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9.01 FIREARMS GENERALLY.

A. DEFINITIONS.. “Firearms” shall include gun, rifle, pistol, air gun, shotgun, spring gun, cannon or other device or type of firearms which expels a missile or missiles by some means of element.

B. DISCHARGE OF FIREARMS RESTRICTED.

1. No person shall fire a rifle, pistol or other solid ball firearm in any residential, recreational or commercial district within the Town or within 300’ of any such district, or residence or structure used for human occupancy while on lands you do not own without the permission of the owner or occupant of that building.

2. No person shall discharge a firearm within the right-of-way of any State, County or Town highway or road or in any public park, parking area or other area marked by signs prohibiting the same. (No person shall hunt within 50’ from the roadway’s center or discharge a firearm from or across a highway, or within 50’ of the roadway’s center.)

9.02 THROWING OR SHOOTING MISSILES AND PROJECTILES. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Town.

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9.03 REGULATION OF FIREWORKS.

A. DEFINITION. In this section, “fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

1. Fuel or a lubricant.
2. A firearm cartridge or shotgun shell.
3. A flare used, possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
4. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
5. A cap containing not more than $\frac{1}{4}$ grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
6. A toy snake which contains no mercury.
7. A model rocket engine.
8. Tobacco and tobacco product,
9. A sparkler on a wire or wood stick not exceeding 36” in length that is designed to produce audible or visible effect or both (to produce audible and visible effects).
10. A device designed to spray out paper confetti or streamers and which contains less than 1/2 ounce of explosive mixture.
11. A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.
12. A device that emits smoke with no external flame and does not leave the ground.
13. A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding $\frac{3}{4}$ ” , designed to sit on the ground and emit only sparks and smoke.
14. A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

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15. A novelty device that spins or moves on the ground

B. SALE. No person may sell or possess with intent to sell fireworks, except:

1. To a person holding a permit under sub. (3)(c).
2. The Town.
3. For a purpose specified under sub. (3)(b) 2. to 6.
4. or a person not a resident of the state

C. USE.

1. No person may possess or use fireworks without a user's permit from the Chairman of the Town under provision s.6 (c) in which the possession or use is to occur or from an official or employee of that municipality designated by the Chairman. No person may use fireworks or a device listed under sub. (1)(e) to (g) or (i) to (n) while attending a fireworks display for which a permit has been issued to a person listed under par. (c)1. to 5. Or under par. (c)6. If the display is open to the general public.

2. Paragraph (a) does not apply to:

- a. The Town, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.
- b. The possession or use of explosives in accordance with rules or general orders of the Department of Safety and Professional Services
- c. The disposal of hazardous substances in accordance with rules adopted by the Department of Natural Resources.
- d. The possession or use of explosive or combustible materials in any manufacturing process.
- e. The possession or use of explosive or combustible materials in connection with classes conducted by institutions of education.
- f. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.

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3. A permit under this subsection may be issued only to the following, permit fee \$25.00:

- a. A public authority.
- b. A fair association.
- c. An amusement park.
- d. A park board.
- e. A civic organization.
- f. An agricultural producer for the protection of crops from predatory birds or animals.

4. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

5. The person issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Town wherein the fireworks are to be used, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Clerk of the Town.

6. A permit under this subsection shall specify all of the following:

- a. The name and address of the permit holder and the organization he/she represents.
- b. The date on and after which fireworks may be purchased.
- c. The kind and quantity of fireworks which may be purchased.
- d. The date and location of permitted use.

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e. Other special conditions prescribed by ordinance.

7. A copy of a permit under the subsection shall be given to municipal fire or law enforcement official at least 2 days before the date of authorized use.

8. A permit under this subsection may not be issued to a minor.

D. OUT-OF-STATE. This section does not prohibit a resident wholesaler, dealer or jobber from selling fireworks at wholesale, if that wholesaler, dealer or jobber ships or delivers the fireworks outside of this State in sealed opaque containers by, as defined in SS194.01(1),(2) and (11), Wis. Stats., common motor carrier, contract motor carrier or private motor carrier engaged in the business of shipping or delivering property, or to a person or group granted a permit under sub. (3)(c)1. to 6.

