

TITLE 4

Public Works

Chapter 1	Grades
Chapter 2	Streets and Sidewalks
Chapter 3	Driveways
Chapter 4	Trees and Shrubs
Chapter 5	City Cemetery
Chapter 6	Recycling

CHAPTER 1

Grades

§ 4-1-1	Establishment of Grades
§ 4-1-2	Alteration of Grade Prohibited

SEC. 4-1-1 ESTABLISHMENT OF GRADES.

- (a) **GRADES TO BE ESTABLISHED.** The grade of all streets, alleys and sidewalks shall be established by resolution of the Common Council and the same recorded by the City Clerk-Treasurer in his office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance, the sidewalks shall be laid to the established grade of the street.
- (b) **NEW SIDEWALK GRADE.** Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction of the sidewalk shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Street Commissioner shall upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established. The cost of furnishing such grade shall be borne by the City.

SEC. 4-1-2 ALTERATION OF GRADE PROHIBITED.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the City of Neillsville by any means whatsoever unless authorized or instructed to do so by the Common Council. All such alterations of grade shall be recorded in the office of the City Clerk-Treasurer or the officer authorizing the alteration.

CHAPTER 2

Streets and Sidewalks

- § 4-2-1 Removal of Rubbish and Dirt From Sidewalks
- § 4-2-2 Sidewalk Construction and Repair
- § 4-2-3 Excavation of Streets, Alleys, Public Ways and Grounds
- § 4-2-4 Regulations Governing Excavations and Openings
- § 4-2-5 Obstructions and Encroachments
- § 4-2-6 Street Privilege Permit
- § 4-2-7 Snow and Ice Removal
- § 4-2-8 Terrace Areas
- § 4-2-9 Vaults

SEC. 4-2-1 REMOVAL OF RUBBISH AND DIRT FROM SIDEWALKS.

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Common Council, the Council may cause the same to be done and report the cost thereof to the City Clerk-Treasurer who shall spread the cost on the tax roll as a special tax against the premises, or such cost may be recovered in an action against the owner or occupant.

SEC. 4-2-2 SIDEWALK CONSTRUCTION AND REPAIR.

- (a) **OWNER TO CONSTRUCT.** It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the City of Neillsville and to pay the entire cost of construction thereof. Whenever the Common Council shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the City of Neillsville, it shall proceed according to Section 66.615 of the Wisconsin Statutes. Sidewalks shall be located in such places as designated by the Common Council.
- (b) **PERMIT REQUIRED.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the City of Neillsville unless he is under contract with the City to do such work or has obtained a permit therefor from the Common Council at least seven (7) days before work is proposed to be undertaken. No fee shall be charged for such permits.
- (c) **SPECIFICATIONS.** All sidewalks within the City of Neillsville hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications:
 - (1) **Subgrade.** The subgrade shall be prepared by excavating to the line, grade and cross section as established by the City Engineer and approved by the Common Council. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Common Council, a sub-base of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.

- (2) Material. All sidewalks shall be of air entrained concrete composed of six (6) bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of good quality. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
- (3) a. Forms. Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two (2) inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats.
b. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be one foot strip of street property left between the property line and the edge of the sidewalk.
- (4) Width and Thickness. Residential walks shall be five (5) feet in width and not less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches; provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this Section. Sidewalks in front of commercial or industrial establishments shall be not less than eight (8) feet in width and five (5) inches in thickness except within driveway approaches where the minimum thickness shall be seven (7) inches.
- (5) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before the final finishing, the surface shall be checked with a ten (10) foot straight edge and any areas departing more than one-eighth (1/8) inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
- (6) Jointing. Transverse, full depth, one-half (1/2) inch thick expansion joints of premolded expansion material shall be located every forty feet and at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least three-eighths (3/8) inch in thickness and five-sixteenths (5/16) inch in depth, shall be placed at intervals of approximately four (4) feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Common Council.
- (7) Curbing and Drying. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause of suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete"

shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather (below 50 degrees F.) for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below 35 degrees F. in any seventy-two (72) hour period or upon frozen subgrade.

- (d) **SIDEWALK REPAIR OR REPLACEMENT.** Pursuant to Sec. 66.615, Wis. Stats., the Common Council may order property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk for a period of twenty (20) days after service of the notice provided in Sec. 66.615(3)(c), Wis. Stats., the Common Council shall repair or construct such sidewalk and the Clerk-Treasurer shall enter the total cost thereof upon the tax roll as a special tax against said lot or parcel of land.
- (e) **UNSAFE SIDEWALKS.** The Common Council may at any time, by ordinance or resolution, order any sidewalk which is unsafe, defective, or insufficient, to be removed and replaced with a sidewalk in accordance with the standard specifications provided for in this Section.
- (f) **CONSTRUCTION CONTRACTS.** All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder unless otherwise provided. Whenever the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed Twenty-five (\$ 25.00) Dollars, the Common Council may have City employees make immediate repairs, without notice or letting the work by contract, and charge the cost thereof to the owner of such lot or parcel of land, in the manner provided in this Section.

SEC. 4-2-3 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUNDS.

- (a) **PERMIT REQUIRED.** No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or City owned easement within the City of Neillsville without a permit therefor from the Director of Public Works.
- (b) **FEE.** The fee for an excavation or opening permit shall be \$ 5.00. The fee shall be paid to the Director of Public works, who shall issue a receipt therefor.
- (c) **INSURANCE REQUIRED.** A permit shall be issued only upon condition that the applicant submit to the Superintendent of Streets or Clerk-Treasurer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$ 100,000 per one person, \$ 300,000 for one accident and property damage coverage of not less than \$ 50,000.
- (d) **BOND.**
 - (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement in that he will indemnify and save harmless the City of Neillsville and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Common Council for a period of two (2) years, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings, or drain laying adopted by the Common

Council and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the City. Such statement shall also guarantee that if the City shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

- (2) The person who does such restoration shall be responsible therefor for two (2) years from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the City in the amount of \$ 1,000.
- (3) Whenever the Common Council shall find that any such work has become defective within two (2) years of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Common Council to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the City for the cost of doing the work as set forth in the notice.

