

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Regulation of Junk Accumulation

Code Section(s) created, amended, or repealed	<u>11.01</u>
Presented to Board by	<u>Town Clerk</u>
Committee Review by	<u>Ordinance Committee</u>
Date(s) Public Hearing(s) held (if required)	<u>July 17, 2006</u>
Date adopted	<u>July 17, 2006</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>July 21, 2006</u>
Date of publication (if required)	<u>July 22, 2006</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

1. Section 11.01 shall be amended to read as follows:

(1) DEFINITIONS

~~(a) "Junk appliance" means any air conditioner, clothes dryer or washer, dish washer, fan, furnace, refrigerator, stove, water heater or softener, and any other appliance; which is located outside of a dwelling or other enclosed structure, and is incapable of being used for its designed purpose; or has not been used for said purpose for a period of at least 30 days.~~

(a) "Junk" means any old or scrap metal, metal alloy, synthetic or organic material or waste. Junk includes any air conditioner, clothes dryer or washer, dish washer, fan, furnace, refrigerator, stove, water heater or softener, and any other appliance, which is located outside of a dwelling or other enclosed structure, and is incapable of being used for its designed purpose, or has not been used for said purpose for a period of at least 30 days.

(b) "Junk farm machinery" means any combine, harvester, hay bailer, manure spreader, plow, portable storage tank, wagon or wagon frame, and other pieces of equipment, and their components, commonly found in agricultural use; which are inoperable, and stored outside of a barn or similar enclosed structure for a period of at least 90 days.

(c) "Junk vehicle" means any all terrain vehicle (ATV), motor vehicle [as defined in s. 340.01(35), Stats.], motorcycle, recreational vehicle (RV), snowmobile, trailer, truck or truck body, and similar pieces of equipment which are **junked, dismantled**, disassembled, inoperable, **abandoned**, or wrecked, and are incapable of being legally operated on a public highway due to missing or inoperative parts, flat or removed tires, or other defects including lack of a valid registration, and which are stored outside of a garage or similar enclosed structure for a period of at least 30 days.

(d) "Solid waste" has the meaning specified in s., 289.01(33), Stats., ~~and includes "recyclable materials" and "yard waste", as defined in ch. TCG 16.~~ but also includes all garbage, all animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption, rubbish, ashes, debris, industrial wastes, miscellaneous household waste material, combustible and non-combustible material resulting from ordinary mercantile enterprises, boxes, cartons, paper, ashes, tires, cinders, tin cans, wood or metal or plastic refuse, bottles and broken glass, rubber, grass clippings, brush, leaves and garden plants.

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(2) ACCUMULATION OF JUNK PROHIBITED

~~(a) — No person shall allow any material described in (1)(a-d), which may create a safety or health hazard, or by its unsightliness, tend to depreciate property values; to accumulate on their property.~~

(a) No person shall allow any material described in (1)(a)-(1)(d), to accumulate on their property in an unenclosed or unscreened manner, or in a manner which tends to create a safety, sanitary or health hazard, tends to create a rodent or varmint attraction, or by its unsightliness, tends to depreciate property values.

(b) The safe and healthy accumulation of any material described in ~~(1)(a-d)~~ (1)(a)-(1)(d), which is out of the public view; and is in compliance with all other state, county and town regulations is not prohibited by this ordinance.

~~(3) — ENFORCEMENT~~

~~(a) — Where there is an accumulation of junk, in violation of (2); the police department may, by issuance of a municipal citation, order the property owner to clean the premises, place them in order, and make them sightly, within 10 days from the date of the citation.~~

~~(b) — In the event the premises are not cleaned, placed in order, and made sightly in accordance with the terms of the citation, the property owner shall be in violation of this ordinance and subject to the penalties specified in (4).~~

(3) NOTICE OF VIOLATION. If, following an inspection, the Building Inspector, Fire Inspector, or Police Officer determines that there are grounds to believe that a there has been a violation of any provisions of this Ordinance, notice of such violation shall be given to the owner(s) or occupant(s). The notice of violation shall:

(a) Be in writing;

(b) Indicate the nature of the alleged violation(s);

(c) Indicate the time for the correction or abatement of the alleged violation and/or submission of a plan to correct the alleged violation, which time shall not be more than 20 days;

(d) Be served upon the owner or occupant in the following manner:

1. Hand delivered to the owner or occupant by the Building Inspector, Fire Inspector, Police Officer or their designated representative; or
2. Sent by certified mail to the owner's or occupant's last known address, as said address appears on the tax rolls. The certified mail receipt and an affidavit of mailing shall be sufficient evidence of service, which service shall be deemed effective within 5 business days of the date of mailing.

