

PART III GENERAL LEGISLATION

CHAPTER 37 GARBAGE AND RECYCLING

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37.01 Purpose. The purpose of this Chapter is to efficiently and safely manage the disposal of garbage within the Village and 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.

37.02 Statutory Authority. This Chapter is adopted as authorized under s. 287.09(3)(b), Wis. Stats.

37.03 Interpretation. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by 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.

37.04 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.

37.05 Administration. The provisions of this Chapter shall be administered by the Village Assistant Zoning Administrator, or such other person(s) as the Village Board directs.

37.06 Effective Date. The provisions of this Chapter shall take effect on publication.

37.07 Definitions. As used in this Chapter, the following terms are defined as:

Administrative fee. The fee established by the Village Board for the costs of administering the recycling program.

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

Collection fee. The fee established by the Village Board based upon the pro rata cost of collection of garbage and recycling materials as charged by the operator under contract with the Village.

Commercial. Any property that does not qualify as a “residential” property under this Chapter. For purposes of this Chapter, any mixed-use property shall be considered commercial. “Commercial” includes “multiple-family dwellings” and “non-residential facilities and properties”, as those terms are defined by this Chapter.

Container board. Corrugated paperboard used in the manufacture of shipping containers and related products.

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

- a) Is designed for serving food or beverages.
- b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

Garbage. Includes, among other similar matter, all animal or plant waste matter, such as waste material from kitchens, residences, grocery stores, butcher shops, restaurants, hotels, rooming and boarding houses; and other unwanted solid substances.

Glass container. 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.

HDPE. High density polyethylene, labeled by the Society of the Plastics Industry (hereinafter “SPI”) code # 2.

Large Scale Residential Communities (LSRC). A residential planned unit development or a manufactured and mobile home community.

LDPE. Low density polyethylene, labeled by the SPI code # 4.

Magazines. Includes other materials printed on similar paper.

Major appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

Mixed-Use Property. A property in which residential and business uses are conducted on the same premises. Ordinance 15-009 Modified and Amended 37.07 Passed: 7/13/2015 Published 7/18/2015

Multiple-family dwelling. A property containing five (5) or more residential units, including those which are occupied seasonally or operated as tourist rooming houses.

Newspaper. Materials printed on newsprint.

Non-residential facilities and properties. All commercial facilities and properties.

Office paper. 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.

Other resins or multiple resins. Plastic resins labeled by the SPI code # 7.

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.

“PETE” or “PET”. Polyethylene terephthalate, labeled by the SPI code # 1.

Plastic container. 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.

Postconsumer waste. 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.

PP. Polypropylene, labeled by the SPI code # 5.

Pro-rata cost. The cost as determined by dividing the contract price paid by the Village to the contracted hauler by the number of units served.

PS. Polystyrene, labeled by the SPI code # 6.

PVC. Polyvinyl chloride, labeled by the SPI code # 3.

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.

Residential. All single-family, two (2)- to four (4)-family unit dwellings, and multiple-family dwellings located in the Village, including those operating as tourist rooming houses, except those tourist rooming houses operated as part of a hotel.

Solid waste. Has the meaning specified in s. 289.01(33), Wis. Stats.

Solid waste facility. Has the meaning specified in s. 289.01(35), Wis. Stats.

Solid waste treatment. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste.

Treatment. Includes incineration.

Unit. The number of habitable residential units on the property. For example, a single family home is one (1) unit, a duplex is two (2) and four (4) family is four (4) units.

Waste tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

Yard waste. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

37.08 Providing for Collection of Residential Solid Waste and Recyclable Materials.

A. The Village Board finds that its duties as a responsible unit under Ch. 287, Wis. Stats., will be better served by the Village providing for the collection of waste and recycling materials from residential properties. On or before January 1, 2015, the Village Board shall contract with an independent contractor to collect, handle, transport, and dispose of the solid waste, recyclables and non-recyclables generated from all residential properties in the Village in accordance with this Chapter.

B. Except as otherwise provided under this Chapter, all solid waste and recyclable collection for residential properties will be provided exclusively by the independent contractor selected by the Village pursuant to Subparagraph (A).

