

AN ORDINANCE TO REGULATE THROWING, DEPOSITING, STORAGE OF LITTER ON PUBLIC AND PRIVATE PROPERTY WITHIN THE CITY OF FOUNTAIN CITY, WISCONSIN

The Common Council of the City of Fountain City does hereby ordain as follows:

ORDINANCE # 22

I. **Repeal:** All the provisions of Ordinance 22 (Entitled An Ordinance to Regulate Garbage Dumping and Rubbish and Refuse Disposal and to Regulate Throwing or Depositing of Rubbish and Refuse in Streets, Alleys, or Highways) of the City of Fountain City, Wisconsin, by and are hereby fully repealed and rendered inapplicable effective Sixty (60) days after the passage and publication of this new ordinance, and in its place the following provisions shall take effect as aforesaid.

II. **Definition:**

1. **Junk:** old or scrap copper, brass, rope, rags, batteries, paper trash, rubber, refrigerators, stoves, household appliances, salvaged building materials, salvaged machinery parts, dismantled or wrecked automobile parts, iron and steel, abandoned manufactured homes and dilapidated travel trailers.
2. **Litter:** means “Junk,” “refuse,” and “rubbish” and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.
3. **Private Property:** means all property not included in the definition of “Public Property” including any yards, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure appurtenant thereto.
4. **Public Property:** means all property owned, operated, or controlled by any governmental agency, including but not limited to streets, sidewalks, parks, playgrounds, parking lots, and other public lands and buildings.
5. **Refuse:** means all organic or inorganic materials liable to decay or decompose and that are worthless, unwanted, rejected, abandoned, or discarded by the owners. These materials include, but are not limited to, corrugated cardboard, paper, wood, rags, used clothing, bedding, carpet, oil cloth and linoleum, sweepings, cuttings, cleanings from buildings yards, lawns, or gardens, bottles, tin cans, broken crockery, glassware, old metal, wire packing or wrapping materials, ashes, trimmings from lawns, shrubs, plants, or trees, rope twine, jute, bagging, burlap, paint and plastic bags.
6. **Rubbish:** means solid wastes not liable to decay or decompose, consisting of both combustible and noncombustible wastes, such as paper, wrappings, dirt, cigarettes, cardboard, tin cans, yard clippings, leaves wood, glass, bedding, crockery and similar wastes.
7. **Yard or Rummage Sale:** means an informal and irregularly scheduled event for the sale of property by a private individual.

III. **Prohibitions:**

1. No person may throw or deposit any litter on any sidewalk, street, alley, or highway located in the City of Fountain City.

2. No person may throw or deposit any litter on any private property located in the City of Fountain City without the consent of the owner.
3. No person or property owner may permit the storage of junk, refuse, or rubbish on private property for a period of time greater than Forty-Eight (48) hours unless contained within an enclosed building or a sealed container meant for the temporary storage of said material so long as it doesn't emit a foul and disagreeable odor detectable from any public or other private property.
4. Trash bags or containers may be on the sidewalk or curb no longer than 24 hours prior to pickup services.

**IV. Exemptions:**

1. No portion of Section (III)(3) above shall be construed to prohibit a property owner to maintain One (1) compost pile consisting of organic material for the purpose of aerobic decomposition. This must be located on private property so as not to permit it to emit a foul or disagreeable odor detectable from any public or other private property.
2. No portion of Section (III) above shall be construed to prohibit a property owner or anyone with consent of the property owner to conduct a Yard or Rummage Sale.

**V. Penalties:**

1. The penalty for a violation of this ordinance shall be \$75.00 for a first violation, \$150.00 for a second violation, and not more than \$2,000 for a third or subsequent violation. All penalties and costs imposed as a result of a violation of any provision of this ordinance and all deposits shall be paid to the Fountain City Clerk-Treasurer, 42 N. Main Street, Fountain City, WI 54629. All persons who make cash deposits to cover payment and penalties and costs imposed for violations of this ordinance shall be given a receipt therefore.

**VI. Enforcement by Citation:**

1. Any person who violates a provision of this ordinance may be issued a citation by a law enforcement officer of the City of Fountain City, the City's Public Works employee, or the Public Works Committee Chair to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

**Revocation of Prior Ordinances:** all ordinances or parts of ordinances in conflict with this ordinance heretofore enacted by the Common Council of Fountain City, Wisconsin, are hereby repealed.

**VII. Effective Date:**

1. This ordinance shall take effect and be in force from and after its passage, posting and/or public action as required by law.

