

CHAPTER 307

PROHIBITING THE DUMPING OF TRASH AND DEBRIS, LEAVING LARGE ITEMS AT CURBSIDE, KEEPING INDOOR FURNITURE OUTSIDE OF A STRUCTURE OR ACCUMULATING WASTE MATERIALS, DAMAGED OR INOPERABLE MOTORIZED EQUIPMENT OR SIMILAR ITEMS OUTSIDE OF A STRUCTURE AND PROVIDING PENALTIES THEREFOR

[History: Ord 364, 2001-12, 2009-7, 2012-8]

307.01 FINDINGS AND DECLARATION OF POLICY.

The Common Council of the City of Richland Center finds and declares that the acts prohibited by this Chapter constitute a threat to the health, safety, morals and public welfare. Such items can produce unpleasant or noxious odors; can collect and conceal filthy deposits; can provide breeding areas for mosquitos and other obnoxious and/or disease carrying insects; can provide shelter for and thereby encourage infestation by undesirable rodents and other undesirable animal life; can be attractive nuisances which pose dangers to children; and can produce blighted properties which may negatively affect the value of other properties in the vicinity and which may result in significant and unnecessary costs to the public to clean up. The Common Council hereby finds and declares that such acts constitute public nuisances within said City.

307.02 DUMPING REFUSE ON PUBLIC PROPERTY OR UPON THE PROPERTY OF ANOTHER.

(1) No person shall dump or deposit any trash, garbage, litter, rubbish, debris or waste material of whatever nature on any City owned or other public property within the City of Richland Center, including the Mill Pond area and the Pine River within the limits of said City, except within dumping receptacles placed by the City for public use or in authorized dumping grounds as authorized by the City and subject to all limitations imposed by the City on the quantity, nature and/or source of such materials. The use of trash receptacles located in the City parks shall be limited to waste incidental to the use of the parks such as picnic trash, and it shall be a violation to dump trash, garbage, litter, rubbish, debris or waste material originating at any other location into a dumping receptacle located in a City park. **[Amended by Ord 2012-8]**

(2) No person shall dump or deposit any trash, garbage, litter, rubbish, debris or waste material of whatever nature upon the property of another without the consent of the owner of such property.

(3) No person shall dump or deposit any trash, garbage, litter, rubbish, debris, waste or discarded material of whatever nature into any dumpster or other refuse container owned or lawfully possessed by another without the consent of the owner or lawful possessor of such of dumpster or other refuse container. **[Added by Ord 2012-8]**

307.03 LEAVING LARGE ITEMS AT CURBSIDE.

(1) No person shall leave at curbside any item or part of any item of furniture, any major appliances or any other items too large to be placed in the approved refuse totes for pickup by the persons who have contracted with the City for waste pickup and disposal. Major appliances include refrigerators, freezers, stoves, washers, dryers, dishwashers and similar appliances.

(2) This section shall not apply to items which qualify for pickup on a City large item curbside collection day and which are left at curbside within 24 hours prior to a City large item curbside collection day as scheduled and announced by the City if placed in compliance with the date, time and all other conditions and limitations set by the City for its large item curbside collection.

307.04 LEAVING INDOOR FURNITURE AND LARGE APPLIANCES EXPOSED TO THE ELEMENTS.

(1) No person shall place or allow to remain outdoors and exposed to the elements any chair, sofa, bed, table or similar item of furniture which is not designed and intended for outdoor use, or any large appliance including refrigerators, freezers, stoves, washers, dryers or dishwashers on any property located within the City of Richland Center.

(2) This section shall not apply to items which qualify for pickup on a City large item curbside collection day and which are left at curbside within 24 hours prior to a City large item curbside collection day as scheduled and announced by the City if placed in compliance with the date, time and all other conditions and limitations set by the City for its large item curbside collection.

307.05 ACCUMULATION OR STORAGE OF JUNK OR REFUSE OUTSIDE OF A BUILDING.

(1) No person shall accumulate or store or allow to be accumulated or stored on any property located within the City of Richland Center outside of a building completely enclosed by four walls and a roof any of the following:

(a) Any broken or otherwise inoperable or dilapidated furniture or appliances or part thereof.

(b) Any electronic devices or part thereof including but not limited to televisions, stereo components, computers, printers, copiers and stereo components.

(c) Any building material including used or reclaimed lumber, pallets or pallet lumber or other reclaimed or salvaged building materials or building components which are not incorporated into a structure.

