

ORDINANCE 2015 - 7

AN ORDINANCE AMENDING CHAPTER 307 OF THE CODE OF ORDINANCES OF THE CITY OF RICHLAND CENTER RELATING TO THE DUMPING OF TRASH AND DEBRIS, LEAVING SPECIFIED ITEMS AT CURBSIDE, KEEPING INDOOR FURNITURE OUTSIDE OF A STRUCTURE OR ACCUMULATING WASTE MATERIALS, DAMAGED OR INOPERABLE MOTORIZED VEHICLES, EQUIPMENT OR SIMILAR ITEMS OUTSIDE OF A STRUCTURE AND PROVIDING PENALTIES THEREFOR

The Common Council of the City of Richland Center, Wisconsin, does ordain as follows:

SECTION 1:

Chapter 307 of the Code of Ordinances of the City of Richland Center is amended to provide as follows:

CHAPTER 307

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

307.01 FINDING AND DECLARATION OF PUBLIC NUISANCES.

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 contribute to the production of blighted properties which negatively impact the quality of life for neighboring properties and the general public, 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. Accordingly, 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 PUBLIC PROPERTY OR UPON THE PROPERTY OF ANOTHER.

(1) Public Property. 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.

(2) City Park Receptacles. 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 no person shall deposit or 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]**

(3) Dumping on Property of Another. 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.

(4) Dumping in Another's Refuse Container. 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 SPECIFIED ITEMS AT CURBSIDE.

(1) General Prohibition. No person shall place or leave at curbside any item which will not be collected by the City's waste removal contractor at a regular weekly collection pursuant to the contractor's agreement with the City. Placement at curbside of an item prior to the regularly scheduled trash pickup for the property and failure of the City's waste removal contractor to collect the item at the succeeding regularly scheduled trash pickup shall constitute notice that the item does not qualify for a regular collection by the waste removal contractor and that the item must be promptly removed from curbside or tagged under the City's tagging system.

(2) Limited Exception for Citywide Large Item Collection Days. This section shall not apply to items which qualify for pickup on a City large item curbside collection day and which are placed at curbside not more than 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 citywide large item curbside collection. Failure of the City's waste removal contractor to collect the item on the City large item curbside collection day shall constitute notice that the item does not qualify for a regular collection by the waste removal contractor and that the item must be promptly removed from curbside or tagged under the City's tagging system. No person shall leave any item at curbside which is not accepted in the citywide large item curbside collection beyond the day after the large item curbside collection day.

(3) Limited Exception for Items Bearing Tags Under the Tagging System. This section shall not apply to items which have attached a tag duly issued and which are correctly placed under the City's tagging system established under sec. 355.09 of the Code of Ordinances.

(4) Definition. For purposes of this chapter, "at curbside" shall mean within a boulevard strip between a city sidewalk and the curb line of a city street or, where there is no sidewalk, on land abutting a public street which is within the street right-of-way.

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 but not limited to 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 properly tagged and placed at curbside pursuant to the City's tagging system.

(3) 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. No person shall leave any item at curbside which does not qualify for the City large item curbside collection beyond the day after the large item curbside collection day.

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 within the City of Richland Center outside of a lawfully constructed hard-sided building completely enclosed by four walls and a roof or within or upon any motor vehicle or trailer within the City of Richland Center any of the following:

(a) Any broken or otherwise inoperable or dilapidated furniture or appliances or part thereof, including mattresses, box springs, bed frames, headboards or footboards.

(b) Any electronic device 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; trash; garbage; rubbish; glass; aluminum cans; plastic containers; scrap iron or other used or reclaimed metal; used, reclaimed or rotting wood or other junk, waste, refuse, discarded material or similar items having little or no value. **[Amended by Ord 2012-8]**

(2) If any such items are stored within a building all door(s) to such building shall be kept closed at all times except when someone is present and actually using the door(s) for access to the building.

(3) A structure consisting of a frame covered by a soft roof and/or soft sides or a structure having open sides shall not constitute a building under this Chapter.

307.06 PARKING, KEEPING OR STORING OF DISABLED, INOPERABLE, INCOMPLETE OR UNREGISTERED MOTOR VEHICLES.

(1) Parking, Keeping or Storing Disabled, Inoperable, Incomplete or Unregistered Motor Vehicles or Vehicle Parts Outside of an Enclosed Building Prohibited.

(a) No person shall park, keep, store or maintain any disabled, inoperable, incomplete or unregistered motor vehicle or any motor vehicle part in any of the following areas within the City of Richland Center:

1. Residential Zoning Districts. Outside of a lawfully existing enclosed garage or other hard-sided building completely enclosed by four walls and a roof on any property which is in a residential zoning district.

2. Commercial, Industrial or Industrial Park Zoning Districts. Outside of a lawfully existing enclosed garage or other enclosed hard-sided building on any property which is in a

commercial, industrial or industrial park zoning district, except that where such keeping is in connection with and necessary to the operation of a garage, body shop, auto repair business, service station or other similar business, a damaged vehicle or a vehicle awaiting repairs may be kept, stored or maintained outside such enclosed garage or enclosed building for a period not to exceed in the aggregate ten (10) days out of any sixty (60) day period, for the purpose of procuring parts for such vehicle or completing repairs to the vehicle.

(b) Motor vehicle part means any component of a motor vehicle which has been removed or separated from a vehicle, including but not limited to seats, doors, hoods, fenders, trunk lids, tires, wheels, engines, drive shafts, axles, transmissions, radiators or any other major component of a motor vehicle. **[Amended by Ord 2009-9]**

307.07 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 lawfully existing garage or other hard-sided 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 trailer or other type of trailer or any part of a damaged, inoperable or deteriorated trailer.
- (6) Any other motorized item which is damaged, inoperable or deteriorated or any part of such an item.
- (7) Any damaged or deteriorated slide-in camper or part thereof.

[Amended by Ord 2012-8]

307.08 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, 307.06 or 307.07, 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 at 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]**

307.09 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 \$100.00 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 chapter.

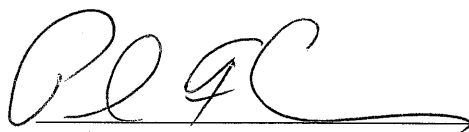
SECTION 2:

The amendment of Chapter 307 by this ordinance shall not be deemed to validate any violation of Chapter 307 that Chapter existed prior to the enactment of these amendments nor to prevent prosecution under the prior Chapter 307 for violations thereof prior to the effective date of this ordinance.

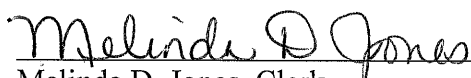
SECTION 3:

This ordinance shall be in full force and effect from and after its passage and publication.

Enacted the 1st day of September, 2015


Paul F. Corcoran, Mayor

ATTEST:


Melinda D. Jones, Clerk