E. STORAGE AND HANDLING.

1. No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Town.

2. No person may smoke where fireworks are stored or handled.

3. A person who stores or handles fireworks shall notify the Town board in which the fireworks are stored or handled of the location of the fireworks.

4. No wholesaler, dealer or jobber may store fireworks within 50' of a dwelling.

5. No person may store fireworks within 50' of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

F. PARENTAL LIABILITY. A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

G. ENFORCEMENT.

1. The Town may petition the circuit court for an order enjoining violations of this section.

2. Fireworks stored, handled, sold, possessed or used by a person who violates this section, or a court order under par. (a) shall be seized. The fireworks shall be destroyed after conviction for a violation, and otherwise returned to the owner.

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9.04 NOISE PROHIBITED.

A. Definitions. The following definitions shall apply to the interpretation of the provisions of this ordinance.

1. “Motor Vehicle” shall mean any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts, and any other vehicle which is self-propelled, excluding however, from this definition of motor vehicle any of the foregoing when such vehicle or equipment shall be used during actual farming operations.

2. “Sound Level Meter” shall mean an instrument or apparatus including a microphone, an output meter, and weighting networks for the measurement of sound pressure levels.

B. Noise Prohibited. It shall be unlawful for any person to willfully make or continue or cause to be made or continued, noise above decibels as measured by a sound level meter and from the sources and during the hours as set forth in Section 9.05 (3)(a-c).

C. 1. Motor vehicles weighting less than 8,000 pounds. The allowable limit is 80 decibels on an “A” weight scale at any time.

2. Radios, television sets, record and tape equipment, sound speaker systems, sound amplifiers. The allowable limit is 80 decibels on an “A” weight scale during the hours from 7:30 a.m. to 10:30 p.m.

3. Radios, television sets, record and tape equipment, sound speaker systems, sound amplifiers. The allowable limit is 60 decibels on an “A” weight scale during the hours from 10:30 p.m. to 7:30 a.m.

4. Sound pressure levels shall be measured at a height of at least four feet (4’) above the immediate surrounding surface and fifteen feet (15’) from its source for motor vehicles and the sound pressure level shall be measured at least four feet (4’) above the immediate surrounding surface and at a minimum of twenty-five (25’) from the owner and tenant property line whereon the noise is produced in all other situations herein provided for.

D. Exceptions. Service clubs, churches, fire departments, and sportsman’s clubs located within the Town of Cooperstown shall be allowed to operate at the 80 decibel level until midnight of any day.

E. Whoever operates a motor vehicle in such a manner that excessive and unnecessary noise

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is emitted by the tires of such vehicle may be penalized as provided in Section 9.18 of this code.

9.05 LOITERING.

A. **LOITERING OR PROWLING PROHIBITED, GENERALLY.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a police or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

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

9.06 ANIMALS AND FOWL NOT TO RUN AT LARGE.

A. No person having in his possession or under his control any animal or fowl shall allow the animal to run at large within the town.

B. This section does not apply to:

1. Dogs being used in hunting or trained for hunting on the property of their owner or another who has consented to the animal's presence.
2. Farmers transporting livestock under control or direction of herdsman.
3. Farmers allowing livestock to forage or range on lands in which such foraging or ranging is authorized by the owner.
4. Domestic animals running on the property of their owner and another who has consented to the animal's presence.

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C. For other animal and snake restrictions. See Manitowoc County Chapter 6.231 & 6.232.

9.07 STORAGE AND DISPOSAL OF AUTOMOBILES, TIRES, JUNK, AND OTHER MISCELLANEOUS WASTE.

A. Purpose. Town of Cooperstown has found it necessary to regulate by ordinance the storage and disposal of automobiles, tires, junk, and similar miscellaneous waste due to the fact there has been a proliferation of unlicensed junk yards, tire piles, and dumps of similar miscellaneous materials within the Town of Cooperstown. The proliferation presents a threat to the public health and safety of the citizens of the Town of Cooperstown and the natural environment and property values of the Town of Cooperstown. The provisions of this subsection of the ordinance are adopted pursuant to the authority granted to Town of Cooperstown by Wis. Stat. 175.25 & 342.40(3).

B. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as having the same meaning as they have in common law, the Wisconsin Statutes or Wisconsin Administrative code, to give this ordinance its most reasonable application. Words used in the present tense include the future, and vice-versa. Words used in the singular include the plural, and vice-versa. The word “shall” is always mandatory, the word “may” is always permissive.

1. “Junk” means any of the following junk materials:
 - a. Any junk or scrap metal.
 - b. Any junk or scrap wood.
 - c. Junk metal alloy.
 - d. Junk synthetic or organic material.
 - e. Two or more junked, ruined, dismantled or wrecked motor vehicles or machinery or parts thereof.
 - f. A collection of twenty (20) or more used tires that are not being put to use. (Tires used to hold down covers over hay or straw are exempt.)
 - g. Unusable appliance(s).
 - h. All or parts of dismantled buildings or structures that were not originally parts of the land’s principal or accessory buildings and have not been reconstructed within six (6) months of their deposit on the land. (i.e Dismantled buildings or parts thereof, that are or were imported or

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relocated to a site are junk to that site.)

i. All or parts of dismantled buildings or structures that were originally part of the land's principal or accessory use which have been destroyed by act of man or nature and have been dismantled or destroyed for more than eighteen (18) months.

2. "Illegal Junk Yard" means any place other than a licensed junk yard, which is maintained, owned, operated, or used for the storage, keeping, processing, buying, or selling of junk outside of buildings.

3. "Screened" means hidden from view in a manner that is compatible with the surrounding environment and permitted under the applicable zoning regulations.

C. Prohibited Activities. No person, group of persons, company, firm, corporation, or any other entity shall within the Town of Cooperstown:

1. Operate an illegal junk yard;

2. Store or dispose of any junk as defined by this ordinance except in accordance with all applicable state and local regulations;

3. All illegal junk yards in violation of this ordinance are public nuisances.

D. Exceptions.

1. This ordinance is not intended to regulate or place limitations on any legally licensed junk yard, salvage dealer, sanitary landfill, or other junk, waste disposal, or storage activity for which a valid license from the State of Wisconsin and/or other necessary municipality issuing authority is required and has been issued and all such licenses are in full force and effect.

2. Nothing in this ordinance is intended to prohibit the storage of idle but operable farm equipment.

3. Any junk or junk yard that is screened from view is exempt from the provisions of this ordinance (For example, the storage of materials behind a barn or other building and which can not be seen from any adjacent public or private road is exempt from the requirements of this ordinance. Junk materials enclosed behind a fence that can not be seen from any public or private road are exempt from the requirements of this ordinance.)

E. Administration and Enforcement.

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1. Code Enforcement. The Town of Cooperstown Board hereby assigns the duties of administering the subsection of the ordinance as follows:

a. The Manitowoc County Planning and Park Commission shall administer that part of this ordinance relating to junk and junk yards referred to in 9.08

2. Persons shall allow access to the Commission staff to their property for the purpose of enforcing this ordinance.

3. The Town of Cooperstown Town Board shall, initially investigate any violations of this ordinance within its jurisdiction and pursuant to formal Town Board action refer the results of their investigation and recommendation in writing to the Manitowoc County Planning and Park Commission.

F. Violations and Penalties.

1. Whenever a violation of this ordinance is found, the Planning and Rezoning Commission may take one or more of the following actions:

a. Order the violation corrected by the property owner by removal and proper disposal of the material within a specified period ranging from one (1) to thirty(30) days; or

b. Issue a citation for violation of this ordinance pursuant to this ordinance; or

c. When violations are initiated and pursued by the Manitowoc County Planning and Rezoning Commission, proper legal action shall be brought through the Manitowoc County Corporation Counsel's Office which may include injunctive relief, and additional forfeiture actions through the process of summons and complaint of other proper legal recourse.

