

## CHAPTER 5

### HEALTH

#### 5.01 WASTE REGULATIONS.

##### A. Definitions.

As used in this Chapter, the following terms will have the following meanings:

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

**Brush:** Trimmings from shrubs, trees, and stalks from garden plants (e.g. Rose bush, bamboo). Brush does not include tree roots or root balls.

**Collectible recyclables:** Collectible recyclables shall include aluminum containers, corrugated paper and other container board, glass containers, magazines, newspaper, office paper, rigid plastic containers including those made of PETE and HDPE, steel containers, and bi-metal containers. The items listed as collectible recyclables in this subsection may be modified by the Director of Public Works in accordance with the effective date of Wisconsin law or applicable Wisconsin Department of Natural Resources regulations or variances therefrom. The Director of Public Works shall be responsible for informing the public of all acceptable collectible recyclables.

**Collectible waste:** Garbage, collectible recyclables, brush, yard waste, and bulk waste.

**Commercial garbage:** Waste resulting from the operation of business enterprises, including, but not limited to, offices, stores, taverns, service stations, restaurants, and similar businesses, excluding hazardous, toxic, noxious or offensive waste, brush, yard waste, bulk waste, or commercial debris.

**Construction debris:** All waste resulting from construction or reconstruction of any building, roadway, sidewalk, or sewer; also, any yard waste or brush generated by a service contractor.

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

**Disposable bag:** A one-way disposable bag made of polyurethane, paper, or other plastic material with a securing twist tie, consisting of a minimum of two ply for paper and, a minimum of one and one-half mils thickness for plastic. Whenever the term "disposable bag" or "bag" is used in this Chapter, such words will mean disposable bag as herein described.

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

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

**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.

**Garbage Carts:** One 95 gallon cart. Such cart must be obtained from Village.

**Green Grass:** Lawn clippings from mowing capable of decomposition and decaying.

**Hazardous and/or toxic waste:** Waste materials or substances which, during normal storage and handling, may be a potential cause of harm, sickness, or death, such as explosives, petroleum products, metal or pharmaceutical materials, corrosive chemicals, poisonous or pathogenic substances, pesticides, chemicals, radioactive materials, toxic materials, and all other similar harmful substances, whether in solid, liquid or gaseous form.

**Health officer:** Brown County Health Department.

**HDPE:** High density polyethylene, labeled by the SPI code #2.

**Infectious Waste:** Waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the waste could cause the human or animal to contract an infectious disease.

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

**Magazines:** Magazines and other materials printed on similar paper.

**Major appliance:** A residential or a commercial: air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier, water heater and exercise equipment. Major appliances are considered "bulk waste" for purposes of this Chapter.

**Manufacturing garbage:** Waste resulting from manufacturing, processes or operations, excluding hazardous, offensive, toxic or noxious wastes, bulk waste, yard waste, brush, and construction debris.

**Medical waste:** Any container, package or material that contains infectious waste, or that is from a treatment area and is mixed with infectious waste.

**Multiple-family dwelling:** A property containing five or more residential units, including those which are occupied seasonally.

**Newspaper:** A newspaper and other materials printed on newsprint.

**Non-residential facilities and properties:** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

**Noxious and/or offensive waste:** Those wastes that are unwholesome, have an unpleasant smell, or are otherwise noxious and/or offensive, such as manure, filth, slop, carcasses, carrion meat, fish, entrails, hides and hide scrapings, paint, kerosene, oil or greasy substances, and objects that may cause injury to any person or animal, or damage to vehicles, such as barbed wire, briar thorns, and similar materials.

**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.

**Patron:** Any person producing any type of waste material covered by the regulations of this Chapter, typically a resident. In the case of a firm or corporation, the word "patron" will be construed to mean the principal agent, officer or employee responsible for the firm or corporation.

**Person:** Any individual, corporation, partnership, association, local governmental unit as defined in s. 287.01(5m), Wis. Stats., state agency or authority, or federal agency.

**PETE:** Polyethelyn 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:** Waste other than waste generated in the production of goods, hazardous waste as defined in s. 287.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, and high-volume industrial waste as defined in s. 287.01(7), Wis. Stats.

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

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

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

**Recyclable materials:** Lead acid batteries, major appliances, waste oil, yard waste, and collectible recyclables as defined herein.

**Recycling carts:** Two (2) 65 gallon carts authorized for use in disposing collectible recyclables. Such carts must be obtained from the Village to be utilized for collectible recyclables under this Chapter.

**Bulk Waste:** Miscellaneous waste material of such size as is not normally collected with garbage, including but not limited to furniture, plumbing fixtures, manufactured-processed wood or wood by-products (2x4's, landscaping timbers, decking materials), small amounts of concrete waste, concrete blocks, paving stones, bricks and similar type materials (amount collected shall be determined by the Director of Public Works or their designee on site). Major appliances (white goods) will be collected for a fee (refer to section B. (5) of this chapter and chapter 8 of the ordinances).

**Sharps:** Any needle or other device used for the administering and/or transfer of any medicine, drug, solution or substance for the medical treatment of any disease or condition of any human or animal; and any scalpel, knife, tool or appliance used for the treatment, correction or modification of any disease, condition or physical state of any human or animal; where exposure to such thing in an uncontained or unprotected state could subject a human or animal to a needle stick, cut, laceration or other type wound, or to contact with any blood or other bodily fluid of another, or any bacteria, virus, or any other infectious, toxic or hazardous substance.

**Sharps container:** A red container for sharps, of a type of construction that will reasonably resist penetration of sharps, and which has been generally approved for such a medical use; and which is labeled as

containing sharps, and if appropriate, infectious waste and/or biohazard substances.

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

**Yard waste:** All materials originating in the yard and garden which are capable of natural decomposition, including leaves, grass clippings and other vegetation, exclusive of: brush as described herein, stumps, tree roots, and root balls.

B. Collection Limits and Frequency.

(1) Residential Garbage Collection.

