such person or his/her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

4. Replacing Street Surface. In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which, in the opinion of the Director of Public Works, is not suitable for refilling shall be replaced with suitable backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than 6 inches in depth and each layer rammed, tamped or flushed to prevent after-setting. When the sides of the trench will not stand perpendicularly, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.
5. Excavation in New Streets Limited. Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Director of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street. All such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate such street for a period of five years after the date of improvement or repaving unless, in the opinion of the Director of Public Works, an emergency exists which makes it absolutely essential

that the permit be issued.

6. Emergency Excavation Authorized. In the event of an emergency any person owning or controlling any sewer, water main, conduit or utility in or under any street and their agents may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavating permit, provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit.
  7. Village Work Excluded. The provisions of this section shall not apply to excavation work under the direction of the Director of Public Works or Village employees or contractors performing work under contract with the Village necessitating opening or excavations in the Village streets.
- F. Penalty. The penalty for violating any provision of this section shall be a penalty as provided in Chapter 12 of this Code.

#### 5.06 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. (Cr. 1986).

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

#### 5.07 CONSTRUCTIONS AND ENCROACHMENTS. (Am. June 13, 2017)

- A. Constructions and Encroachments Prohibited. No person shall encroach upon or in any way construct or encumber any street, alley, walk, public grounds or land dedicated to public use, or any part thereof or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which they are the owner or occupant except as provided in sub. (B) of this section.
- B. Exceptions. The prohibitions of sub. (A) shall not apply to the following:
  - 1) Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the sidewalk, street or alley.
  - 2) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
  - 3) Public utility encroachment duly authorized by State Law or the Village Board.
  - 4) Goods, wares, merchandise or fixtures being loaded or unloaded



which do not extend more than three feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two hours.

- 5) Temporary encroachments or constructions authorized by permit under sub. (C) of this section.
- 6) Excavations and openings permitted under Section 5.05.

C. Street Privilege Permit.

- 1) When Required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to the applicant by the Director of Public Works for the purpose of moving any building or structure, or encumbering the street, alley or way with materials necessary in or about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by Section 7.02 of this Code.
- 2) Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond in an amount determined by the Director of Public Works, conditioned that the applicant will indemnify and save harmless the Village of Ridgeway from all liability for accidents or damage caused by reason of operations under such permit and will remove such encumbrance upon termination of the operations, and will leave the vacated premises in a clean and sanitary condition, and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- 3) Fee. The fee for a street privilege permit shall be \$10.00.
- 4) Conditions of Occupancy. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair and removal of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Director of Public Works for violation:
  - a. Such temporary construction shall cover not more than 1/3 of any street or alley.
  - b. Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
  - c. Sidewalk shall not be interrupted, but temporary sidewalks of not less than 4 feet in width guarded by a closed fence at least 4 feet high on both sides may be maintained during the period of occupancy.
  - d. The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by

the Director of Public Works, shall continue during all hours of the day and night.

- e. No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
- f. Buildings shall be moved only in accordance with the route prescribed by the Director of Public Works.
- g. 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 rubble and obstructions and placed in a safe condition for public travel at the expense of the permittee.

- 5) Termination. All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified at the direction of the Director of Public Works.
- 6) Removal by Village. In addition to any other penalty imposed on the owner or occupant of the premises, any unlawfully obstructed sidewalk in which the owner has refused or neglected to remove such obstruction within 24 hours after notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the cost and expense to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other taxes against real estate.
- 7) Penalty. The penalty for violations of any of the provisions of this section shall be a penalty as provided in this Code under Chapter 12.

#### 5.08 SNOW AND ICE REMOVAL FROM SIDEWALKS.

(Cr. Oct. 6, 1981; Am. May 14, 2008; Am. Feb. 9, 2011).

- A. Responsibility of Owner, Occupant and Etc. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Ridgeway fronting or abutting any street shall clean or cause to clean the sidewalk in front of or adjoining such building or unoccupied lot or dwelling as the case may be, of snow or ice to the width of such sidewalk by 11:00 a.m. of each day shall cause the same to be kept clear of ice and snow, provided that in case snow shall continue to fall during and after 11:00

a.m., then it shall be removed within six hours after daylight after it shall cease to fall. In case of failure to do so, it is hereby made the duty of the Director of Public Works to, at once, clear such sidewalk or cause the same to be cleared.