2. The Manitowoc County Circuit Court may, upon the petition of and at the request of the County, order removal of the violating junk, vehicles, tires, etc. at Town expense. The Town shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) days, the Town may place the amount of the invoice on the tax rolls as special charge against the property in question pursuant Sec 66.0627 Wis Stats..

3. Injunctive relief can also be requested requiring the property owner or other party in possession of the property to remove the violating junk, vehicles, tires, etc., and have those items properly stored or disposed of and any town cost incurred in the removal of such items be assessed as a special charge against the property.

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4. Any person, firm, corporation, or other legal entity failing to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$75 nor more than \$500, plus costs of the prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default of payment of these forfeitures and costs and who is not found to be indigent by the court shall be imprisoned in the Manitowoc County Jail for up to thirty (30) for each violation or until payment has been made.

G. Construction with zoning ordinances. This section is a police ordinance regulating the manner in which materials meeting the definition of “junk” are stored on land. This ordinance shall not be construed to authorize use of land for storage of junk on any parcel solely by virtue of compliance with this section. Storage of junk must be authorized by both this ordinance and the applicable zoning ordinance.

9.08 LITTERING PROHIBITED.

A. No person may deposit, discharge, or leave any solid waste on or along any highway, road, public or private property, in the waters of the State, or on ice formed on waters of the State.

B. No person may permit any other person to discharge or deposit solid waste from a motor vehicle operated by that person.

C. No person may deposit, leave, or discharge on any property or in any waterway any used tires, hazardous materials, appliances, or any other article which is required by law or ordinance to be disposed of in a particular fashion.

D. No person may deposit or allow to be deposited on lands located in this town soil which was removed from property located outside this town which is contaminated with gasoline, diesel fuel, no. 1 or no. 2 fuel oil, kerosene, aviation gasoline, or jet fuel. This subsection does not apply to landfills properly licensed for the disposal or remediation of petroleum contaminated soil.

E. Any person violating this ordinance may be penalized as provided in Section 9.17 of this Code, each day a violation continues is a separate offense.

9.09 OBEDIENCE TO OFFICERS. No person shall resist or interfere with any officer of the Town Board (Chairman, Supervisor or anyone designated by the Town Chairman) while such officer is doing any act in his official capacity, and with lawful authority, nor shall any person refuse to assist an officer in carrying out his duties when so requested by the officer.

9.10 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open

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cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person; and any cover shall be of such design, size and weight that the same cannot be removed by small children.

9.11 SALE OF USED APPLIANCES. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside unless such door or lid, snap lock or other locking device has been removed from such ice box, refrigerator or container, or unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened. Any appliance for sale must be removed or disposed of after 30 days.

9.12 WASTE DISPOSAL AND WASTE DISPOSAL SITES PROHIBITED.

A. DEFINITIONS. For the purpose of this section, the following definitions shall apply:

1. Dispose. Includes, but is not limited to, dump, unload, discard, throw away, abandon, empty, bury or burn.
2. Garbage. Includes discarded materials resulting from handling, processing, storage or consumption of food.
3. Person. An individual, sole proprietorship, corporation, partnership, association or municipality, including town, village, city, county, sanitary district, state.
4. Refuse. Includes combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, industrial wastes, dead animals, toxic and hazardous wastes and material resulting from construction or demolition.
5. Sludge. Includes sewage treatment residue, in any form which has been processed or treated in any manner.
6. Waste. Includes garbage, refuse, sludge, all other discarded material and waste material resulting from industrial (defined as by products from food production, cheese factories, industrial digesters), commercial and agricultural operations, domestic use and public service activities.

B. DISPOSAL PROHIBITED. Except as provided in (3) no person shall dispose of garbage, waste, refuse or sludge within the limits of the Town.