C. Each residential unit shall pay to the Village seventeen dollars (\$17.00) per month as a fee for collection services, which shall be billed by the Clerk, along with the municipal utility bill for each such property. Failure to timely pay the amount billed shall incur a late fee of 10 % per month. Any amount billed which remains unpaid is a lien on the property from the date charged and will have the same force and effect as a real estate tax lien until paid in full. In determining the amount due, payments received will be applied towards late fees first and the balance towards the principal amount due. Pursuant to § 287.093, Wis. Stats., any unpaid amount as of November 1st of each year shall be placed on the tax roll and collected as delinquent real estate taxes.

D. For purposes of assessing the pro-rata charge against residential units as provided under Subparagraph 37.08 (C), the following assessment schedule is adopted:

1. Each residential unit with one (1) – four (4) units shall be assessed as one (1) for each unit.
2. Each residential unit with five (5) or more units shall not be assessed by the Village. These units shall contract directly with the licensed hauler. The owner of these units shall be responsible for filing the reports required in Section 37.23 (3) (c). Any owner who fails to timely file the required reports shall be subject to the penalties as set forth in Section 37.23 (3) (d).

E. As a condition of its contract with the Village, the contractor or entity selected by the Village Board to collect, handle, transport, and dispose of the solid waste, recyclables and non-recyclables generated from residential properties in the Village shall enforce preparation standards for recyclable materials in compliance with the Village's Recycling Outreach, Operations & Compliance Assurance Plan.

F. At least six (6) months before the expiration of any contract for collection services, the Clerk shall send Requests for Proposal to all licensed collectors/haulers servicing the area on such terms and conditions set forth in this Chapter or as otherwise directed by the Village Board.

Ordinance 15-009 Modified and Amended 37.08 Passed: 7/13/2015 Published 7/18/2015

37.09 Contract or License Required.

A. Except for those preexisting contracts identified and approved by the Village Assistant Zoning Administrator pursuant to Section 37.08(B), beginning January 1, 2015, no person shall engage in waste, garbage or recycling collection from residential properties within the Village of Lake Delton without a contract with the Village to do so.

B. No person shall engage in waste, garbage or recycling collection from commercial properties without first obtaining from the Village the license to do so.

C. Exemptions: Persons engaged in collection and lawful disposal of major appliances, tires, batteries or other materials not defined in this Chapter are exempt from the provisions of this

Chapter unless they enter into agreements with residents, businesses or property owners within the Village for collection on a regularly scheduled basis.

37.10 License Application. Each applicant for a Commercial license issued under this Chapter shall complete an application form to be created by the Village Clerk. The application shall require that the applicant provide the following information:

- a. The identity of the individual or entity applying for the license.
- b. A description of the vehicles and equipment to be used under the license.
- c. Proof of insurance.
- d. Copies of any licenses required by the State.

37.11 Fees. The fees for Commercial Collection licenses issued under this Chapter are as follows

- **Initial Application fee \$50.00**
- **Initial License fee \$50.00**
- **Renewal License fee \$50.00**

37.12 Review of an Application for Commercial Collection License; Approval. In reviewing the application, the Village Board shall consider information provided by the applicant, and determine whether or not the requirements of this Chapter are met. The Board may request additional information it deems relevant to the consideration of issuance of a Commercial Collection License. Failure to completely disclose requested information may result in the denial of the application. Prior to and as a condition for issuance of a Commercial Collection license, the Village Clerk shall verify the Commercial Collection license fee has been paid, that all fees, personal property taxes, real property taxes and special assessments and charges due and owing to the Village have been paid.

37.13 Commercial Collection License Conditions. The Village Board will consider all such applications filed with the Village Clerk, and shall either give preliminary approval to each particular application or shall reject the same. In the case of applicants whose applications receive preliminary Board approval, no Commercial Collection license shall be granted to any such applicant unless the applicant first files with the Village Clerk, in such form as the Village Board may prescribe, satisfactory proof that the applicant has, in full force and effect, a public liability insurance policy issued by a company licensed and authorized to do business in the state of Wisconsin, in amounts of not less than One Million Dollars (\$1,000,000.00) for any one person injured or killed and a total sum of One Million Dollars (\$1,000,000.00) per accident, and at least One Million Dollars (\$1,000,000.00) for the injury to or destruction of any property of any person other than such as owned by the licensee, including without limitation because of enumeration, any property the Village of Lake Delton owns or operates, or any public utility; installation, structure or other property within the Village of Lake Delton.