SEC. 4-2-4 REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.

- (a) **FROZEN GROUND.** No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Common Council or Director of Public Works.
- (b) **REMOVAL OF PAVING.** In any opening or excavation all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (c) **PROTECTION OF PUBLIC.**
 - (1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunrise to sunset. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Director of Public Works, no trench shall be excavated more than 250 feet in advance of pipe or conduit laying or left unfilled more than 500 feet where pipe or conduit has been laid.
 - (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the City in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (d) **REPLACING STREET SURFACE.** In opening any public street, public alley, public sidewalk, public way, public easement, or public ground, the paving materials sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Director of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be puddled or laid in layers not more than six (6) inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand

- perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The City may elect to have the opening for any street or sidewalk repaired by the City, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.
- (e) **NOTICE.** It shall be the duty of the permittee to notify the Director of Public Works or Clerk-Treasurer and all public and private individuals, firms and corporations affected by the work to be done at least 24 hours before such work is to commence. The Director of Public Works shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
 - (f) **VALIDITY OF PERMIT.** Unless the work shall be commenced within thirty (30) days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Director of Public Works may extend the time limitation for good cause.
 - (g) **BACKFILLING.** It shall be the duty of the permittee to backfill the opening immediately upon completion of the work and to place at least five (5) inches of traffic bind or similar material in the opening unless otherwise advised by the Director of Public Works. It shall be the duty of the permittee to maintain the opening in good condition for a period of six months after the completion of the work or until the surface has been restored. The Director of Public Works shall decide when within said six (6) months period the opening is ready for paving if a paving surface is required. If the surface is not restored within a period of ten (10) days or such longer period as determined by the Director of Public Works the City may restore the surface and bill the permittee therefor.
 - (h) **EMERGENCY EXCAVATION.** In the event of an emergency any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit, provided that such person firm or corporation shall apply for an excavation permit not later than the next business day.
 - (i) **EXCAVATION IN NEW STREETS LIMITED.** Whenever the Common Council determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Common Council, the Director of Public Works shall notify in writing each person, utility, City department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the Common Council an emergency exists which makes it absolutely essential that the permit be issued.
 - (j) **APPLICATION FOR PERMIT.** The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Director of Public Works, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Director of Public Works shall determine if sufficient information is submitted.
 - (k) **EXCEPTION.** The provisions of this Section shall not apply to excavation work done under the direction of the Director of Public Works by City employees or contractors performing work under contract with the City except that the safety precautions under Subsection (c) hereof shall be complied with.

SEC. 4-2-5 OBSTRUCTIONS AND ENCROACHMENTS.

- (a) **OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds, or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection (b).
- (b) **EXCEPTIONS.** The prohibition of subsection (a) shall not apply to the following:
- (1) Signs or clocks attached to buildings which project no more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street, or alley.
 - (2) Awnings now built and extending over any sidewalk at a height of less than six feet six inches (6' 6") above the sidewalk; all awnings hereafter erected over any public sidewalks shall be at least seven feet six inches (7' 6") at the lowest point above the sidewalk over which they extend.
 - (3) Public utility encroachments duly authorized by State Law or by the Common Council.
 - (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three (3) hours.
 - (5) Temporary encroachments or obstructions authorized by permit under Section 4-2-6 of this Section pursuant to Sec. 66.045, Wis. Stats.
 - (6) Building materials for the period authorized by the Common Council which shall not obstruct more than one-half of the sidewalk or more than one-third of the traveled portion of the street, and which do not interfere with flow in the gutters.
 - (7) Excavations and openings permitted under Sections 4-2-3 and 4-2-4 of this Code.

SEC. 4-2-6 STREET PRIVILEGE PERMIT.

- (a) **WHEN REQUIRED.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the City may be granted to applicants by the Common Council for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by this Code.
- (b) **BOND.** No street privilege permit shall be issued until the applicant shall execute and file with the City Clerk-Treasurer a bond in an amount determined by the Common Council, conditioned that the applicant will indemnify and save harmless the City of Neillsville from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the City resulting from such building or moving operations.
- (c) **FEE.** The fee for a street privilege permit shall be in the sum of \$ 5.00.
- (d) **CONDITIONS OF OCCUPANCY.** The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Common Council for violation thereof:
- (1) Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.

- (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
- (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
- (4) The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Common Council, shall continued during all hours of the day and night.
- (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
- (6) Buildings shall be moved only in accordance with the route prescribed by the Common Council.
- (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- (e) **TERMINATION.** All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Common Council.
- (f) **REMOVAL BY CITY.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Common Council to do so, it shall be the duty of the Common Council to remove such obstruction and make return of the costs and expenses thereof to the City Clerk-Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructing sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

SEC. 4-2-7 SNOW AND ICE REMOVAL.

- (a) **OWNER'S RESPONSIBILITY.** The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the City of Neillsville fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot, as the case may be, of snow or ice to the width of such sidewalk within 24 hours of the snow fall, and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, sawdust or sand; provided also, that in case snow shall continue to fall for more than 24 hours, then it shall be removed once each 24 hour period and within 24 hours after it shall cease to fall.
- (b) **DEPOSIT OF SNOW ON STREETS OR SIDEWALKS.** No person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the City, provided, however, that the removal of snow from a sidewalk in front of or abutting his premises, as is required by Subsection (a), may be deposited on the alley or street. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.
- (c) **PENALTY.** In any case where the owner, occupant, or person in charge of any building or structure or unoccupied lot shall fail to clear their respective sidewalks of snow and ice as set forth above, or for a violation of Subsection (b), the City may elect as follows:
 - (1) Written notice shall be personally served, delivered or mailed by Certified Mail informing said person of his or her failure to clear his or her sidewalk or of the wrongful deposit of snow cleared from his or her premises, the City's intention to clear said sidewalk or wrongful deposit, and the potential costs thereof, no less than twenty-four (24) hours prior to the City's clearing of said sidewalk or wrongful deposit of snow or ice.

