

Ordinance No. 2016-003

Town of Ledgeview
Brown County, Wisconsin

AN ORDINANCE TO AMEND CHAPTER 41, Peace and Good Order,
SECTION 5 Other Offenses.

The Town Board of Supervisors of the Town of Ledgeview, Brown County, Wisconsin does ordain as follows:

Section 1: Chapter 41 Peace and Good Order, Section 5 Other Offenses, of the Town of Ledgeview Code of Ordinances is hereby amended to read as follows:

§ 41-5 Other offenses.

A. Littering.

(1) Definitions. For the purpose of this section, the following terms, phrases, word, and their derivations shall have the meaning herein given:

LITTER Garbage, refuse, rubbish, trash, debris, and junk as defined herein, and all other waste material which is thrown or deposited as herein prohibited tends to create a danger to public health, safety and welfare.

RUBBISH Nonputrescible and solid wastes consisting of both combustible and noncombustible wastes, such as circulars, leaflets, pamphlets, wrappers, handbills, newspapers and all and any other printed or nonprinted paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass and other similar materials.

TRASH Things that are no longer useful or wanted and that have been thrown away, anything worthless, useless, or discarded; rubbish.

DEBRIS Things (such as broken pieces and old objects) that are lying where they fell or that have been left somewhere because they are not wanted; the remains of something broken down or destroyed. The accumulation of loose material or of rock, vegetable, or animal matter.

JUNK Any old or discarded material, as metal, paper, or rags, anything that is regarded as worthless, meaningless, or contemptible; trash.

REFUSE Any materials or objects unused and rejected as worthless or unwanted.

GARBAGE Residential miscellaneous waste material, excluding recyclables, including but not limited to discarded material resulting from handling, processing, storing, or consumption of food which is subject to decomposition, decay, and putrefaction; contaminated paper, (used tissues), wood and cloth. Garbage shall specifically exclude hazardous, offensive, noxious or toxic wastes, bulk waste, construction debris, yard waste, and brush and it must fit in a garbage container so as to allow the lid to close.

(2) Public places. No person shall throw, deposit or cause to be placed litter upon any street, sidewalk, alley or other public place within the Town of Ledgeview.

(3) Placement of litter in containers. Persons placing litter in refuse or garbage containers shall do so in such a manner and in such containers as will prevent it from being carried or deposited by the elements upon any street, sidewalk, alley or other public place or upon private property.

(4) Sweeping litter into gutters. No person shall sweep into or deposit in any gutter, street, alley or public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks, entrance walks, parking lots and parking areas in front of or upon their premises free of litter.

(5) Public waters. No person shall throw or deposit litter in any fountain, pond, wading pool, river, bay or any other body of water in a public place or elsewhere within the Town.

(6) Occupied private land. No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized refuse or garbage containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, alley or other public area or any private property.

(7) Maintenance of premises. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized refuse or garbage containers for collection.

(8) Vacant lots. No person shall throw or deposit litter on any open or vacant private property within the Town, whether owned by such person or not.

(9) No person shall place litter or rubbish in any privately owned commercial refuse, dumpster or garbage container not owned by him or her. [Added 6-4-2012 by Ord. No. 2012-007]

B. STORAGE OF PERSONALTY.

1. The unsheltered accumulation or storage of wrecked, or partially dismantled, or otherwise non-operating or unlicensed motor vehicles, and of any other vehicles, machinery, implements, equipment, any parts thereof, and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, hereinafter collectively described as "said personalty", within the Town of Ledgeview is declared to be a nuisance and/or dangerous to the public health, safety and wellbeing.

2. The owner, owners, tenants, lessees and occupants of any lot upon which such accumulation or storage is made, and also the owner, owners, and lessees of said personalty involved in such storage, all of whom are hereinafter referred to collectively as "owners", shall jointly and severally abate the nuisance by promptly moving said personalty into completely enclosed buildings authorized to be used for such storage purposes, if the same can be found within the town, or otherwise by moving said personalty to a location outside the town.

3. Whenever the owners fail to abate the nuisance, the town shall move said personalty to a location of its selection, and the expense therefore shall be billed to the owners, jointly and severally, which bill shall be recoverable in a suit at law. When said personalty has been removed and placed in storage by the town, said personalty shall be sold by the town after the lapse of such time as is provided by Section 66.28, Wisconsin Statutes, or any other applicable provision of law. If the proceeds of such sale are insufficient to pay the costs of abatement, the owners shall be jointly and severally liable to the town for the balance of the costs to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to the owners or deposited with the Town Clerk-Treasurer for their use.

4. Any owner who allows the nuisance described in this section to exist, or fails to abate the nuisance, shall upon conviction thereof be subject to a penalty of not less than \$25.00 nor more than \$200.00 for each offense, together with the costs of prosecution, and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

Section 2: Repeal of inconsistent ordinances. All existing town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

Section 3: Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provision shall not be affected hereby.

Section 4: Effective date. This ordinance shall take effect upon passage and posting.

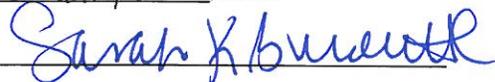
Approved: 15 February, 2016.


Philip J. Danen, Town Chairman

ATTEST:

I, Sarah K. Burdette, Clerk/Administrator of the Town of Ledgeview, Brown County, hereby certifies that the above is a true copy of an Ordinance adopted by the Town Board of the Town of Ledgeview on

February 15, 2016.



Sarah K. Burdette

Sarah K. Burdette
Town Clerk/Administrator

Posted: 02-19-2016