Normal accumulation of garbage from residential patrons will be collected by the Village once each week. Patrons must use a garbage cart as provided by or purchased from the Village. Refer to the Village website for the map showing collection days.

(2) Residential Recycling Collection.

Normal accumulations of collectible recyclables from residential patrons will be collected by the Village as a single stream (co-mingled and recyclables) pursuant to the published Village Collection Schedule.

(3) Bulk Waste- Regular Collection Week.

The Village will designate the first full week of most months for collecting bulk waste. During this week the Village will collect up to two (2) cubic yards (3ft. x 3ft. x 6ft. pile) of rubbish, bulk waste and brown goods without charge. The term "Brown Goods" means furniture, mattresses, etc. Refer to the Village bulk waste / refuse collection schedule for the scheduled collection weeks. Bulk waste shall be placed at the curb for collection on the normal garbage collection day.

Additional waste over two (2) cubic yards placed at the curb during the bulk waste / refuse collection week will be picked up at an additional charge per cubic yard as determined by the Village (refer to Chapter 8).

(4) Bulk Waste- Non-Collection Week.

A patron may request bulk waste collection during a non-collection week, such as a renter move-out, but collection is subject to the pickup charges as defined in Chapter 8.14.B of the Municipal Code.

The patron must call the Village Hall to schedule the pickup and pay the appropriate fee per Chapter 8.

If a patron places bulk waste at the curb during a non-collection week and does not schedule and pay for a collection by the Public Works Department, a notice will be issued to the property owner to remove the bulk waste. If the bulk waste is not removed within forty-eight (48) hours after the date of notice, the Village will pick up the items and the property owner will be charged according to Chapter 8.14.B of the Municipal Code.

(5) Bulk Waste (Major Appliance) Collection.

Major appliances such as a refrigerator, clothes washer, clothes dryer, dishwasher, freezer, oven, stove, dehumidifier or water heater are considered white goods. Major appliances are considered "bulk waste" for purposes of this chapter. Any appliances containing Freon, such as a refrigerator or freezer, must be properly disposed via a special handling. Collection of white goods at any time is considered a special pickup.

In order for the white goods to be collected at any time, the patrons must call the Village Hall to schedule pickup and pay a fee per appliance per Chapter 8.

(6) Electronics Recycling.

Effective September 1<sup>st</sup>, 2010, it is illegal to dispose of electronics equipment in landfills. This includes such electronic equipment as computers, desktop printers, fax / copier machines, televisions, computer monitors, DVD players, VCR's, and cell phones. These devices must be recycled by the resident at licensed recyclers such as electronics retailers or the Brown County Hazardous Waste Facility. The Public Works Department will collect electronic equipment for a fee per chapter 8. Electronics equipment may also be taken to the Lebrun Waste Disposal site by a resident for a fee per chapter 8.

(a) Commercial or Manufacturing Sources.

Normal accumulations of garbage from commercial or manufacturing concerns shall be collected once each week. The maximum volume of garbage placed for collection on one day shall not exceed 95 gallons for each such concern.

(7) Brush.

Brush will be collected most months during the 2<sup>nd</sup> full week, except during spring and fall clean-up. Refer to the Refuse / Brush Collection Schedule for exact collection schedules. Brush and tree limbs removed by a Contractor from private property will not be picked up by the Public Works Department, but must be disposed of by the Contractor.

(8) Yard Waste.

Yard waste will be collected curbside during spring collection periods designated by the Department of Public Works (refer to the published Bulk Waste Schedule). No bags or reusable containers may be used. No green grass will be collected. Yard waste may not be disposed of with garbage or collectible recyclables, bulk waste, or brush. Persons transporting yard waste shall be responsible to cover or otherwise contain yard waste in a manner so as to prevent scattering of yard waste during transport.

(9) Construction Debris.

Construction debris shall not be picked up by the Public Works Department. It shall be the responsibility of the patron and/or contractor to dispose of construction debris as provided by law.

C. Storage of Waste Between Collections.

(1) Owner-Occupant Storage Responsibility.

The patron and/or occupant of a premise shall be responsible for the proper and sanitary storage of all collectible waste accumulated at the premises until collection. The owner and/or occupant shall be responsible for the proper sanitary storage of all other waste material, and for its disposal according to law.

(2) Storage/Location of Collectible Waste.

No owner or occupant of any building shall place or store any refuse cart or any paper recycling cart or any co-mingled recycling cart in front of any building, or on any corner lot along the side of a building facing the abutting street, except when done for lawful collection in compliance with this code. When between collections refuse carts or recycling carts shall be placed in an area screened or otherwise obstructed from public view as best as reasonably possible considering the features of the property.

D. Preparation of Garbage and Collectible Waste for Collection.

(1) Location of Containers for Collection.

(a) Residential.

**Residential garbage and collectible recyclables from buildings containing not more than four residential dwelling units will be prepared and placed for collection. Placement location: containers shall be placed on the driveway apron or on the grassy area immediately adjacent to the curb. Containers shall be placed with the opening facing the street or curb.**

(b) Multi-family.

**Residential garbage and collectible recyclables from buildings containing not more than four residential dwelling units will be prepared and placed for collection. Placement location: containers shall be placed on the driveway apron or on the grassy area immediately adjacent to the curb. Containers shall be placed with the opening facing the street or curb.**

(c) Location of Containers in Winter.

During winter months, garbage and/or collectible recyclables shall be placed in the driveway apron or on an area adjacent to the curb line, which has been shoveled free of snow. In cases where the Public Works Director determines that collection would be best facilitated by allowing property owners to place garbage at some other accessible points, this provision of the ordinance may be waived by the Village.

(2) Placement of Garbage for Collection Generally.

**All garbage placed curbside for collection shall be in carts approved of under this section. Reusable carts which do not constitute approved carts shall not be placed for collection and shall not be emptied by Village personnel.**

(a) Residential Garbage.