- (2) The City shall clear or cause to be cleared all snow and ice from the subject's sidewalk and/or the clearing of any wrongful deposit as prohibited in Subsection (b), and shall charge the expenses of so doing at a rate to be set from time to time by the Common Council. The charges shall be set forth in a statement to the City Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the statement shall be reported to the City Clerk-Treasurer, who shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Section 66.615(3)(f), Wisconsin Statutes.
- (d) **ALTERNATIVE OR ADDITIONAL PENALTY.** As an alternative to the remedy provided in Subsection (c) above, or in addition thereto, the City may impose a penalty for violation of any provision of this Section, providing that the person who violates any of the provisions of this Section shall forfeit and pay to the City of Neillsville a forfeiture of not less than \$ 25.00 nor more than \$ 500.00, together with the costs of prosecution for each offense. A separate offense shall be deemed committed during each day (24 hours) or part thereof during which a violation occurs or continues.

State Law Reference: Sections 66.60(16) and 66.615(3)(f) and (5), Wis. Stats.

Recreated: Ord. 866, 3/11/86

§ 4-2-7(c)(2) - Recreated: Ord. 932, 11/28/95

§ 4-2-7(a) - Amended: Ord. 1059, 11/26/19

SEC. 4-2-8 TERRACE AREAS.

- (a) **DEFINITION.** The definition of "terrace" shall be as defined in Section 4-4-2(f).
- (b) **NOXIOUS WEEDS; PAVING.** That part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants, and shall be maintained as a lawn, except in areas specifically approved by the Common Council or its designee.
- (c) **RESPONSIBILITY TO MAINTAIN.** Every owner of land in the city whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.
- (d) **STREET RIGHTS OF WAY.** Any tree, shrub, hedge, fence or other obstruction planted or constructed within the right-of-way of any City street shall be done at the property owner's risk and shall be in accordance with the provisions of Title 4, Chapter 4. In the event any street is widened or sidewalk constructed, any such planting or obstruction shall be removed at the property owner's expense.

Cross Reference: Title 4, Chapter 4.

SEC. 4-2-9 VAULTS.

All vaults under sidewalks in the City shall be constructed of brick, concrete block, or poured concrete. The surface opening into the street shall be within three (3) feet of the outer edge of the sidewalk, or the curb. The slab over such vault shall be able to withstand a load of two hundred fifty (250) pounds per square foot of slab area. The owner of any lot or parcel of land adjoining such vault shall maintain such vault and slab over in a safe condition and at his own expense.

CHAPTER 3

Driveways

- § 4-3-1 Driveways
- § 4-3-2 Permittee Liable for Damage or Injury

SEC. 4-3-1 DRIVEWAYS.

- (a) **PERMIT REQUIRED.** Unless otherwise especially permitted by resolution of the Common Council, upon written application giving the reason therefor, no person shall construct, repair or reconstruct any driveway across or through any sidewalk or curbing without having first obtained a permit from the Director of Public Works for which a fee in the sum of Five (\$ 5.00) Dollars shall be charged. Such permit shall be issued upon an application form provided by the City and shall contain such information as the Common Council shall deem necessary.
- (b) **INSTALLATION REQUIREMENTS.**
 - (1) No driveway shall exceed twenty (20) feet in width at the outer or street edge of the sidewalk except by special resolution of the Common Council.
 - (2) No driveway shall be closer than ten (10) feet to extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Common Council for effective traffic control or for highway signs or signals.
 - (3) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be so constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way. When required by the Common Council so as to provide for adequate surface water drainage along the abutting street, the property owner shall provide any necessary culvert pipe at such owner's expense.
 - (4) No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without the impairment of safety, convenience and utility of the street by the Common Council. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Common Council, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Common Council necessary before any utility may be relocated and the driveway installed.
 - (5) **Workmanship and Materials.** All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Section 4-2-2(c) of this code insofar as such requirements are applicable, including thickness requirements in Section 4-2-2(c).
- (c) **PERMIT APPLICATIONS.** Permit applications shall be made at least twenty-four (24) hours in advance of intended installation but this shall not be deemed to be a limitation of time within which a permit must be granted, and the Director of Public Works shall have such time as reasonably necessary for examination and consideration of any application before granting the permit, subject always to specific direction of the Common Council.

SEC. 4-3-2 PERMITTEE LIABLE FOR DAMAGE OR INJURY.

The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new construction shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.

CHAPTER 4

Trees and Shrubs

- § 4-4-1 Statement of Policy and Applicability of Chapter
- § 4-4-2 Definitions
- § 4-4-3 Authority of City Forester to Enter Private Premises
- § 4-4-4 Interference with City Forester Prohibited
- § 4-4-5 Abatement of Public Nuisances
- § 4-4-6 Assessment of Costs of Abatement
- § 4-4-7 Permit for Planting, Maintenance and Removal of Trees and Shrubs
- § 4-4-8 Planting of Trees and Shrubs
- § 4-4-9 Trimming
- § 4-4-10 Obstruction of View at Intersections Prohibited
- § 4-4-11 Removal of Trees and Shrubs
- § 4-4-12 Cost of Planting, Removal, Maintenance and Protection of Trees and Shrubs in Terrace Areas
- § 4-4-13 Injury to Trees and Shrubs Prohibited
- § 4-4-14 Appeal from Determinations and Orders
- § 4-4-15 Adoption of State Statutes

SEC. 4-4-1 STATEMENT OF POLICY AND APPLICABILITY OF CHAPTER.