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C. EXCEPTIONS. The following are specifically excepted from the terms of sub. (2) of the section:

1. A sanitary landfill or dump licensed by the State Department of Natural Resources on the effective date of this section.
2. A sanitary septic tank or seepage bed which is at all times in compliance with all applicable Town ordinances and County and State laws and regulations. See Manitowoc County Chapter 13.
3. Animal waste from a farm can be disposed of on farmland in according to a mandatory nutrient management plan and in accordance with the rules and regulations of Manitowoc County Soil & Water Conversation Department.-
4. Industrial waste can be disposed of on farmland in accordance and compliance with Department of Natural Resources permits.

D. HEALTH HAZARD. The Town Board hereby declares the disposing of garbage, waste, refuse or sludge within the limits of the Town to be contrary to the health and welfare of the citizens of the Town and to create a health hazard to its citizens.

E. STATE LAW. Nothing contained in this section shall be deemed to limit or restrict the application of any State law or administrative rule regulating the subject matter of this section.

9.13 RECYCLING. The Town of Cooperstown has implemented Mandatory Recycling in order to meet the requirements set forth in 1989 Wisconsin Act 335.

A. Purpose. The purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program as provided in s. 287.11, WI Stats., and Chapter NR 544, WI Administrative Code.

B. Statutory Authority. This section is adopted as authorized under s. 287.09 (3) (b), WI Stats.

C. Abrogation and Great Restrictions. It is not intended by 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 section shall apply.

D. Interpretation. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or

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repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in Chapter NR 544, WI Administration Code, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of adoption of the ordinance, or in effect on the date of the most recent text amendment of this chapter.

E. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

F. Applicability. The requirements of this section apply to all persons and organizations within the Town of Cooperstown town limits.

G. Administration. The provisions of this section shall be administered by the Town of Cooperstown town board.

H. Definitions.

1. “Bi-metal container” means a container for carbonated or malt beverages that are made primarily of steel and aluminum.
2. “Container board” means corrugated paper board used in the manufacture of shipping containers and related products.
3. “HDPE” means high density polyethylene plastic containers marked by the SPI code No. 2.
4. “LDPE” means low density polyethylene plastic containers marked by the SPI code No. 4.
5. “Magazines” means magazines and other materials printed on similar paper.
6. “Major appliances” means a residential or commercial air conditioner, clothes dryer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove.
7. “Mixed or other plastic resin types” means plastic containers marked by the SPI code No. 7.
8. “Multiple family dwelling” means a property containing five or more residential units, including those which are occupied seasonally.
9. “Newspaper” means a newspaper and other materials printed on newspaper.

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10. “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

11. “Office paper” means high grade, staple free, printing and writing papers from offices in no-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.

a. “Person” includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131 (1) (a), WI Stats., state agency or authority of federal agency.

12. “PETE” means polyethylene terephthalate plastic containers marked by the SPI code No. 1.

13. “Post consumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01 (7), WI Stats., waste for construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in s. 291.01 (7) (a) 1., WI Stats.

14. “PP” means polypropylene plastic containers marked by SPI code No. 5.

15. “PS” means polystyrene plastic containers marked by SPT code No. 6.

16. “PVC” means polyvinyl chloride plastic containers marked by the SPI code No. 3.

17. “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; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

18. “Solid waste” has the meaning specified in s. 289.0133 WI Stats.

19. “Solid waste facility” has the meaning specified in s. 289.0135 WI Stats.

20. “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.

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

22. “Yard waste” means leaves, grass clippings, and yard and garden debris.

23. “Brush and branches” means clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

I. Separation of Recyclable materials. Occupants of single family and two-to-four-unit residences, multiple family dwelling, non-residential facilities, places of business, industry or commerce, farms, and governmental facilities 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 or other materials printed on similar paper.
11. Newspapers or other materials printed on newsprint.
12. Office paper.
13. Plastic containers made of PETE(#1), HDPE(#2), PVC(#3), LDPE(#4), PP(#5), PS(#6), and mixed or other plastic resin types(#7).
14. Steel containers.
15. Waste tires.