**Residential garbage must be placed in cart. Before placing any garbage in the cart for collection, each patron shall first wrap it in paper or secure in a plastic garbage bag. It shall be the responsibility of each patron to keep the garbage relatively free from rainwater and snow until collection.**

(b) Commercial and Manufacturing Garbage.

**Commercial and manufacturing garbage shall be placed in a cart. Before placing any garbage in the cart for collection, each patron shall first wrap it in paper or secure in a plastic garbage bag. It shall be the responsibility of each patron to keep the garbage relatively free from rainwater and snow until collection.**

(c) Enclosures (Commercial).

The Director of Public Works shall have the authority to order that any exterior storage area for garbage, recyclables, or refuse be enclosed in a structure if, in his or her determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance or a detriment to public health or safety. In determining whether an exterior storage structure shall be required under this section, the Director of Public Works shall take into account the location of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive. All structures ordered under this section shall be at least three-sided and constructed of materials sufficiently opaque to ensure that the waste is impervious to view from the exterior of the sides. The walls of the structure shall be of a height which is at least one foot taller than the garbage or refuse receptacle, but not over six feet high, and shall be painted or otherwise finished or coated.

(3) Collection of Recyclables.

Collectible recyclables shall be separated from garbage and other collectible waste and placed for collection in conformity with this subsection.

(a) Residential Collectible Recyclables.

Occupants of residences containing not more than four dwelling units and occupants of condominiums shall, separate collectible recyclables from garbage and other waste, and shall keep the collectible recyclables clean and free of contaminants, oil, grease, and other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in carts provided by

the Village with paper, glass, **cans, plastics** in a single blue cart, and shall be placed curbside for collection as provided at section (1) above.

(b) Multi-family Dwellings and Non-Residential Facilities and Properties.

Owners or designated agents of multi-family dwellings, and of non-residential facilities and properties, shall be responsible to:

- (1) Provide adequate containers for recyclable materials;
- (2) Notify tenants in writing at the time of renting or leasing the dwelling or facility, and at least semi-annually thereafter, about the established recycling programs;
- (3) Provide for the collection of materials separated from the waste, and the delivery of the materials to a recycling material facility;
- (4) Notify tenants of the reasons to reduce and recycle waste, which materials will be collected, how to prepare the materials in order to meet the processing requirements, the collection methods or sites, the locations and hours of operation, and a contact person or company, including the name, address, and telephone number.

The requirements of subsections (1), (2), (3), and (4), above, will 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, and is a facility which recovers collectible recyclables from waste in as pure a form as is technically feasible.

(c) Collection Time.

All garbage, collectible recyclables, and other collectible waste shall be placed for collection as required by this chapter by no sooner than 6:00 p.m. the day before collection and by 6:00 a.m. on the designated collection day.

(d) Preparation Time.

All garbage, collectible recyclables, and other collectible waste, when placed in front of a property pursuant to this Chapter, shall not be so placed prior to 6:00 p.m. the day before the collection day for the garbage, collectible waste, and collectible recyclables. Any garbage cart, waste, or other item which is not collected in accordance with applicable provisions of this Chapter shall be removed from curbside not later than midnight the day of collection.

E. Preparation of Brush, Refuse, and Yard Waste.

(1) Brush.

Brush shall be placed in stacks aligned **parallel** to the curb (butt end **to face the same line of traffic**) and shall not obstruct the

street, gutter or sidewalk. In areas where there are no sidewalks, brush shall be placed in stacks aligned perpendicular to and within four feet of the curb line, in such a manner as to not interfere with the flow of water in the gutters. Brush cut by contractors will not be collected by the Village.

(2) Wooden Boxes and Lumber.

Bulky material, such as wooden boxes and lumber, shall be broken up so it can be reasonably handled and loaded by an end loader into the collection truck.

(3) Bulk Waste.

Bulk Waste shall be placed at the curbside in such a manner so as to provide the greatest ease of loading and collection into a truck. All refuse shall be free of jagged or sharp edges, protruding nails and screws, and any other hazardous condition.

(4) Preparation of Yard Waste.

Yard waste shall be placed neatly in piles within 6 feet of the curb line and in such a manner as not to interfere with the flow of water through the gutters or to obstruct the sidewalk or street.

F. Disposal of Lead Batteries, Waste Oil, and Used Tires.

The owner and/or occupant of any premises shall be responsible for the proper disposal of lead batteries, waste oil, and used tires as follows:

- (1) Lead acid batteries shall be taken to a retailer of lead acid batteries for disposal.
- (2) Waste oil shall be disposed of at a state approved disposal site or at the Village Waste Oil Collection Facility on LeBrun Street.
- (3) Waste tires shall be returned to a tire retailer or taken to the Brown County Waste Transfer Facility.

G. Authority to Direct the Disposal of Waste.

(1) Disposal at the Direction of the Public Works Director.

All waste, whether collected by the Village pursuant to this Chapter or collected privately, shall be disposed of as directed by the Public Works Director or as otherwise provided by law. Waste shall not be buried on any premises within the Village and no person shall burn waste outdoors at any time within the Village limits.

(2) Waste on Public Streets.

It shall be unlawful for any patron or person to deposit, throw, place, or leave any waste in, on or upon any street, court, lane, alley, business, public enclosure, vacant lot, house, yard, body of water, or any other place except those places provided in this Chapter for collection purposes. No person shall remove any waste from private premises without the consent of the occupant, owner, or lessee of the premises, and no person shall remove any waste which has been set out for collection unless authorized to do so.

(3) Disruption of Collectible Waste Placed for Collection Unlawful.

Except upon the direction of the Public Works Director, no person shall upset or open any cart, or upset or remove the cover of any cart, placed in the manner provided for by this Chapter for waste collection, or otherwise remove the contents of any such receptacle, in, on or upon any street, alley, or other public place.

(4) Prohibitions on Disposable Recyclable Materials Separated for Recycling.

No person may dispose of in a waste disposal facility or burn in a waste treatment facility any collectible recyclables which have been separated for recycling.