- (a) **INTENT AND PURPOSE.** It is the policy of the City to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the City to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the City; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the City against the spread of disease, insects or pests.
- (b) The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

SEC. 4-4-2 DEFINITIONS.

Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

- (a) **PERSON.** "Person" shall mean person, firm, association or corporation.
- (b) **CITY.** "City" is the City of Neillsville, Wisconsin.
- (c) **PUBLIC AREAS.** "Public Areas" includes all public parks and other lands owned, controlled or leased by the City except the terrace areas.
- (d) **PUBLIC TREES AND SHRUBS.** "Public Trees and Shrubs" means all trees and shrubs located or to be planted in or upon public areas.
- (e) **PUBLIC NUISANCE.** "Public Nuisance" means any tree or shrub or part thereof which by reason of its condition interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.
- (f) **TERRACE AREAS.** "Terrace Areas" means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a terrace for the purpose of this Chapter.

- (g) CLEAR-SIGHT TRIANGLE. "Clear-Sight Triangle" means a triangle formed by the curb lines of two intersecting right-of-ways and a third line connecting a full-view zone at corners of streets, alleys and highways.
- (h) MAJOR ALTERATION. Trimming a tree beyond necessary trimming to comply with this Chapter.
- (i) SHRUBS. "Shrub" shall mean any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (j) TREE. "Tree" shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.

SEC. 4-4-3 AUTHORITY OF CITY FORESTER TO ENTER PRIVATE PREMISES.

- (a) The City Forester shall be a City official or employee designated by the Mayor, subject to Council confirmation.
- (b) The City Forester or his authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Chapter.

SEC. 4-4-4 INTERFERENCE WITH THE CITY FORESTER PROHIBITED.

No person shall interfere with the City Forester or his authorized representative while they are engaged in carrying out any work or activities authorized by this Chapter.

SEC. 4-4-5 ABATEMENT OF PUBLIC NUISANCES.

- (a) DEFINITIONS. The following are hereby declared public nuisances under this ordinance.
 - (1) Any tree, woody shrub, or other plant, whether located on city-owned property or
 - a. Which harbors insects or diseases which reasonably may be expected to injure
 - b. Which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street light.
 - c. Which dangerously obstructs the view of traffic at any intersection or traffic
 - d. Which have Dutch Elm Disease, which is defined as follows:
 - 1. Any living or standing elm tree or part thereof infected with Dutch Elm Disease fungus *Ceratocystis ulmi* (buisman) or which harbors any of the elm bark beetle *Scolytus multistriatus* (Eich.) or *Hurgopinus rufipes* (Marsh.).
 - 2. Any dead elm or part thereof, including logs, branches, stumps, firewood or other elm material not buried, burned or from which the bark has not been removed.
- (b) ABATEMENT. The following are the prescribed means of abating public nuisances under
 - (1) Any public nuisance under this ordinance which is located on city owned property shall be pruned, removed or otherwise treated by the City Forester in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.
 - (2) In the event the nuisance is not abated by the date specified in the nuisance notification, the City Forester is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located.
 - (3) Any public nuisance under this ordinance which is located on private property shall be pruned, removed or otherwise treated by the property owner or his/her agent in

this or

whate

- owner may be found guilty of violating this provision unless the following
- a. The City Forester shall cause a written notice to be personally serviced or sent
 - b. Such notice shall describe the kind of tree, woody shrub, or other plant or plant part which has been declared to be a public nuisance; its location on the property; and the reason for declaring it a nuisance.
 - c. Such notice shall describe by legal description or by street address the premises.
 - d. Such notice shall state the actions the property owner may undertake to abate
 - e. Such notice shall require the elimination of the nuisance no less than 30 days

requir

Recreated: Ord. 957, 9/22/98

§ 4-4-5(a)(1)(d) - Renumbered: Ord. 957, 9/22/98

SEC. 4-4-6 ASSESSMENT OF COSTS OF ABATEMENT.

- (a) The entire cost of abating any public nuisance as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with section 66.60(16) or section 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park or public grounds shall be borne by the City.
- (b) A special tax may be levied against property for the cutting down and removing there from any nuisance tree or shrub. The special tax may be paid in yearly installments not exceeding four (4) yearly installments if the property owner requests in writing the privilege of paying the special tax in installments. Interest on the deferred payments shall be at the rate of 10% on the unpaid balance.

§ 4-4-6(b) - Amended: Ord. 957, 9/22/98

SEC. 4-4-7 PERMIT FOR PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS.

- (a) **PERMIT REQUIRED.** No person, except upon order of the City Forester, shall plant or remove, or do major alterations as determined by the Forester on a tree or shrub in the public right-of-way terrace area or any public area or cause such act to be done by others without first obtaining a written permit for such work from the City Clerk-Treasurer as herein provided.
- (b) **PERMIT EXEMPTIONS.** No permit shall be required to weed, fertilize or water trees or shrubs. No permit is necessary to plant trees inside the property line.
- (c) **PERMIT REQUIREMENTS AND CONDITIONS.** If the City Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Chapter taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and street lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological need of the genus, species and variety of tree or shrub, he shall have the Clerk-Treasurer issue a permit to the applicant.
- (d) **PERMIT FORM; EXPIRATION, INSPECTION.** Every permit shall be issued by the City Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this Chapter. Permits issued under this section shall expire six months after date of issuance. There will be no charge for this permit.

(e) **PERMITS TO PUBLIC UTILITIES.**

- (1) Whenever a permit is issued under this Section to a public utility to remove, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the City Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual City rate.
- (2) A public utility may secure an annual working agreement with the City Forester's office which gives the City Forester the authorization to supervise and direct work done associated with trees and shrubs.

SEC. 4-4-8 PLANTING OF TREES AND SHRUBS.