37.14 Commercial Collection License Term. Commercial Collection Licenses shall be for a period of one (1) year commencing on July 1 and expiring on June 30 of the following year. Commercial Collection Licenses issued prior to the date of enactment shall expire on June 30, 2014. All Commercial Collection licenses shall be renewable on the same terms and conditions as provided for in the original issuance.

37.15 Placement of Garbage and Recyclables for Collection. No garbage or recyclables shall be placed outside for collection more than twelve (12) hours before the scheduled collection. All containers must be removed within twelve (12) hours of garbage collection.

37.16 Depositing Dead Animals, Offal, and Garbage Prohibited. No person, firm, corporation or association shall place or deposit any dead animal, offal, garbage or other offensive material in any street, alley or upon any public or private grounds in the Village of Lake Delton, or any body of water within the limits of the Village, nor shall any person, corporation or other entity place or deposit such materials on any sidewalk, gutter, street, alley or other public area so as to obstruct the same, create any dangerous condition, create any bad or nauseous stench or tend to endanger the public health or safety of the Village in any respect.

37.17 Enclosed Containers Required to Transport Garbage, Recyclable Materials. No person, firm, corporation or association or other entity shall transport any garbage, recyclable materials or other waste material by any truck or other means of transportation unless the same shall be enclosed in covered containers or in a covered vehicle.

37.18 Separation of Recyclable Materials. Occupants of residential and commercial facilities and properties shall separate the following materials from postconsumer waste:

1. Lead acid batteries
2. Major appliances
3. Waste oil
4. Yard waste
5. Aluminum containers
6. Bi-metal containers
7. Corrugated paper or other container board
8. Foam polystyrene packaging
9. Glass containers
10. Magazines
11. Newspaper
12. Office paper
13. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
14. Steel containers
15. Waste tires
16. Containers for carbonated or malt beverages that are primarily made of a combination of steel and aluminum.

37.19 Separation Requirements Exempted. The separation requirements of s.37.18 do not apply to the following:

1. Occupants of commercial 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.37.18 from solid waste in as pure a form as is technically feasible.
2. Solid waste which is burned as a supplement fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplement fuel.
3. A recyclable material specified in s. 37.18 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.

37.20 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s.37.18 shall be clean and kept free of visible residues of food or other products, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers, and as otherwise specified by the hauler/collector for the property. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

37.21 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of residential and commercial facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

1. Lead acid batteries shall be returned to the retailer whom sold the replacement battery or to another retailer or commercial installer of motor vehicle batteries.
2. Major appliances shall be returned to the appliance dealer whom sold the replacement appliance or deposited with a facility registered with the Wisconsin Department of Natural Resources to salvage or transport such appliances. Residents may also contact Sauk County Solid Waste Department for proper disposal options.
3. Waste oil shall be dropped at an authorized waste-oil facility.
4. Yard waste shall be recycled on site from which it was produced or deposited at a composting facility licensed by the Wisconsin Department of Natural Resources. Yard waste shall not be delivered to any solid waste disposal facility.

37.22 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

1. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s.37.18 (5) through (16):
 - 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 the established recycling program.
 - c. 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.
 - d. 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.
2. The requirements specified in subsection (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s.37.18 (5) through (16) from solid waste in as pure a form as is technically feasible.

37.23 Large Scale Residential Communities.

1. The owner of the following properties may be eligible for exemption from the provisions of s. 38.08 (B) and (C):
 - a. The property is a Large Scale Residential Community (LSRC).