- B. Cost When Village Assumes Owner's, Occupant's or Etc.'s Responsibility. The Director of Public Works shall keep an accurate record of such snow or ice removal in front of all lots, parts of lots or parcels of land fronting or abutting upon any street from which the same has been removed and shall report the same to the Village Clerk on or before the first day of June of each year. The charge for such snow and ice removal shall be assessed to the owner of the property fronting or abutting upon the streets where sidewalks have been cleaned and such charge shall be included in the next tax roll and shall be collected as other taxes are collected, unless the same has previously been paid by such owner.
- C. Penalty. Any owner, occupant or person in charge of any building who shall fail to remove such snow and ice as required herein shall, upon conviction thereof, be subject to a forfeiture of not less than \$50.00 nor more than \$100.00 together with the costs of prosecution, and in default of the payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid but not exceeding five (5) days. Such forfeiture may be imposed even though the sidewalk has been cleaned by the Director of Public Works as previously provided in this section.

#### 5.09 TREE TRIMMING AND SANITATION.

(Am. Sept. 15, 2011).

- A. Trees to be kept trimmed. Trees standing in and upon any public street or place, or upon any land adjacent thereto shall be pruned and trimmed by the owner or occupant of the property or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and, over any other public place, will provide a clearance of not less than 10 feet so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public.
- B. Hazardous and infected trees. Any tree or part thereof, whether alive or dead, which the Director of Public Works shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which tree or part thereof is located. The Director of Public Works shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice

shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Director of Public Works on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Director of Public Works shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk who shall thereupon enter such cost as a special charge against the property.

- C. Cottonwood and box elder trees prohibited. No person shall plant or maintain within the Village of Ridgeway any female tree of the species *Populus Deloides*, commonly called the "Cottonwood", or any tree commonly called the seed-bearing infected Elder or *Acer Negundo*, which may now or hereafter become infected with Box Elder bugs, and such trees are hereby declared a nuisance. Any person having the same on his premises shall cause them to be removed. If any owner shall fail to remove any such tree within 30 days after receiving written notice from the Director of Public Works, the Director shall cause the removal of such tree and the full cost shall be reported to the Village Clerk who shall place such charge upon the next tax roll as a special charge against the premises.
- D. Planting of certain trees restricted. No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village of Ridgeway, unless he shall first secure written permission from the Director of Public Works, who shall not approve any such planting if, in his opinion, said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operating of any sewer or water system. The Director of Public Works shall cause the removal of any tree planted in violation of this subsection.
- E. Penalty. The Penalty for violation of any provision of this section shall be a penalty provided in Chapter 12 of this Code.

5.10 COLLECTION OF GARBAGE AND REFUSE.  
(Cr. March 7, 1994; Am. June 3, 1998, Am. April 11,2023).

A. Every residence, residential unit, place of business, industry, commerce or other place providing goods or services of any type shall cooperate in the collection of garbage and recycling by performing according to this section. Industrial and commercial establishments may contract with any licensed collector of their choice, at their sole expense, and will not be billed by the Village of Ridgeway.

B. Definitions. As used in this section, the following terms shall mean:

1. COLLECTION. The pickup and collecting of all garbage and refuse which is deposited in standard containers or which is securely tied in bundles of

appropriate size and weight and set at or near the curb or street edge at single or double dwellings within the corporate limits of the municipality. Collection shall also include the transporting of such garbage and refuse to a sanitary landfill licenses and approved by the State Department of Natural Resources.

2. COLLECTOR. The person or person specifically authorized by the Village board to collect garbage, rubbish and recyclable materials and dispose of the same.

3. COMMERCIAL A business operating wholly or partly within the municipality boundaries and all residences or houses having more than 2 families occupying it and all single dwelling units more than 3 boarders or roomers living there being wholly or partly within the municipality boundaries.

4. DISPOSAL. Disposal of any material collected or brought to the sanitary landfill site, such disposal to be done in accordance with all village, county, state and federal regulations.

5. DWELLING OR DWELLING UNIT. A separate dwelling place or residence with a kitchen housing one or two families.

6. INDUSTRIAL. A manufacturing operation or its equivalent operating wholly or partly within the municipality boundaries.

7. STANDARD GARBAGE OR REFUSE CONTAINER. A can or container of not more than 30 gallons capacity which has a tight filling lid and which is waterproof or a plastic garbage bag of suitable strength and not to exceed the same size and capacity. Contractor shall not be obligated to pick or to employ bundles or containers weighing over 50 pounds each.

8. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

9. "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

10. "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

11. Is designed for serving food or beverages.

12. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

13. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

14. "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.

2. 15. "HDPE" means high density polyethylene, labeled by the SPI code #
4. 16. "LDPE" means low density polyethylene, labeled by the SPI code #
17. "Magazines" means magazines and other materials printed on similar paper.
18. "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
19. "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
20. "Newspaper" means a newspaper and other materials printed on newsprint.
21. "Non-residential facilities and properties" mean commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
22. "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.
23. "Other resins or multiple resins" mean plastic resins labeled by the SPI code # 7.
24. "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
25. "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.
26. "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.
27. "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
28. "PP" means polypropylene, labeled by the SPI code # 5.
29. "PS" means polystyrene, labeled by the SPI code # 6.
30. "PVC" means polyvinyl chloride, labeled by the SPI code # 3.
31. "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; 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.
32. "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.

33. “Solid waste facility” has the meaning specified in s. 289.01(35), Wis. Stats.

34. “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.

35. “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

36. “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.

C. Curb Pickup. All containers and bundles shall be at the curb or near the street edge for collection by the contractor not more than 24 hours on the day designated by the contractor for collection.

D. Recycling. All recycling materials shall be separated from other garbage.

1) 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. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

2) This ordinance is adopted as authorized under Section 287.09(3)(b), of the Wisconsin Statutes and the Village of Ridgeway.

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, entities, and waste generating activities within the Village of Ridgeway.
- 7) **Administration.** The provisions of this ordinance shall be administered by The Clerk of the Village of Ridgeway.
- 8) **Effective Date.** The provisions of this ordinance shall take effect upon passing and posting as required by law.
- 9) **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 postconsumer waste: Lead acid batteries, Major appliances, Waste oil, Yard waste, Aluminum containers, Bi-metal containers, Corrugated paper or other container board, Foam polystyrene packaging, Glass containers, Magazines, Newspaper, Office paper, Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins, Steel containers, Waste tires
- 10) **Separation Requirements Exempted.** The separation requirements of section I do not apply to the following:
  - a) Occupants of single family and 2 to 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 materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
  - b) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
  - c) A recyclable material specified in s. 1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.
- 11) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section I 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.
- 12) **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 by disposing at an approved facility.

**13) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

- a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 9:
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (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 materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- b) The requirements specified in 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 Department of Natural Resources that recovers for recycling the materials specified in section I from solid waste in as pure a form as is technically feasible.

**14) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

- a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 9:
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (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 materials 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 of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- 15) 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 section I from solid waste in as pure a form as is technically feasible.
- 16) **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 I which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- E. Branches and Tree Cuttings. Branches, limbs and tree cuttings from trees, shrubs and brush, not exceeding 3" in diameter nor more than 5' in length, shall be placed curbside for pickup the first Monday of the months of April through November by Village Public Works personnel.
- F. Seasonal Leaves and Lawn Raking. Leaves and yard refuse shall be bagged and placed curbside for pickup by Village Public Works personnel. Pickup will be on the first Monday of the months of April through November. Village personnel may refuse to remove any yard refuse not placed in a proper container.
- G. Rules and Regulations Published. All rules and regulations from time to time adopted by the Village Board and pertaining to the collections and disposal of garbage, rubbish and recyclable material shall take effect upon publication in the manner of an ordinance.
- H. Refusal of Service. The collector may refuse to furnish collection service to any person who fails or refuses to comply with any provision of this section or any rule or regulation in furtherance hereof.
- I. Established Fees. The Village shall establish fees for residential recipients for the payment of collection services for solid waste and recycled material. Fees shall be assessed on a household basis. Billing will be done on a monthly basis and charged as a separate item on each eligible property's water and sewer bill. Industrial and commercial operations shall contract for

their own collection of refuse and recycled material, and shall be responsible for one hundred percent (100%) of all fees.