J. Separation Requirements Exempted. The separation requirements of s. 9 do not apply to the following:

1. Occupants of single family and two-to-four-unit residential multiple family dwelling 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 s.9 from solid waste in as pure a form as technically possible.
2. Solid waste which is burned as a supplemental fuel at a facility 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 s. 9 for which a variance or exemption has

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been granted by the Department of Natural Resources under ss. 287.07(3) or (4) , WI Stats., or s. NR 544.14, WI Administrative Code.

K. Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 9 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.

L. Care of Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires and Yard Waste. Occupants of single and two-to-four-unit residences, multiple family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:

1. Lead acid batteries, major appliances, waste tires, and waste oil shall be disposed of by the owner of the item by contacting an accepting vendor and then delivering the item as directed.
2. Yard waste shall be disposed of by composting of the material on the site at which it is produced.

M. Preparation and Collection of Recyclable Materials. Except as otherwise directed by the town board or its representatives, occupants of single family and two-to-four-unit residences shall do the following for the preparation and collection of separated materials specified in s. 9 (e)-(n):

1. Steel/Tin Cans: Rinse out can, remove both ends and flatten
2. Aluminum: Rinse out thoroughly, examples included TV dinner trays, foil wrap, pot pie pans, aluminum cans, and siding.
3. Clear and colored glass: Rinse the jar or bottle thoroughly and remove and discard the cover. Acceptable examples include catsup, barbeque sauce, salad dressing, pickle, jam, jelly, peanut butter, beer, liquor and wine bottles. Not acceptable materials include plate glass, ceramics, clay items, light bulbs, and broken glass.
4. Plastic Containers: Rinsed out thoroughly and remove caps and rings, examples are milk jugs, liquid detergent bottles, all plastics identified as number 1 thru 7 shall be recycled except as defined in section 19.
5. Magazines or other materials printed on similar paper shall be bundled separately.

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6. Newspaper or other materials printed on newsprint shall be bundled separately.
7. Office paper shall be bundled separately.
8. Cardboard and other corrugated paper flattened and bundled.
9. These items (a)-(h) are to be delivered separated and placed in the appropriate containers for curbside pick up in the Town of Cooperstown.
10. The Town of Cooperstown reserves the right to change the method preparing and collecting the materials in this section and shall provide a written notice to its residents, business and organizations of such changes.

N. Responsibility of Owners or Designated Agents of Multiple-Family Dwellings.

1. Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in s. 9 (e)-(n):
 - a. Provide adequate, separate containers for the recyclable materials.
 - b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about established recycling program.
 - c. Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
2. The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural resources that recovers for the recycling of the materials as specified in s. 9 (e) through (n) from solid waste in as pure a form as technically feasible.

O. Responsibility of Owners or Designated Agents of Non-Residential Facilities and Properties.

1. Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in s. 9 (e) through (n):

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- a. A Person in the Town of Cooperstown owning or occupying new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area of separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.
- b. Provide adequate, separate containers for the separated recyclable materials.
- c. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- d. Provide for the collections of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- e. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address and telephone number.

2. The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling of the materials specified in s. 9 (e) through (n) from solid waste in as pure a form as is feasible.

P. Responsibilities of Persons Using a Recycling Program Other Than That Which The Town of Cooperstown Provides. Any person using a recycling program other than that of the Town of Cooperstown, and whose facility or property is within the town limits is required to submit the annual tonnage of materials recycled and also of materials disposed of as solid waste. This is to have supporting documentation, and will be submitted on or by December 31 each year to the Town of Cooperstown.

Q. Prohibitions on Disposal of Recyclable Materials, Hauler Licensing, Restrictions, and Processing Facilities.

1. No person or corporation shall engage in the business of hauling recyclables within the Town of Cooperstown limits without being licensed by the Department of Natural Resources under section NR 502.06, WI Administrative Code.
2. Haulers who collect solid waste or recyclables in the Town of Cooperstown for storage, treatment, processing, marketing, or disposal shall obtain and maintain all

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necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town of Cooperstown.