(a) **PLANTING.**

- (1) The size and genus, species and variety of trees and shrubs to be planted in public areas and the manner of planting shall be submitted to the City Forester for approval before commencement of such work as a part of the permit application process required in Section 4-4-7.
- (2) There shall be a minimum distance of 16 feet and a recommended distance of 25 to 50 feet between terrace area trees depending upon the size of tree and other factors. Terrace trees shall be planted equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than four feet wide planting will not be permitted.
- (3) Pine or fir trees shall not be planted in a terrace area.
- (4) It shall be unlawful to plant or maintain shrubbery, ground cover, or other plants within terrace areas whose growth is in excess of eight inches in height above the top of the nearest curb.
- (5) No person shall plant or maintain within the City of Neillsville any tree not approved by the tree committee or the City Forester. The Common Council shall cause the removal of any tree planted in violation of this subsection.

- (b) **UNLAWFULLY PLANTED TREES.** Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the City may remove such trees, plants or shrubs and assess the costs thereof to the owner.

§ 4-4-8(a) - Amended: Ord. 957, 9/22/98

§ 4-4-8(b) - Renumbered: Ord. 957, 9/22/98

§ 4-4-7(b) - Amended: Ord. 957, 9/22/98

SEC. 4-4-9 TRIMMING.

- (a) Trees and shrubs standing in or upon any terrace area, public areas, or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The City Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
- (b) The necessity of the pruning may be determined by the City Forester. On private land the owner is responsible for pruning. On public/city owned property, the Public Works Department is responsible for pruning.
- (c) Clearance from sidewalk to lower branches shall not be less than ten (10) feet.

§ 4-4-9(b) - Amended: Ord. 957, 9/22/98

SEC. 4-4-10 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR
VIEW OF TRAFFIC SIGNS.

- (a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the City, any hedge, tree, shrub, or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (b) It is unlawful for any person to plant, cause to grow, allow to grow, or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the City. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign, shall be deemed to be dangerous to public travel and the Forester shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the City to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.

SEC. 4-4-11 REMOVAL OF TREES AND STUMPS.

- (a) **DANGEROUS, OBSTRUCTIVE AND INFECTED TREES.** Any tree or part thereof, whether alive or dead, which the City Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the City, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The City Forester, subject to Section 4-4-15, shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than twenty-four (24) hours nor more than fourteen (14) days as determined by the City Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the City Forester shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the City Clerk-Treasurer who shall thereupon enter the cost as a special charge against the property.
- (b) In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out to a depth of at least nine inches below grade measured in a straight line; normal grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable.
- (c) **DISPOSAL OF WOOD.** Owners of property adjacent to the area where a tree is removed by the City shall have a right of first refusal on keeping the wood for personal use, provided that the wood is not diseased and is removed as quickly as possible to eliminate any danger to the public safety.

SEC. 4-4-12 COST OF PLANTING, REMOVAL, MAINTENANCE AND PROTECTION OF
TREES AND SHRUBS IN TERRACE AREAS.

The entire cost of planting, removal, nuisance tree removal, maintenance and protection of trees and shrubs on all terrace areas in the City shall be borne by the abutting property owner, or as determined by the Common Council.

SEC. 4-4-13 INJURY TO TREES AND SHRUBS PROHIBITED.

- (a) No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the City Forester in the case of a terrace area tree, public tree or shrub do or cause to be done by others any of the following acts:
 - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around, or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other device to any tree; except that the City may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades.
 - (6) Cause or encourage any fire or burning near or around any tree.
- (b) All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten feet from any public tree without a permit from the City Forester.

SEC. 4-4-14 APPEAL FROM DETERMINATIONS OR ORDERS.

Any person who receives a determination or order under this Chapter from the City Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Chapter 68, Wis. Stats., to the Common Council within seven (7) days of receipt of the order and the Common Council shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing the Common Council may reverse, affirm, or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Common Council shall by letter notify the party appealing the order or determination of its decision within 10 days after the hearing has been concluded and file its written decision with the City Clerk-Treasurer.

SEC. 4-4-15 ADOPTION OF STATE STATUTES.

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

State Law Reference: Sections 27.09 and 86.03, Wis. Stats.

CHAPTER 5

City Cemetery

- § 4-5-1 Policy Statement
- § 4-5-2 Platting of New Cemetery Lots
- § 4-5-3 Purchase of Lots
- § 4-5-4 Ownership Rights of Interment
- § 4-5-5 Care of Lots
- § 4-5-6 Privileges and Restrictions
- § 4-5-7 Rules for Visitors
- § 4-5-8 Interments
- § 4-5-9 Monuments and Markers
- § 4-5-10 Vaults and Mausoleums
- § 4-5-11 Trees, Shrubs and Flowers
- § 4-5-12 Miscellaneous

SEC. 4-5-1 POLICY STATEMENT.

The Neillsville City Cemetery is owned and maintained by the City for the benefit of all citizens. Definite rules and regulations must be set up by the Common Council to insure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth in the ordinances of this Chapter to govern the cemetery. The City reserves the right to amend or change any of these ordinances to conform with newly developed cemetery practices. However, before such change is made, a public hearing shall be held thereon before the Common Council and a notice thereof shall be published in the official City newspaper at least seven (7) days prior to such hearing.

SEC. 4-5-2 PLATTING OF NEW CEMETERY LOTS.

- (a) **PLATTING.** Before any new block of a municipal cemetery is opened for the sale of lots, the Board of Cemetery Commissioners shall cause it to be platted and recorded in the office of the Register of Deeds.
- (b) **SINGLE GRAVE SECTION.** The Cemetery Commission shall designate certain lots as a single grave section, and lots therein shall be platted and sold as single grave lots. Unused portions of lots repossessed for nonpayment of assessments for care may likewise be designated and sold as single graves or otherwise.

SEC. 4-5-3 PURCHASE OF LOTS.