H. Disposal of Certain Wastes.

(1) Disposal of Animal Offal and Other Offensive Wastes.

Animal offal and other offensive waste, including dead animals, the droppings from pets, manure, and night soil, may not be placed for collection by the municipal collection service. It is the responsibility of the owner of such animals to dispose of the waste in a sanitary manner.

(2) Dead Animals.

The owner and/or custodian of dead dogs, cats, and other animals shall contact the Village for information concerning handling and disposal.

(3) Cinders and Ashes.

Cinders, ashes, and any smoldering embers shall not be placed for collection.

(4) Disposal of Infectious Material.

The removal of apparel, bedding, infectious waste, medical waste, or other refuse from homes or places where highly infectious or contagious diseases have prevailed shall be performed only under the supervision and direction of the County Health Officer. Such waste shall not be placed curbside for collection with normal garbage or collectible recyclables.

(5) Hazardous and/or Toxic Waste.

Placing or depositing any hazardous or toxic waste, including, without limitation, explosive materials such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, gasoline, or other similar material, in any disposable bag, garbage can, recyclable box or bundle for collection is prohibited.

(6) Disposal of Sharps.

Sharps shall be handled as infectious material and shall not be placed curbside for collection with normal garbage or collectible recyclables. Sharps shall be placed in a sealed sharps container and taken by the owner or custodian to a registered sharps collection station for disposal.

(7) Questions Concerning Disposal.

When any patron is in doubt as to proper preparation, handling, and disposal of any type of waste, he/she shall contact the Public Works Director for information concerning handling and disposal.

I. Special Regulations.

(1) Accumulation of Waste.

In the event that the owner, occupant, or lessee of any premises shall neglect or refuse to clean up and/or remove from the premises any waste as defined herein when ordered to do so by the Health Officer, he, she or it shall be liable for the penalty provided for violation of this code. Should the accumulation occur on any street, alley, or public thoroughfare, the waste may be collected by the Public Works Director or his/her designee, and the entire cost thereof assessed against the abutting property.

(2) Enforcement of Maximum Volume Limits.

All new commercial and/or manufacturing units may receive municipal waste collection under the provisions of this Chapter if their waste volumes are below the maximum allowable for collection as provided herein. If it is determined at any time that the patron exceeds the maximum volume limit for four consecutive weeks, the Public Works Director may issue a written notice providing that municipal collection services will be terminated at the end of sixty days from the date of the notice.

(3) Failure to Comply.

The Public Works Director may refuse to furnish collection service to any person, firm or corporation not complying or refusing to comply with this Chapter, the rules and regulations made by the Village Board, or any other orders of the Public Works Director or Health Officer for the collection or disposal of wastes.

(4) Prosecution.

When services for the collection of waste have been withdrawn by the Public Works Director from any person, firm or corporation for failure to comply with such rules and regulations, resulting in the accumulation of garbage or other wastes on his, her or its premises, which is offensive or a public nuisance, that person, firm or corporation may be prosecuted under any ordinance of the Village regulating the same.

J. Enforcement Provisions Pertaining to Recyclables.

(1) Enforcement by Department of Public Works.

For the purpose of ascertaining compliance with the provisions of this ordinance in regard to recyclables, any authorized officer, employee, or representative of the Department of Public Works may inspect recyclable materials separated for recycling, recycling collection sites and facilities, collection vehicles, collection areas of multiple family dwellings, and non-residential facilities and properties. Any records relating to recycling activities may be kept confidential if necessary to protect proprietary information. No person, firm or corporation shall refuse access

to any authorized officer, employee, or authorized representative of the Department of Public Works who requests access for purposes of inspection and who presents appropriate credentials. No person, firm or corporation shall obstruct, hamper, or interfere with any such inspection.

(2) Enforcement Not Exclusive.

The issuance of a citation for a violation of this ordinance shall not preclude proceeding under any other ordinance or law relating to the same matter. Proceeding under any other ordinance or law relating to the same matter shall not preclude the issuance of a citation under this ordinance. Each 24-hour period of violation, disobedience, omission, neglect, or refusal to obey this ordinance or any order made in accordance herewith, shall be deemed a separate offense.

K. Intent of Ordinance.

Any ordinance in conflict herewith is hereby repealed to the extent that the same is in conflict. This ordinance establishes minimum requirements and shall not be deemed as a limitation or repeal of any other power granted by the Wisconsin Statutes. It is the intent of the Village Board where any requirements of this ordinance may be inconsistent or conflicting with more restrictive requirements of state law, that the more restrictive requirements or interpretations shall apply. Where a provision of this ordinance is required by the Wisconsin Statutes or by a standard in Chapter NR 544, Wis. Adm. Code, or wherever this ordinance is unclear, the provisions hereof shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards which were in effect on the date of adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

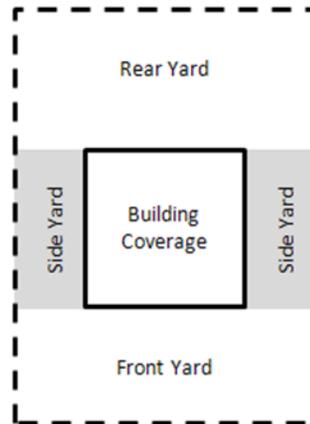
5.02 MOBILE HOMES.