- b. The property is a residential unit associated with and contiguous to a commercial property and used for housing employees of the associated business.
 2. In order to qualify for exemption from the provisions of under s. 37.23(1) (a) the LSRC must establish a plan, approved by the Assistant Zoning Administrator, for the collection and reporting of recyclable materials consistent with the requirements of this Chapter. The plan must include the following provisions:
 - a. Provide all residences within the LSRC with adequate, separate containers for garbage and the recyclable materials.
 - b. Provide for the collection of garbage and recyclable materials by a licensed hauler and the delivery of the materials to a landfill or recycling facility.
 - c. Notify the Assistant Zoning Administrator of the hauler's responsibility for the collection of the garbage and recyclable materials.
 - d. The LSRC shall file quarterly reports certifying the amount of recyclable materials collected with the Assistant Zoning Administrator, on forms and in the manner proscribed by the Zoning Department, no later than thirty (30) days following the end of the previous quarter,
 - e. All contracts for collection of recyclable properties shall include a requirement of reporting of the tonnage of recyclable materials collected from the property each month.
 - f. Written notification to all residences in the LSRC about the garbage and recycling program.
 - g. Notify all residences 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.
 - h. Such other requirements as is deemed necessary to meet the purposes of this Chapter.
 - i. The properties within an LSRC shall be exempt from paying for collection fees but shall be responsible for the administrative fee charge as established by the Village Board. Ordinance 15-009 Modified and Amended 37.23 (2) (f) Passed: 7/13/2015 Published 7/18/2015
3. In order to qualify for an exemption under 37.23 (1) (b), the property owner shall enter into an agreement with the Village to provide for the collection and reporting of solid waste and recyclable materials from the exempt property. The agreement shall require the owner to comply with the following conditions:
 - a. The owner shall provide the property with adequate, separate containers for solid waste and the recyclable materials.
 - b. The owner, or a licensed third-party hauler, shall collect and deliver the solid waste and recyclable materials to a licensed hauler for the delivery of the materials to a landfill or recycling facility.
 - c. The owner shall file quarterly reports certifying the amount of recyclable materials collected with the Assistant Zoning Administrator, no later than thirty (30) days following the end of the previous quarter,
 - d. The initial application fee for exemption shall be One Hundred Dollars (\$100.00) per property. The exemption permit shall be for a period commencing on the date of issuance and expiring on December 31 of the year in which it was issued. Renewal fees shall be Fifty Dollars (\$50.00) per property. Permit fees are subject to change by the Village Board by amendment of this Section or by resolution. Ordinance 15-003 Modified and Amended 37.23 Passed: 4/13/2015 Published 5/30/2015

37.24 Responsibilities 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 to recycle the materials specified in s.37.18 (5) through (16):
 - 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 the established recycling program.
 - c. 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.
 - d. 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.
2. The requirements specified in subsection (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 s.37.18 (5) through (16) from solid waste in as pure a form as is technically feasible.

37.25 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 s.37.18 (5) through (16) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

37.26 Hours of operation.

1. No Licensed Contractor may operate only during the hours of 7:00 AM and 9:00 PM. Collect refuse or permit the collection of refuse with a refuse collection truck between the hours of 10:00 p.m. and 7:00 a.m.
2. No Licensed Contractor may operate or permit the operating of the compacting equipment mechanism of any motor vehicle which compacts refuse between the hours of 10:00 p.m. and 7:00 a.m.

Ordinance 16-010 Created 37.27 Passed 10/10/2016 Published 10/15/2016

37.27 Enforcement. For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee or representative of the Village may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas, commercial facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of Village of Lake Delton who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection. Any person who violates a provision of this ordinance may be issued a citation by the Village of Lake Delton to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

37.28 Reporting Requirements. The Assistant Zoning Administrator will file annual reports with the Wisconsin Department of Natural Resources regarding the Village's recycling program, including the amounts of material collected.

37.29 Penalties.

A. Any person engaged within the Village of Lake Delton in waste, garbage or recycling collection without first having secured a license or contracted with the Village under this Chapter shall pay a fine of Five-hundred Dollars (\$500.00) together with costs and upon conviction and in the event of default of payment thereof, together with costs, shall have a judgment lien filed against them and their property and the judgment shall be executed as provided by law. Failure to pay a duly imposed fine shall result in the suspension of the license until paid in full. Each day such violation continues shall constitute a separate violation.

B. Except as set forth in subparagraph (C), any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Chapter shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00), with costs and upon conviction and in the event of default of payment thereof, together with costs, shall have a judgment lien filed against them and their property and the judgment shall be executed as provided by law. Each occurrence of a violation of this Chapter shall constitute a separate offense.

C. Any person, firm, company or corporation who violates s.37.25 shall be subject to a forfeiture of Fifty Dollars (\$50.00) for a first violation, Two Hundred Dollars (\$200.00) for a second violation and Two Thousand Dollars (\$2,000.00) for a third or subsequent violation.

Ordinance 15-003 Modified and Amended 37.08 and 37.23 Passed: 4/13/2015 Published 5/30/2015

Ordinance 15-009 Modified and Amended 37.07, 37.08 and 37.23 (2) (i) Passed: 7/13/2015 Published 7/18/2015

Ordinance 15-009 Modified and Amended 37.26 by deletion Passed: 7/13/2015 Published 7/18/2015 37.26

Ordinance 16-010 Created 37.27 Passed 10/10/2016 Published 10/15/2016