- (a) **PRICE OF LOTS.** The Board of Cemetery Commissioners shall from time to time fix a price on all lots to be sold in the municipal cemetery.
- (b) **SALE OF LOTS.** Persons or their agents desiring to purchase a lot in the cemetery are referred to the Cemetery Sexton or to his duly authorized agent. The Sexton will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Sexton will issue a lot order to the prospective purchaser, or his agent, who will present the order at the office of

the City Clerk-Treasurer. Upon receipt of proper payment, the City Clerk-Treasurer shall issue a deed to the lot in the form prescribed by the City Attorney. The deed shall be signed by the City Clerk-Treasurer and Mayor and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the County Register of Deeds.

SEC. 4-5-4 OWNERSHIP RIGHTS OF INTERMENT.

- (a)
 - (1) The lot owner or his authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of the cemetery rules and regulations.
 - (2) Upon full payment of the purchase price of a lot, the City Clerk-Treasurer will issue a cemetery deed, under seal, and the deed will be recorded in the records of the City as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the City, will not thereafter be divided except by consent of the City. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.
 - (3) All repossessed vacant grave spaces shall be subject to the same fees and charges.
 - (4) The lot owner shall have acquired the lot for interment of himself and members of his family. However, the lot owner may grant written permission (which must be notarized and placed on file with the City Clerk-Treasurer for the burial of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein, or a relative, or the husband, or wife of such person, or his or her relative, except by the consent of all persons having an interest in the lot.
- (b) Unless otherwise directed in writing and filed with City Clerk-Treasurer, the lot owner, his devisees, or his heirs, the cemetery will permit the interment of members of his family at the request of any interested person upon proof of eligibility for burial as follows:
 - (1) The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
 - (2) When there is no surviving spouse, the devisees, or heirs of the owners, may by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the City Clerk-Treasurer.
 - (3) In the event the owner, his devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner, shall have the right to interment in order of their need.
- (c) All burial rights in cemetery lots purchased from the City occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of lots. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the City Clerk-Treasurer before the City will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the cemetery lots and devise same to one person.
- (d) Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
 - (1) The City Clerk-Treasurer shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be

received and recorded by the Clerk-Treasurer until a fee of Five (\$5.00) Dollars has been paid therefor.

- (2) Said fee shall go into the general municipal fund.
 - (3) Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the City Clerk-Treasurer, the same to be approved by the Common Council. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.
- (e) Whenever possible, repossessed lots will be used for burials before new areas of the cemetery are used or platted.

SEC. 4-5-5 CARE OF LOTS.

- (a) In order to assure reliable means for permanent care, a perpetual care fund is created. Income from this fund will provide partial maintenance costs of the cemetery. All lots sold in municipal cemeteries shall be provided with perpetual care services, the expense to be included in the price of the lot. A record shall be kept on file in the office of the Clerk-Treasurer of the City. The fund may also be increased by gifts, bequests, a portion of memorial charges, and other service revenues.
- (b) "Perpetual care" shall be construed to mean the obligation which the City assumes to use the net annual income received from the investments of the fund, in furnishing such care as is furnished similarly endowed lots in the cemetery. Such perpetual care shall be limited to the maintenance of lawn, leaf disposal, filling sunken graves and raising of markers, caring for avenues, alleys, fences, buildings, and grounds in general. It is understood that such expenditures shall be made at the discretion of the City. The City shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the same shall be added to the perpetual care fund of the City and the proceeds therefrom used by the City in the manner as heretofore provided. Nothing herein shall be construed as obligating the City as to any alleged existing contract as to perpetual care.

SEC. 4-5-6 PRIVILEGES AND RESTRICTIONS.

- (a) No mound shall be raised upon any grave above the general level of the lot.
- (b) No hedges, fences, or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans and other such objects may not be placed on lots and if so placed, will be removed by the City without notice. Urns are not permitted on lots sold after the passage of the ordinance codified herein. Existing urns shall be removed by the City as they become unsightly or deteriorated and shall not be replaced. However, before such an urn is destroyed or discarded, the last owner of record of the lot shall be notified by registered or certified mail with return receipt requested that such urn has been removed from the grave and will be destroyed unless the owner thereof claims same within thirty (30) days after mailing of such letter.
- (c) All landscaping, care of lots, and other work in the cemetery will be done by the City, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. Their advice will be cheerfully given without charge and may be of much value to those contemplating the purchase of or improvements to cemetery lots.

- (d) The City reserves the right for its workmen and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.
- (e) The City, or its employees, assumes no liability for damages to property or of person, or for physical or mental suffering arising out of the performance of its normal operations; or for loss by vandalism or other acts beyond its reasonable control.
- (f) The City reserves the right to alter, change or close alleys, roadways, water mains, and other physical public properties of the cemetery.

SEC. 4-5-7 RULES FOR VISITORS.

- (a) The cemetery will be open to visitors at all times between the hours of 8:00 a.m. and one-half hour after the official sunset. Permission to enter the cemetery at any other time must be obtained from the Sexton or the Police Department.
- (b) Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
- (c) Persons or picnic parties with refreshments or alcoholic beverages are not permitted within any municipal cemetery.
- (d) Dogs will only be allowed in the cemetery when confined in a vehicle.
- (e) Firearms will not be allowed in the cemetery except in conjunction with military funerals. At all other times firearms, bows and arrows, sling shots and other like articles will not be allowed.
- (f) Visitors are required to use the walks and drives whenever possible, and shall not pick any flowers (either wild or cultivated); injure any shrub, tree, or plant; or mar or deface any monument, stone or structure in the cemetery.
- (g) Vehicles traveling within the cemetery shall not exceed fifteen (15) miles per hour. No vehicle shall be driven except on roads designated for that purpose, nor shall such be driven in a reckless manner.
- (h) No riding of bicycles, motor bikes, motorcycles, or other such vehicles will be allowed in the cemetery unless such vehicles are present in conjunction with cemetery business.