- A. A "mobile home" means any coach, cabin, trailer, mobile home, house car or other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle. The fact that any such vehicle or structure is rendered immobile by the removal of its wheels, the erection of a foundation thereunder, or any other similar alteration shall not operate to exclude it from this definition.
- B. Except as provided in this chapter, no person shall park any mobile home on any street, alley, highway or village road, or other public place, or on any privately owned tract of land within the Village of Allouez.
- C. Emergency or temporary stopping or parking of a mobile home is permitted on any street, alley, highway or village road for not longer than 24 hours, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or village road.
- D. (deleted on 03/15/11)

5.03 PARKING OF WATERCRAFT, UTILITY TRAILERS, MOTOR HOMES, RECREATIONAL AND COMMERCIAL VEHICLES AND EQUIPMENT.

- A. PURPOSE. The purpose of this Ordinance is to define and regulate particular types of vehicles and equipment that are authorized to park on Village streets and on residential and commercial zoned property outside of an enclosed garage, and under what conditions, as well as restrict or exclude certain vehicles and equipment from such parking.
- B. DEFINITIONS.
- (1) Camping equipment: Shall mean wheeled vehicles not exceeding twenty six (26) feet in length, either motorized or non-motorized, capable of being moved by its own power or transported by another vehicle, including, without limitation, all classes of motor homes, recreational vehicles, travel trailers, pop-up campers, and such other vehicles which are built and/or manufactured for being readily located to and from temporary recreational facilities and which are designed for human habitation.
  - (2) Driveway: Shall mean the driveway of the residence only.
  - (3) Owner: Shall mean an individual, firm, partnership, association, corporation, governmental agency, or combination thereof, holding legal title and/or otherwise owning the particular vehicle and/or equipment in question.
  - (4) Owned/maintained: Shall mean that vehicles and equipment encompassed by this Ordinance must be owned, commercially leased, or commercially rented by a person who is a permanent resident at the subject address and such permanent resident must, upon demand by any law enforcement officer or authorized agent of the Village, produce satisfactory documentary evidence thereof.
  - (5) Proper working condition: Shall mean licensed as appropriate and/or required, and mechanically and/or functionally operable for the purposes intended, to include, without limitation, tires inflated, and properly working safety equipment as intended by manufacturer. No vehicles and/or equipment subject to this Ordinance may have the wheels removed and placed upon block, except for repair purposes which shall be accomplished as expeditiously as reasonably practicable.
  - (6) Motor vehicle: Shall mean a self-propelled device used or intended to be used for the transportation of freight or passengers upon a street, highway or off road.
  - (7) General street parking prohibition: Shall mean that parking on the streets of the Village is authorized April 1<sup>st</sup> through October 31<sup>st</sup>. Parking on the streets of the Village is prohibited from November 1<sup>st</sup> through March 31<sup>st</sup>. These general standards are subject to modification and are modified where parking or no parking signage is installed.

- (8) Utility Trailer: Shall mean an unenclosed non-motorized wheeled piece of equipment with a cargo surface, not exceeding ten (10) feet in length and six (6) feet in width, designed to be hauled over the road and which is used periodically and on a temporary basis to transport brush, equipment, cargo and other materials, and which is not used for the permanent or semi-permanent storage of same, and which is not suitable for human conveyance or habitation.
- (9) Watercraft: Shall mean any boat, vessel or craft designed specifically for movement on the surface of the water.
- (10) Seasonal use trailer: Shall mean trailers designed for the storage and transport of watercraft, motorcycles, all-terrain vehicles and snowmobiles.
- (11) Side Yard: For the purpose of this ordinance, side yard is defined as a section of the yard that extends between the front line setback of the main building and the rear line setback of the main building and from the side of the main building to the side lot line.



- (12) Hard surface: Shall mean a parking or storage area surfaced with concrete, blacktop, porous pavement, bituminous paving, paving brick, patio block, and other like materials which is sufficient to support the size and weight of the item to be parked or stored.
- (13) Enclosed Trailer: Shall mean a non-automotive vehicle designed to be hauled over the road: as a vehicle for transporting something and is enclosed on all sides. This definition includes all types of trailers that are used to transport miscellaneous cargo and material, but not suitable for human conveyance or habitation. For the purpose of this ordinance this is inclusive to enclosed trailers and not utility trailers as defined in section

B.(8). Enclosed trailers are not to exceed 20 feet in length.

C. SEASONAL USE TRAILERS, UTILITY TRAILERS, AND CAMPING EQUIPMENT.

- (1) Parking Restrictions and Exceptions. The parking of seasonal use trailers, utility trailers, enclosed trailers and camping equipment, as defined in section B of this Ordinance, shall not be allowed in the front, side or back yard of any residentially or commercially zoned property, whether or not enclosed or fenced, with the following exceptions and conditions, and then only on a hard surface as defined herein:
  - a. Seasonal use trailers for motorcycles shall be permitted to park in the driveway or side yard from March 1<sup>st</sup> through November 15<sup>th</sup>. Seasonal use trailers for watercraft shall be permitted to park in the driveway or side yard from March 1<sup>st</sup> through November 15<sup>th</sup>. Seasonal use trailers for snowmobiles shall be permitted to park in the driveway or side yard from November 1<sup>st</sup> through March 31<sup>st</sup>. Seasonal use trailers for all-terrain vehicles shall be permitted to park in the driveway or side yard year round provided that the all-terrain vehicle is actually being used as opposed to parking merely for storage purposes. No watercraft, snowmobile, or all-terrain vehicle shall be stored in the driveway or side yard of a residentially or commercially zoned property as herein permitted except upon a seasonal use trailer. In the event that the seasonal use trailer is not being utilized for the storage of watercraft, motorcycles, all-terrain vehicles or snowmobiles and is otherwise empty, it may be stored in the driveway or side yard year round.
  - b. The Village Administrator has the authority to adjust the dates forward for parking of seasonal use trailers based upon weather conditions.
  - c. Camping equipment may park in the driveway or side yard of residentially zoned property from March 1<sup>st</sup> through November 15<sup>th</sup>. Pop-up campers not exceeding twenty (20) feet in length shall further be allowed to park in the side yard of a property on an annual basis provided that the pop-up camper is in a closed position, except when utilized for living and sleeping purposes as provided for in this Ordinance.
  - d. Vehicles, machinery and equipment used for construction activities shall not be stored or parked on residential or commercial zoned property except during the course of ongoing and continuously progressing construction activities at that property.