(d) Any scrap metal or any tools, machinery, mechanical items or other inoperable, incomplete or deteriorated items made wholly or partially of metal, plastic or other man-made material or any part of any such item.

(e) Any accumulation of paper; cardboard; wood; trash; garbage; rubbish; used, reclaimed or

rotting wood; glass; aluminum cans; plastic containers or other junk, waste, refuse, discarded material or similar items having little or no value. **[Amended by Ord 2012-8]**

307.06 STORING INOPERABLE RECREATIONAL ITEMS AND SIMILAR ITEMS OUTSIDE OF A BUILDING.

No person shall keep, accumulate or store or allow to be kept, accumulated or stored outside of a building completely enclosed by four walls and a roof on any property located within the City of Richland Center any of the following:

- (1) Any damaged, inoperable or unusable boat or marine motor or part thereof.
- (2) Any damaged or inoperable snowmobile or part thereof.
- (3) Any damaged or inoperable all terrain vehicle or part thereof.
- (4) Any damaged or inoperable lawn mower or lawn tractor or part thereof.
- (5) Any damaged, inoperable or deteriorated camper or other trailer or part thereof.
- (6) Any other motorized item which is damaged, inoperable or deteriorated or part thereof.

[Amended by Ord 2012-8]

307.07 AUTHORITY OF CITY TO REMOVE AND DISPOSE OF OFFENDING MATERIALS; SPECIAL CHARGE AGAINST OFFENDING PROPERTY.

(1) If the owner, occupant or person in charge of any real estate in the City of Richland Center shall violate sections 307.03, 307.04, 307.05 or 307.06, the City may, in its discretion, cause the removal and disposal of the offending items or material from such real estate. **[Amended by Ord 2012-8]**

(2) Prior to such removal, the City shall notify the owner of the real estate of its intent to proceed under this section. Such notification to the owner of the real estate shall be by 1st class mail addressed to the landowner and the address shown by the records of the Richland County Treasurer for mailing of real estate tax bills for the property. **[Amended by Ord 2012-8]**

(3) After such removal and disposal has been done, the City Clerk shall prepare a report in writing setting forth all costs incurred therefor and send a bill for such costs to the landowner by 1st class mail addressed to the landowner at the address shown by the records of the Richland County Treasurer for mailing of real estate tax bills for the property.

(4) If such billed costs are not paid by the landowner within 30 days after the billing is mailed to the landowner, the cost of removal and disposal shall be a delinquent special charge against the real property from which the materials are removed and shall become a lien against the property against which it is imposed as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under chap. 74, Wis. Stats.

(5) The cost of such removal and disposal shall be calculated as follows:

(a) If all or part of the removal and disposal is done by contract with a third party, the cost for the contracted work shall be the actual costs paid to the contractor. **[Amended by Ord 2012-8]**

(b) If all or part of the removal and disposal is done by City employees, the cost for the City employees shall be based upon the hours expended and equipment used, priced at the current Wisconsin

state equipment rates for equipment used and for labor at the current City employee labor rates as set by the Common Council.

(c) All costs incurred for tipping fees, dumpster rental or similar disposal expenses shall be included in the calculation of the costs for which the landowner is liable. **[Amended by Ord 2012-8]**

307.08 PENALTIES FOR VIOLATIONS

(1) FORFEITURE. Any person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this chapter may be prosecuted for such violation and shall, upon conviction, forfeit to the City of Richland Center not less than \$50.00 nor more than \$400.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

(2) OTHER REMEDIES. In addition to or as an alternative to the imposition of a forfeiture or other procedures under this Chapter, the City may, in circumstances deemed appropriate by the City, proceed by court action against any violation or violator of this Chapter for abatement of a nuisance, injunction or other remedy available to the City. **[Amended by Ord 2012-8]**

(3) REMEDIES NOT EXCLUSIVE.

(a) Imposition of a forfeiture for a violation shall not be deemed a waiver of or a bar to proceeding for other judicial remedies related to the same violation.

(b) A proceeding seeking other remedies shall not be deemed a waiver of or a bar to imposition of a forfeiture for the same violation.

(c) Removal and disposal of items prohibited by this chapter under sec. 307.07 and charging the costs thereof to the owner shall not be deemed a waiver of or a bar to imposition of a forfeiture for the same violation nor shall it be deemed a waiver of or a bar to proceeding for other judicial remedies related to the same violation.

(4) PERSONS LIABLE. Where the owner of real estate upon which a violation of this ordinance exists is not the occupant of the real estate, as where the occupant is a renter, either the owner or the occupant or both may be prosecuted for a violation of this ordinance.