SEC. 4-5-8 INTERMENTS.

- (a) Interments will be made only during daylight hours.
- (b) All interments shall be made in a permanent outer container excluding the use of wood.
- (c) All graves shall be dug at no cost to the City but shall be under the direction of the Sexton or his authorized agent. Depth of graves shall conform to the Wisconsin State Board of Health specifications.
- (d) No burial will be permitted until a legal burial transit permit has been presented to the Sexton. The interment of bodies of persons who have died of contagious disease shall be in strict accordance with the rules of the State Board of Health.
- (e) There will be no responsibility on the part of the City for the protection and maintenance of flowers, wreaths, emblems, etc. used in conjunction with funerals.
- (f) The interment of one body per grave shall be the rule of the cemetery except in the following circumstances:
 - (1) Two (2) remains from cremation shall be allowed in one grave with one (1) headstone or two (2) flat markers to be placed only in line with other stones.
 - (2) One (1) adult and two (2) children shall be allowed in one grave, with one (1) headstone and two (2) flat markers to be placed only in line with other stones.
 - (3) All cremations shall be placed in permanent outer container excluding the use of wood.

SEC. 4-5-9 MONUMENTS AND MARKERS.

- (a) Grave markers and foundations will be set only by the monument company according to regulations specified by the City. Except as herein otherwise provided, under no conditions will the City construct monument or marker bases or erect monument or markers on bases. The City reserves the right to require the construction of a foundation of such size, material, and design as will provide ample insurance against settlement or injury to the stone work. The top of the concrete foundation will be constructed flush with the ground line. Whenever possible, all markers will be set with a five (5) inch margin. A permit shall be available from the office of the Sexton or his assistant.
- (b) The setting of monuments, stones, and markers and the transportation of all tools, materials, etc., within the cemetery ground shall be subject to the supervision and control of the Sexton. Unless special arrangements are made with the Sexton, such work shall be conducted between the hours of 8:00 a.m. and 4:00 p.m. Mondays through Fridays except on national holidays. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Sexton, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.
- (c) The City reserves the right to refuse permission to erect any monument work not in keeping with the good appearance of the grounds. The size of the monument and/or stone work must be given to the Sexton or his agent and approved before said work will be permitted on a lot. All monuments must be set in line with other monuments so far as possible as directed by the Cemetery Sexton or his assistant.
- (d) Stone work or monumental work, once placed on its foundation, shall not be removed, except by permission of the cemetery Sexton.
- (e) The lot must be paid in full or other assurance given of payment before markers and monuments are set.
- (f) Temporary markers must be removed or replaced with a permanent marker within one (1) year.

SEC. 4-5-10 VAULTS AND MAUSOLEUMS.

Construction of vaults and mausoleums is prohibited.

SEC. 4-5-11 TREES, SHRUBS AND FLOWERS.

- (a) The planting of trees and shrubs on newly purchased lots or parts of lots will not be permitted except by approval of the Sexton.
- (b) Lot owners may remove under the direction of the Sexton large trees on grave sites that hinder the full usage of the grave site. The expense of the tree and stump removal will be paid for by the lot owners.
- (c) Fresh cut flowers may be used anytime. Containers for cut flowers are to be a type level with the ground surface and not holding water when not in use; or of the type to be disposed of when flowers are removed.
- (d) Potted plants may be set on lots, without disturbing the sod, on special occasions, such as Memorial Day, birthday, anniversary, etc., but if not removed within five (5) days, will be picked up and destroyed if unsightly, or preserved for use in beds within the cemetery if suitable.
- (e) Artificial decorations are prohibited unless in a vase or pot and when used will be treated as potted plants.

- (f) Individual flower beds of growing plants are permitted but must be of a reasonable size. In case of doubt, the cemetery Sexton should be consulted. If these beds are not maintained and when they become unsightly or undesirable, they will be removed by the City.
- (g) Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the Sexton or under his direction.
- (h) Vines that interfere with the proper care of lots or graves and injure the grass will be removed when found objectionable.

SEC. 4-5-12 MISCELLANEOUS.

- (a) It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire cemetery.
- (b) All fees and charges as outlined in the current schedule of fees and charges are payable at the office of the City Clerk-Treasurer, where receipts will be issued for the amounts paid.
- (c) A schedule of the fees and charges, as established by the City Council, shall be on file in the office of the City Clerk-Treasurer. Such schedule may change from time to time without advance notice to conform with current economic conditions.

CHAPTER 6

Recycling

- § 4-6-1 Title
- § 4-6-2 Purpose
- § 4-6-3 Statutory Authority
- § 4-6-4 Abrogation and Greater Restrictions
- § 4-6-5 Interpretation
- § 4-6-6 Severability
- § 4-6-7 Applicability
- § 4-6-8 Administration
- § 4-6-9 Effective Date
- § 4-6-10 Definitions
- § 4-6-11 Separation of Recyclable Materials
- § 4-6-12 Separation Requirements Exempted
- § 4-6-13 Care of Separated Recyclable Materials
- § 4-6-14 Management of Lead Acid Batteries, Major Appliances, Waste Oil,
Yard Waste and Residential and Commercial Furnaces, Boilers, Dehumidifiers,
Water Heaters and Microwaves
- § 4-6-15 Preparation and Collection of Recyclable Materials
- § 4-6-16 Responsibilities of Owners or Designated Agents of
Multiple Family Dwellings
- § 4-6-17 Responsibilities of Owners or Designated Agents of
Non-Residential Facilities and Properties
- § 4-6-18 Prohibitions on Disposal of Recyclable Materials Separated for Recycling
- § 4-6-19 Enforcement
- § 4-6-20 Time of Collection
- § 4-6-21 Proper Disposal of Garbage

SEC. 4-6-1 TITLE.

Recycling Ordinance for the City of Neillsville

SEC. 4-6-2 PURPOSE.