3. No person or hauler may dispose in a landfill or burn in a solid waste facility any recyclable materials as specified in s. 9 (e) through (n), generated in the Town of Cooperstown that have been separated for recycling.

4. Any hauling contractor operating in the Town of Cooperstown shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the Town of Cooperstown, or unless the contractor notifies the Town of Cooperstown which facility has self-certified with the Department of Natural Resources under section NR 544.16 WI Administrative Code.

R. Ownership of Recyclable Materials. Recyclable materials, upon placement at the curb or collection site, shall become the property of the hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

S. Exemptions, Variances, and Temporary Suspensions.

1. The Town of Cooperstown reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town of Cooperstown or its contractors. The Town of Cooperstown shall provide written notice to its service recipients of this declaration.

2. A variance has been granted to the responsible unit of the Town of Cooperstown under Section 159.11 (2m) (d), Stats., and NR 544.14(3)(b), from the requirements in Section 159.11 (2) (b), Stats., NR 544.04(3) , NR 544.05(1), and NR 544.06(2) (a), WI Adm. Code, that effective recycling programs require the separation and collection of the following materials during the period from January 1, 1995 through December 31, 1995:

Polyvinyl chloride (PVC) (#3) containers
Low density polyethylene (LDPE) (#4) containers
Polypropylene (PP) (#5) containers
Polystyrene (PS) (#6) containers
Other/multi-layer (#7) containers
Polystyrene (PS) foam packaging

3. An exemption has been granted to the responsible unit of the Town of Cooperstown under Section 159.07(7) (d), Stats., from the prohibition in Section 159.07 (3) and (4), Stats., of the disposal in a solid waste disposal facility of the following materials during the period from January 1, 1995 through December 31,

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1995:

Polyvinyl chloride (PVC) (#3) containers
Low density polyethylene (LDPE) (#4) containers
Polypropylene (PP) (#5) containers
Polystyrene (PS) (#6) containers
Other/multi-layer (#7) containers
Polystyrene (PS) foam packaging

T. Enforcement.

1. Any town board member or representative of the town board of the Town of Cooperstown may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection areas of multiple family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling or solid waste disposal activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any town board member or its representative of the Town of Cooperstown who requests access for the purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

2. Any person who violates a provision of this section may be issued a citation by the Town of Cooperstown, town board member, or by their representative 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 law or ordinance relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph

3. Penalties for violating this ordinance may be assessed as follows:

a. Any person who violates s. 17 may be required to forfeit \$50.00 for a first violation, \$200 for a second and not more than \$500 for a third or subsequent violation.

b. Any person who violates a provision of this section, except s. 17 may be required to forfeit not less than \$25.00 nor more than \$100.00 for each violation.

9.14 TRESPASS TO LAND.

A. Whoever does any of the following is subject to a forfeiture as provided in section 9.17 of this chapter.

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1. Enters any enclosed or cultivated land of another with intent to catch or any birds, animals or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.
2. Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.
3. Hunts, shoots, fishes or gathers any product of the soil on the premises of another, or enters such premises with the intent to do any of the foregoing after having been notified by the owner or occupant.

9.15 PARKING RESTRICTIONS. When an ordinance has been adopted by the Town Board and signs have been erected giving proper notice thereof, no person shall park, stop or leave standing any vehicle in violation of the parking restrictions so posted. First offense, warning, second offense \$20.00 fine, third and subsequent offense \$50.00

9.16 SNOW REMOVAL REGULATIONS.

- A. For the purpose of removing snow from the streets and surrounding areas, the Town Board shall authorize signs to be erected prohibiting parking in the particular area where snow is intended to be removed.
- B. The Town Board may direct all vehicles parked in violation of the no parking signs erected pursuant to this subsection to be towed away.
- C. Any person who violates this subsection shall be subject to a forfeiture plus the cost of towing and storing the vehicle.

9.17 PENALTIES. Except as otherwise provided, any person who violates any provision of this chapter shall be subject to a penalty as provided in chapter 15 of this General Code.