- J. Unpaid or Delinquent Garbage/Refuse Fees. Any unpaid Village of Ridgeway garbage or recycling fees for the billing periods shall be placed on the next regular tax roll by the Village Clerk as a special assessment against the property. All such charges, whether incurred by the renters or owners of the eligible property, shall be the responsibility of the owner of the real estate involved and shall be charged back as set forth previously against such real estate.
- K. Users Excluded. Garbage and refuse collection service shall not be provided by the Village to Industrial or Commercial Users
- L. Collection Schedule. The Village shall establish the time of collection of solid waste and recyclable material and the clerk shall publish notice of the collection schedule at least once in the spring and fall of each year and at any time when the collection schedule is changed.
- M. Specified Containers. Solid waste shall be placed for collection in bags or cans not to exceed 50 pounds per container nor more than 32 gallons capacity, which has a tight-fitting lid and which is waterproof; or a plastic bag of suitable strength. All refuse that is contained in a container, including dumpsters must be able to have the lid closed. If the dumpster lid cannot be kept closed at all times, the dumpster must be contained in a fenced in area. Recycled material shall be placed as herein required at the specified collection point not sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than 12 hours thereafter.
- N. Placement of Recyclable and Solid Waste for Collection. Except as otherwise specially directed or authorized by the Village Board, solid waste and recycling containers shall be placed at the curb, adjacent to the premises owned or occupied by the person, of the street designated in the published collection schedule for collection. Materials shall be placed out for collections according to the scheduled days established and published by the Village.
- O. Special Materials. Residents shall contact the hauler when they have bulk items to make arrangements for collection.

- P. Construction material from household remodeling or repair shall be disposed of in a dumpster obtained and contracted for by the property owner.
- Q. CC. Penalties. Except as otherwise provided, the penalty for violation of any provision of this chapter shall be a penalty as provided in this code under Chapter 12. A separate offense shall be deemed committed on each day on which a violation occurs or continues to occur.

### 5.11 DEPOSIT OF SNOW, GRASS CLIPPINGS, LEAVES AND YARD WASTE IN PUBLIC STREETS

(Cr. Aug. 13, 2018)

- A. It shall be unlawful to deposit, rake, place, or mow fallen tree leaves, grass clippings, weeds or other yard waste onto the pavement or into the gutter of any public street, road, alley or highway.
- B. It shall be unlawful to plow or push snow onto the pavement of any public street, road, alley or highway.
- C. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$25 nor more than \$250. The deposit amount shall be \$50.

### 5.12 LITTERING PROHIBITED.

(Cr. Oct. 7, 1981).

No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village or upon private property or upon the surface of any body of water within the Village.

### 5.13 IMPLEMENT OF HUSBANDRY (IOH).

(Cr. Jan. 6, 2015).

A. Pursuant to section 348.15 (9)(f), Wis. Stat., all implements of husbandry (including Category B implements of husbandry defined in section 340.01 (24)(a)1.b.) may not exceed the weight limits imposed by section 348.15 (3)(g), Wis. Stat.

B. To exceed the length and/or weight limitations on highways under this jurisdiction, a no-fee permit may be applied for from the municipal jurisdiction.

C. Pursuant to section 348.27 (19)(b)4m.a., Wis. Stat., in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in section 340.01 (24)(a)1.b., Wis. Stat., the municipal jurisdiction or county is

required to provide an approved alternate route, which may include highways that are not under this jurisdiction if prior approval has been given by the jurisdiction over the alternate routes not under this entity's jurisdiction for operation of Category B implements of husbandry as defined in section 340.01 (24)(a)1.b., Wis. Stat.

Amended Ord. 5.03, 5.04, 5.05 and 5.06 August 8, 2017

#### 5.14 MAILBOX REPLACEMENT POLICY

Snowplow operators use a great deal of care when plowing Village roads under sometimes very difficult conditions. However, accidents can happen and mailboxes may be damaged. The property owner is obliged to contact the Village Office within seventy-two (72) hours of suspected damage to the mailbox by Village Equipment. A Village Employee will inspect the alleged damage.

Should the Village Employee determine the damage was due to improper installation, deteriorated posts and/or mounting material, or for any other reason other than being physically hit by the Village equipment, the Village of Ridgeway will not be responsible for damage to the mailbox or post. Replacement will be at the property owner's expense.

Should the Village Employee determine that the Village equipment actually hit and damaged the mailbox, the Village will reimburse the property owner an amount not to exceed \$30.00.

Mailboxes tipped, damaged, or knocked down by the weight of the snow will not be repaired or replaced by the Village. Since trucks cannot plow directly up to the edge of a mailbox, residents will need to clear the area around the mailboxes according to the United States Postal Service (USPS) specifications in order to ensure mail delivery.

Mailboxes that are not installed per USPS regulations will not be replaced and will not be eligible for any monetary reimbursement.