(e) Advise the owner or occupant of the right to request, within 5 business days of the date of service, a hearing before the Town Board and further advise the owner/occupant that the owner/occupant's failure to make such a request shall result in the notice of violation being deemed an order of violation. Such hearing shall be held at the next regular Board meeting, with notice of the hearing date mailed to the owner/occupant's last known address at least 5 days before the

hearing.

(f) At such hearing, the owner or occupant shall have an opportunity to present information and witnesses to the Town Board in order to show cause why such notice of violation should not be issued or should be modified. Upon hearing from the owner or occupant, and from the official who issued the notice of violation (the Building Inspector, Fire Inspector, or Police Officer), the Town Board may act to uphold, reverse or amend the notice of violation. Such action shall be considered a final decision of the Board and constitute an Order of Violation.

(4) NONCOMPLIANCE - REMEDY OF DEFECTS; ABATEMENT

(a) The owner or occupant of the premises shall have the time specified in the order of violation to remedy the violations.

(b) The Building Inspector, Fire Inspector or Police Officer shall, in his or her discretion, have the ability to extend the time for corrections if the circumstances warrant an extension and the owner or occupant is making a good faith effort to correct the violations.

(c) If the owner or occupant, after order of violation, fails or refuses to timely remedy the violations, then the Town, at its sole option, may cause such work to be done. Prior to commencing such work, the Building Inspector, Fire Inspector or Police Officer shall do the following:

1. Provide notice to the owner or occupant that the Town will abate the violations along with an estimate of the approximate dates and times during which abatement will occur; and,
2. Have the Town Clerk certify the approximate cost for any such work done, including reasonable costs for administration and Inspection fees (collectively, "costs of abatement"), and provide notice of same to the owner or occupant.

(d) Following such notice, the owner and/or occupant shall give the persons designated by the Town full access to the land and the exterior of the buildings and structures to abate the violations. Failure of an owner or occupant to permit such access shall constitute a violation of this Ordinance, and may also result in the Town obtaining an injunction from Dane County Circuit Court. Reasonable costs of obtaining the injunction shall be added as administration to the costs of abatement and notice of the additional costs shall be provided to the owner or occupant.

(e) If the owner or occupant fails to pay the costs of abatement within 30 days of the notice from the Town Clerk, interest shall accrue against the balance due at the rate of 1% per month and the total balance due shall become a lien against real estate on the next tax roll in accordance with law.

(5) PENALTY FOR VIOLATION

~~Violations of this ordinance shall be punishable as class B forfeitures, under s. TCG 25.04.~~

(a) In addition to and separate from any of the procedures set forth above, whenever there is violation of this ordinance, the Building Inspector, Fire Inspector or Police Officer may issue the owner or occupant a municipal citation. Violations of this ordinance shall be punishable as class D forfeitures, under s. TCG 25.04. Each day of violation or continuation of a violation shall constitute a separate and distinct violation of this ordinance.

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(6) EFFECTIVE DATE

~~(a) The original ordinance was adopted on 7 Aug 1989.~~

~~(b) This section shall take effect upon passage and publication.~~

The original ordinance was adopted on 7 Aug 1989. The ordinance was amended on _____, 2006.

Adopted this _____ day of _____, 2006.

Kris Hampton, Town Chair

ATTEST:

Kim Banigan, Town Clerk

Approved as to form this
___ day of _____, 2006.

Constance L. Anderson, Esq.
Cottage Grove Town Attorney
Gregory D. Murray, Esq.
Cottage Grove Assistant Town Attorney