- e. One utility trailer may be parked in the driveway, back or side yard of a residentially zoned property year round and need not be on a hard surface.
- f. Nothing herein shall limit or otherwise affect a resident's ability to store any seasonal use trailer, utility trailer, enclosed trailer and/or item of camping equipment entirely within the confines of the resident's garage or other permitted accessory structure.
- g. All seasonal use trailers, utility trailers, enclosed trailers, and camping equipment permitted for parking under this Ordinance shall not park within (4) four feet of the lot line or required zoning code set back, whichever is greater. In addition, no such items shall be permitted to park more than ten (10) feet from the primary structure housed on the lot measured to the furthest point away from the structure.
- h. The parking of more than two (2) seasonal use trailers, enclosed trailers, utility trailers, and/or items of camping equipment simultaneously on a residentially or commercially zoned property is prohibited. Any two (2) such items cannot be stored in the same lot location together unless one of them is a utility trailer. This quantity limitation shall not apply, and there shall not be counted, any such item(s) parked and/or stored entirely within the confines of the resident's garage or other permitted accessory structure.
- i. Enclosed trailers are permitted to be parked in the driveway or side yard year round.

(2) Living and Sleeping Purposes. Use of camping equipment for living or sleeping purposes is permitted on a temporary basis in residential zoned districts only under the following conditions:

- (a) Such use of camping equipment shall only be permitted on premises with an existing house and not on a vacant parcel of land.
- (b) No monetary gain shall be realized by the property owner.
- (c) The vehicle must be parked on a hard-surface no closer than four (4) feet from any lot line or the required setback, whichever is greater.
- (d) The combined use of any camping equipment for temporary living and sleeping purposes may not exceed ten (10) days within any calendar year.

- (e) The use of internal combustion engines is not permitted for generation of electricity.
  - (f) For purposes of this subsection only, such camping equipment need not be owned / maintained by the Village resident.
- (3) Owned/maintained and proper working condition. All vehicles and equipment subject to this Ordinance shall be at all times owned/maintained and be in proper working necessary safety equipment and accessories also in proper working condition as required by law. By the act of parking vehicles or equipment on their property or Village streets as provided herein, the property owner does thereby grant to any law enforcement officer, or authorized agent of the Village, express consent to enter upon such property without notice for the purpose of inspecting and verifying that any vehicles or equipment parked thereon are in compliance with this Ordinance.
- (4) Street Parking. Except as hereinafter provided, no owner shall park or leave standing any seasonal use trailer, utility trailers, enclosed trailers, camping equipment, and/or any other item of machinery or equipment which is designed to be towed behind a motor vehicle, regardless of whether or not it is properly hitched, coupled or secured to a motor vehicle, upon any Village street, alley or public way. Nothing contained herein shall be deemed to modify, alter or change the general street parking prohibition established by separate Village ordinance.
- (5) Vision Triangle/Obstruction. All seasonal use trailers, utility trailers, enclosed trailers, and camping equipment shall not be parked on the property or on any Village street so as to block line of sight for general vehicular traffic or otherwise cause a "blind spot" for other drivers backing their vehicles onto or driving upon any Village street, alley or public way. Parking on a sidewalk or the blocking of sidewalk access is prohibited.
- (6) Unloading. Camping equipment shall not be parked on residentially or commercially zoned property or on the streets, alleys or public ways of the Village of Allouez, except for the purposes of loading or unloading, cleaning or maintenance for a period not to exceed seventy-two (72) hours.
- (7) Manufactured Homes. Non-motorized vehicles built for semi-permanent or permanent human habitation, commonly referred to as manufactured homes or house trailers, regardless of size or configuration or whether the wheels are removed, shall not be parked and/or stored on any residential or commercially zoned property, or on any Village street, alley or public way.

- (8) Parking conditions. All seasonal use trailers, utility trailers, enclosed trailers, and camping equipment shall be kept clean and free of debris, litter, rubbish and any waste materials as defined in chapter 5 of the Village Ordinances. This includes all areas in and around where the seasonal use trailer, utility trailer and/or camping equipment is parked or stored, to include, without limitation, the cutting and trimming of grass around the storage site, removal of weeds, and the preventing of gouging or rutting of the grass and lands of the property in moving the seasonal use trailer, utility trailer and/or camping equipment to the intended parking or storage location.
- (9) Other Parking Restrictions. No person, firm or corporation shall park, or allow or permit to be parked, stopped, or left standing, any seasonal use trailer, utility trailer, enclosed trailer, camping equipment, or any other machinery or equipment which is designed to be towed behind a motor vehicle, regardless of whether or not it is properly hitched, coupled or secured to a motor vehicle, upon a Village street, alley or public way, except as follows:
- a. Construction Sites. This Subsection (9) does not apply to trailers, machinery and equipment of a person, firm or corporation which is engaged in improvements to real estate in close proximity to where such trailers, machinery and/or equipment are parked, stopped, or standing, and such trailers, machinery and equipment are then being used in the construction of such improvements while actively and continuously progressing, and the presence of the same is properly known to travelers upon the street, alley or public way by lighted warning lights, reflectors, and/or barriers of suitable size and brilliance, and which have been placed in a suitable location in keeping with Village Ordinance.
- b. Loading and unloading. This Subsection (9) does not apply to seasonal use trailers, utility trailers, enclosed trailers, and/or other machinery and equipment which are temporarily stopped, standing or parked for the purpose of being, and while actually engaged in being, loaded and/or unloaded provided that it is then hitched, coupled or secured to a motor vehicle which is then currently licensed to be operated on a public highway.
- c. Hooking up and delivery. This subsection (9) does not apply to seasonal use trailers, utility trailers, enclosed trailers, camping equipment and/or other machinery and equipment which is temporarily stopped, standing or parked for the purpose:

- (1) of being hitched, coupled or secured, or being unhitched, uncoupled or unsecured, to or from a motor vehicle which is currently licensed to be operated on a public highway and is present on such street, alley or public way, and is then attended by a person who is then licensed to operate the vehicle;
- (2) of being delivered to the premises for storage or use, or removed from the premises for storage or use, all for a reasonable period of time; and
- (3) Emergency purposes for as long as the emergency exists.