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Sec. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

Amended: Ord. 1017, 2/12/08

SEC. 4-6-3 STATUTORY AUTHORITY.

This ordinance is adopted as authorized under Sec. 287.09(3)(b), Wis. Stats.

Amended: Ord. 1017, 1/12/08

SEC. 4-6-4 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

SEC. 4-6-5 INTERPRETATION.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance.

SEC. 4-6-6 SEVERABILITY.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SEC. 4-6-7 APPLICABILITY.

The requirements of this ordinance apply to all persons within the boundaries of the City of Neillsville, Clark County, Wisconsin.

SEC. 4-6-8 ADMINISTRATION.

The provisions of this ordinance shall be administered by the Director of Public Works of the City of Neillsville.

SEC. 4-6-9 EFFECTIVE DATE.

The provisions of this ordinance shall take effect on January 1, 1995 or upon publication of the ordinance, unless a later date is specified in the ordinance.

SEC. 4-6-10 DEFINITIONS.

For the purpose of this ordinance:

- (a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (1) Is designed for serving food or beverages.
 - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (d) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (e) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (f) "Magazines" means magazines and other materials printed on similar paper.
- (g) "Major appliance" means residential or commercial air conditioners, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (unless capacitor is removed), refrigerator, stove, residential and commercial furnaces, boilers, dehumidifier and water heaters.
- (h) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (i) "Newspaper" means a newspaper and other materials printed on newsprint.
- (j) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (k) "Office paper" means 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.
- (l) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (m) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- (n) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (o) "Plastic container" means 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.
- (p) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 291.01(7), Wis. Stats., waste from construction and demolition of structure, scrap automobiles, or high-volume industrial waste, as defined in Sec. 289.01(17), Wis. Stats.
- (q) "PP" means polypropylene, labeled by the SPI code #5.
- (r) "PS" means polystyrene, labeled by the SPI code #6.
- (s) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (t) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (u) "Solid waste" has the meaning specified in Sec. 289.01(33), Wis. Stats.
- (v) "Solid waste facility" has the meaning specified in Sec. 289.01(35), Wis. Stats.

- (w) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (x) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (y) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (z) "Disposer" means any person disposing of solid waste materials.
- (aa) "Generator" means any person producing solid waste material for disposal or recycling.

Amended: Ord. 1017, 2/12/08

SEC. 4-6-11 SEPARATION OF RECYCLABLE MATERIALS.

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

SEC. 4-6-12 SEPARATION REQUIREMENTS EXEMPTED.

The separation requirements of Sec. 4-6-11 do not apply to the following:

- (a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Sec. 4-6-11 from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

- (c) A recyclable material specified in Sec. 4-6-11(e) through (o) for which a variance has been granted by the Department of Natural Resources under Sec. 287.11(2m), Wis. Stats., or Sec. NR 544.14, Wis. Administrative Code.

Amended: Ord. 1017, 2/12/08

SEC. 4-6-13 CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with Sec.4-6-11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Amended: Ord.. 1017, 2/12/08

SEC. 4-6-14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, YARD WASTE AND RESIDENTIAL AND COMMERCIAL FURNACES, BOILERS, DEHUMIDIFIERS, WATER HEATERS AND MICROWAVES.

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (a) Waste Oil - The City shall, until further order of the Common Council, accept waste oil at the recycling center.
- (b) Yard Waste - The City shall, until further order of the Common Council, accept yard waste at the City compost receiving area.
- (c) Lead Acid Batteries and Major Appliances - Persons covered by this section shall arrange for the proper disposal of lead acid batteries and major appliances with an authorized disposal service until further order of the Common Council.

SEC. 4-6-15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by the Common Council, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in Sec. 4-6-11(e) through (o):

- (a) The City shall, until further order of the Common Council, accept these separated materials at the City recycling center.

Amended: Ord. 1018, 2/12/08

SEC. 4-6-16 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sec. 4-6-11(e) through (o):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 4-6-11(e) through (o) from solid waste in as pure a form as is technically feasible.

Amended: Ord. 1017, 2/12/08

SEC. 4-6-17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. 4-6-11(e) through (o):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 4-6-11(e) through (o) from solid waste in as pure a form as is technically feasible.

Amended: Ord. 1017, 2/12/08

SEC. 4-6-18 PROHIBITION ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.

No person may dispose of, in a solid waste disposal facility or burn in a solid waste treatment facility, any of the materials specified in Sec. 4-6-11(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Amended: Ord. 1017, 2/12/08

SEC. 4-6-19 ENFORCEMENT.

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Neillsville may inspect recyclable materials separated for recycling postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of Neillsville who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- (b) Any person who violates a provision of this ordinance may be issued a citation by the City of Neillsville 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.
- (c) Penalties for violating this ordinance may be assessed as follows:
 - (1) Any person who violates Sec. 4-6-18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - (2) Any person who violates a provision of this ordinance, except Sec.4-6-18, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

Recreated: Ord. 926, 12/27/94

Amended: Ord. 1017, 2/12/08

SEC. 4-6-20 TIME OF COLLECTION.

All receptacles for refuse and rubbish and all bundles of rubbish shall be placed near the curb of the property in an accessible location for the garbage collector not earlier than twenty-four (24) hours before the regular collection time. All receptacles for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.

Created: Ord. 958, 11/10/98

SEC. 4-6-21 PROPER DISPOSAL OF GARBAGE.

No persons shall allow garbage or other refuse materials to accumulate on his private property for such a period, or in such a manner as to permit the breeding of flies or mosquitoes or to cause a nuisance from obnoxious odors, or to constitute other health or fire hazards. Whenever and wherever garbage collection is provided for under the terms of this chapter, no garbage shall be buried in the ground, nor deposited in any unauthorized area, nor burned in the open air or in an outdoor furnace.

Created: Ord. 958, 11/10/98