

State of Wisconsin  
Monroe County  
Town of Wellington  
Ordinance #18.01

***adopted Feb 12, 2018***

Ordinance Regulating Debris, Junk, Solid and Hazardous Waste

SECTION 1. TITLE AND PURPOSE

The Regulating Debris, Junk, Solid and Hazardous Waste ordinance is intended to govern and regulate materials in the Town of Wellington that are deemed to depreciate property values, produce a blighted condition, create a public nuisance or present a threat to public health or safety. This ordinance also describes enforcement procedures and the citation process to be used when individuals have been determined to be in violation of this ordinance.

SECTION 2. EXEMPTIONS

The Town Board may determine that items or materials stored out of public view and/or maintained in such a way so as not to create a public nuisance or a threat to public health or safety are exempt from the provisions of this ordinance.

SECTION 3. DEFINITIONS

“Debris” means any litter, junk, wood, bricks, cement, concrete blocks, or any other unsightly accumulation of items or materials.

“Junk” means scrap metal, metal alloy, wood, concrete, or synthetic or organic material or any junked vehicle, structure, equipment, furniture, appliance, or machinery, or any part thereof. Junk includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable materials.

“Solid Waste” means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, domesticated animal carcasses or other organic materials, boxes, barrels and other containers, tires, and other like materials.

“Hazardous Waste” means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under s. 291.05 (2), Wis. stats.

“Public Nuisance” means a thing, act, occupation, condition, or use of property that continues in the town for such time as to do any of the following:

- Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public.
- In any way, render the public insecure in life or in the use of property.
- Unlawfully and substantially interfere with, obstruct, or attempt to obstruct or render dangerous any highway or other public way or the use of public property.

SECTION 4. ACCUMULATION OF DEBRIS OR JUNK. It shall be unlawful for any person, firm or corporation to store or deposit debris or junk of any kind on or in any highway, right of way, public way or stream within the Town of Wellington. Nor shall any such materials be placed in a manner that can be blown about or scattered by the wind. Debris or junk shall be removed and disposed of appropriately within 30 days of receipt of written notice from a designated Town official.

SECTION 5. HAZARDOUS OR SOLID WASTES. It shall be unlawful to discharge, dispose, store, or treat solid or hazardous waste on private or public lands in the Town of Wellington without appropriate approval, licensing or permitting. Any such practices shall be discontinued, and any such materials properly disposed of, within 30 days of receipt of a written notice from a designated Town official.

SECTION 6. NOXIOUS OR POLLUTED WASTES. It shall be unlawful to dispose of noxious, nauseous, unwholesome, or polluted water and waste on private or public land, including Town highways, in the Town of Wellington. Any such practices shall be discontinued, and any such materials will be properly disposed of, within 30 days of receipt of a written notice from a designated Town official.

SECTION 7. EMISSIONS OF NOXIOUS ODORS. It shall be unlawful to emit noxious odors or gases into the open air on public or private land within the Town of Wellington. Such emissions shall be discontinued within 30 days of receipt of written notice from a designated Town official.

SECTION 8. UNBURIED DOMESTICATED ANIMAL CARCASSES. Unburied domesticated animal carcasses located on private or public land shall be removed or buried in a sanitary manner within 30 days of receipt of written notice from a designated Town official.

#### SECTION 9. NOTICE OF VIOLATION AND CITATION

Notification of non-compliance with the conditions of this ordinance will be made by a letter from a designated Town official to the resident and/or property owner. The letter should contain the following; name and address of the resident / land owner, location of the property, a description of the violation involved, and any corrective actions necessary to abate the violation. If it has been determined that this individual has not taken action to address the Town's concerns within 30 days of receipt of this letter, a citation will be issued.

Citation for a first offense. Any person who violates this ordinance shall, upon conviction, forfeit not less than \$100 and not more than \$500 together with costs of prosecution.

Citation for second and subsequent violations. Any person guilty of violating this ordinance or any person who has previously been convicted of a violation of this ordinance shall, upon conviction, forfeit not less than \$200 and not more than \$1000 together with costs of prosecution.

#### SECTION 10. SEVERABILITY

If any provision of this ordinance or its applications to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance.

#### SECTION 11. EFFECTIVE DATE

This ordinance is effective thirty (30) days from the publication following its adoption by the Town Board. The Town Clerk shall properly publish this ordinance as required by Wis. Statutes as a Class 1 Notice in a newspaper.