#### 5.04 STORAGE OF PERSONALTY.

- A. 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 Village of Allouez is declared to be a nuisance and dangerous to the public health, safety and well being.
- B. 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 village, or otherwise by moving said personalty to a location outside the village.
- C. Whenever the owners fail to abate the nuisance, the village 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 village, said personalty shall be sold by the village 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 village 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 Village Clerk-Treasurer for their use.
- D. 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.

5.05 UNLAWFUL DISPOSAL OF WASTE MATERIALS.

The unlawful disposal of waste material is a public nuisance and is prohibited within the Village of Allouez. The unlawful disposal of waste shall include but not be limited to the following acts:

- A. Throwing, depositing or discarding any type of debris or waste material from a motor vehicle.
- B. Throwing, depositing, discarding or abandoning any type of debris or waste material in or upon any public or private property, except in a garbage can or refuse container. This provision shall not apply to persons engaged in construction or other activity authorized under a building permit on the lot or parcel of land for which the building permit was issued.
- C. Causing or allowing any debris or waste material to escape or leave the lot or parcel of land for which a building permit was issued during the construction or other activity authorized by such building permit.
- D. Throwing, depositing or placing any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, yard trash, concrete, earthen fill, garbage, container, litter or other debris in any ditch, stream, river, or retention basin that regularly or periodically carries surface water runoff. Any person who throws, deposits or places, or who causes, allows or permits another to throw, deposit or place, any of the above shall remove it or shall cause it to be removed therefrom immediately.

5.06 BURNING TRASH.

The burning of trash, rubbish, refuse, garbage, leaves and other waste materials outdoors is a public nuisance and is prohibited within the limits of the Village of Allouez except by permission of the village. Any person who causes a fire for such purposes, maintains the same, or allows the same to occur on his, or village, premises shall be in violation of this section.

5.07 SOUND AMPLIFIERS.

The use of sound amplifiers outside buildings within the Village of Allouez is prohibited without a permit to do so from the village. A sound amplifier shall not be operated before 9:00 a.m. or after 9:00 p.m. or in the vicinity of churches while services are being conducted, or near schools that are in session. The village may order a reduction in the volume of an amplifier on complaint being made by a citizen, or when such loud speaker is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.

5.09 NO WAKE AREAS ON THE FOX RIVER. (See map on page 5-27)

- A. All nautical traffic on the Fox River as it passes through the Village of Allouez shall travel at no wake speed while on the following areas of the Fox River:

From the northwest Allouez village limits on the east side of the Fox River, to the Fox River Valley Railroad bridge which runs perpendicular to South Monroe Avenue and Riverside Drive and which crosses the Fox River immediately south of Marine Street in the Village of Allouez.

- B. "No wake speed" means the slowest possible speed at which steerage can be maintained.
- C. Control buoys or signs may be placed so that nautical traffic is alerted to the no wake speed areas designated above.
- D. The penalty for violation of any provision of this section shall be as provided in Section 5.15 of this ordinance.

5.10 CONTROL OF NOXIOUS WEEDS AND OTHER UNSIGHTLY GROWTH

A. Definitions.

- (1) The following are noxious weeds:

"Canada" or other thistles, chicorium itybus (commonly called "chicory"), ambrosia artemis laipolia (commonly called "ragweed"), lactuca scariola (commonly called "prickly lettuce"), hordeum jubatum (commonly called "squirrel tail"), lappa officinalis (commonly called "burdock"), white or ox-eyed daisies, snapdragon or toad flax, cockle-burr, sow thistle, sour dock and yellow dick, wild mustard, wild parsnip, quitch grass, known also as quack grass or leafy spurge, field blind weed (commonly called "creeping jenny"), cuscuta sp. (commonly called "dod der"), brassica juncea (commonly called "Indian mustard"), plantage lanceolate (commonly called "buckhorn"), rapnanus raphanistrum (commonly called "wild radish"), and barbarea vulgaris (commonly called "yellow rocket").

- (2) Destroy.

"Destroy" means the complete killing of weeds or the killing of weed plants over the surface and ground by the use of chemicals, cutting, tillage, croppage system or a combination of these at such time and in such manner as will effectively prevent such plants from maturing to the bloom and flower stage.

B. Noxious Weeds to be Destroyed.

- (1) Every person shall destroy all noxious weeds on all lands the person owns, occupies or controls. The person having

immediate charge of any public lands shall destroy all noxious weeds on such lands.

- (2) If the owner fails to destroy such weeds, the Weed Commissioner shall destroy or cause such weeds to be destroyed in the manner deemed to be the most economical. The cost of destroying the weeds shall be charged and assessed in the manner provided by Section 66.0407, Wisconsin Statutes.

C. Unsightly Growth.

(1) To Be Controlled.

- (a) The owner, occupant or person in control of any lot, with the exception of a lot in the wetlands or a lot being used for agricultural purposes, shall not allow, permit or maintain the growth of grass, hay, brambles, brush, reeds, rushes, cattails or any combination thereof, or any unsightly growth, to a height of over seven (7) inches.
- (b) The Weed Commissioner shall cut down and remove or cause to be cut down and removed all such growths as described in subparagraph (a) above and shall charge the cost thereof in the manner provided by Section 66.0627, Wisconsin Statutes.

(2) Declared a Public Nuisance.

The permitting of such growth as enumerated in paragraph C (1) above, by blighting residential areas, permitting breeding areas for obnoxious insects and concealing vermin and filthy deposits, is declared to be a public nuisance.

5.11 LICENSING OF PRIVATE HAULERS OF RECYCLABLES.

A. Hauler Licensing.

No person, firm or corporation shall engage in the business of hauling recyclables within the Village without first being licensed by the Wisconsin Department of Natural Resources ("DNR") under the provisions of section NR 502.06, Wis. Adm. Code.

B. Processing Facilities.

A hauler operating in the Village shall not transport any recyclables for processing to a processing facility unless that facility has been approved in writing by the Village and, by January 1, 1995, the facility has self-certified with the DNR under section NR 544.16, Wis. Adm. Code.

C. Mixed Recyclables.

A hauler shall not compact glass with paper either during collection or during transport of recyclables to a processing

facility or market, and shall maintain the materials in a marketable condition.

D. Right to Reject Materials.

A hauler has the right to reject or leave at the premises any recyclable material that is not prepared according to the specifications of Section 5.01 or as set forth in educational materials provided by the hauler to his, her or its service recipients, or if it is not separated from waste, placed in a proper container, or is not designated as recyclable material for collection. A hauler has the right to refuse to pick up any waste if it contains recyclable containers and/or material. In every such case, the hauler or attendant shall notify in writing the generator of the materials of the reasons for rejecting the items.

The hauler shall keep a list of all such occurrences and provide a copy of it to the Village not less often than semi-annually.

E. Hauler Licensing.

Each hauler who collects waste or recyclables in the Village for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Village.

F. Reporting Requirements.

Every recycling hauler and/or processor operating in the Village is required to maintain records and report in writing to the Public Works Director not less often than semi-annually. Reports shall include but not be limited to: the amount of waste and recyclables collected in and transported from the Village; the amount of

waste and recyclables from the Village which have been processed and/or marketed, by item type; and the final disposal location of waste and recyclable material. A failure to timely report shall be cause for the Village to revoke any license or permit, and to sever any contract it has with the hauler and/or processor.

G. Private Collector's License.

No person, firm or corporation, except employees of the Village who are then employed in the regular course of their employment, shall collect or transport waste or recyclable materials in the Village without first obtaining a license from the Village. Each license shall bear a number corresponding to the license plate issued to, and which shall be prominently displayed on the vehicle used by, such licensee in his, her or its business. Such license shall be available only to the person, firm or corporation in whose name it is issued, and shall not be used by any person, firm or corporation other than the original licensee. Any licensee who shall allow or permit his, her or its license to be used by any other person, firm or corporation, and any person, firm or corporation who shall used a license granted to any other person, firm or corporation shall be in violation of this ordinance. Such a license shall be issued by the Village Clerk-Treasurer upon

written application, the approval of the Public Works Director, and the payment of the license fee as set forth in Section 8.14.

H. Transportation Nuisance.

No person, firm or corporation shall transport any waste or recyclable material in any vehicle unless the vehicle is operated and constructed in such a manner that its contents shall not blow, scatter, leak, or spill in, on or upon any street or alley, or otherwise create a nuisance.

5.12 OUTDOOR HEATING DEVICES.

- A. The installation, operation and maintenance of any fuel-fired outdoor heating device is prohibited in the Village. A fuel-fired outdoor heating device is defined as any equipment, device or apparatus or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

5.13 ANTI - LITTER ORDINANCE

- A. DEFINITIONS. For the purposes of this section, the following terms, phrases, words, and the derivations shall have the meaning given:
- (1) **Litter:** Garbage, bulk waste, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.
  - (2) **Rubbish:** All putrescible and non-putrescible items, both combustible and non-combustible, including but not limited to, circulars, leaflets, pamphlets, wrappers, handbills, newspapers, and all and any other printed or non-printed paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, and other similar materials.
- B. LITTER AND RUBBISH IN PUBLIC PLACES. No person shall throw, deposit, or cause to be placed litter or rubbish upon any street, sidewalk, alley, or other public places within the Village of Allouez except in public receptacles provided by the Village of Allouez.
- C. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING. Persons placing litter in public receptacles or in authorized private receptacles 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 places or upon private property.
- D. SWEEPING LITTER AND RUBBISH INTO GUTTER PROHIBITED. No person shall sweep into or deposit in any gutter, street, alley, or other public places within the Village or Allouez, the accumulation of

litter or rubbish 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 the premises free of litter and rubbish.

- E. LITTER AND RUBBISH IN PUBLIC WATERS. No person shall throw or deposit litter or rubbish in any fountain, pond, wading pool, river, bay, or other body of water in a public place or elsewhere within the Village of Allouez.
- F. LITTER AND RUBBISH ON OCCUPIED PRIVATE PROPERTY. No person shall throw or deposit litter or rubbish on any occupied private property within the Village of Allouez, whether owned by such person or not, except the owner or person in control of private property may maintain authorized private receptacles 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 places or private property.
- G. OWNER TO MAINTAIN PREMISES FREE OF LITTER. The owner or person in control of any private property shall at all times maintain the premises free of litter and rubbish, provided; however, this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- H. LITTER AND RUBBISH ON VACANT LOTS. No person shall throw or deposit litter or animal defecation on any open or vacant private property within the Village of Allouez, whether owned by such person or not.
- I. ANIMAL DEFECATION. No owner or keeper of an animal shall permit an animal to defecate upon property other than of the owner or keeper without immediately removing and disposing defecation.

5.15 PENALTY.

- A. Any person, firm or corporation violating any provision of this Chapter, except Section 5.03C.(4), upon conviction, shall forfeit not less than \$50.00 nor more than \$200.00, and pay the costs of prosecution; or, in the event of failure to pay such forfeiture and costs within the time set by the Court, any such person shall be committed to the Brown County Jail until such forfeiture and costs are paid, but every such commitment shall be for a definite term which shall not exceed 90 days. Each act of violation shall constitute a separate offense.
- B. Any person, firm or corporation convicted of a violation of Section 5.03C.(4) of this Code, shall forfeit a sum of \$50.00 plus costs for each calendar day in which a violation occurs, plus court costs and any other costs of prosecution. This remedy shall be in addition to and

shall not be exclusive of, any and all other remedies of the Village under this or any other Chapter of this Code or as may otherwise be permitted by law.