

CHAPTER 10

PUBLIC NUISANCE

I. MAINTENANCE OF PROPERTY

- A. Purpose: When buildings or structures and the premises area are in the state of disrepair or not in a neat and attractive appearance, a condition is created which may cause or contribute to injury of persons or property, unsanitary conditions endangering health and safety of persons using the premises, and the depreciation of real estate property values in the Village. Each of the above conditions creates a public nuisance. This Ordinance does not apply to property zoned conservancy. (06/2005)
- B. Exteriors: With respect to all buildings or structures, including fences, planters, and retaining walls; the owner, occupant or agent shall keep the exterior thereof in a neat and attractive appearance and structurally sound.
- C. Planting & Lawns: The owner, occupant, or agent of all premises shall maintain trees, shrubs, and other plantings in a neat and attractive appearance. The aforementioned shall be maintained so as not to obstruct vision of drivers using village streets. Trees, shrubs, and plantings shall not be planted in a way that will obstruct the vision of drivers. Dead or dying trees or shrubs shall be removed. Grass shall be cut as often as necessary to maintain a neat and attractive appearance.
- D. Storage of Property: The owner, occupant, or agent of all premises shall not store outside property not in good operating or usable condition on the premises.
- E. Litter: The owner, occupant, or agent of all premises shall at all times keep the premises clean of all litter and shall take such necessary measures to prevent litter from being carried by the elements to adjoining premises. Litter may include, but is not limited to, newspapers, wrapping papers, magazines, glass, containers, and construction materials, except where permitted by Village rules and ordinances. No refuse shall be placed curbside more than twenty-four (24) hours prior to scheduled pick-ups. All recycling bins must be removed from curbside no later than twenty-four (24) hours after pick-up.
- F. Non-Residential Premises: In addition to the above, owner, occupant, or agent of all non-residential premises, with the exception of property zoned conservancy, shall: Maintain all parking areas, driveways, and approaches in a neat and attractive appearance and structurally sound, including, but not limited to, the elimination of holes, excavations, wet spots, breaks, broken surfaces, and bumps. (06/2005)
- G. Enforcement, Notices & Hearings:
Service of Notices: Whenever the La Crosse County Sheriff determines that there

are reasonable grounds to believe that there has been a violation to the person or persons responsible therefor, such notices shall:

- 1) Be in writing;
- 2) Include a description of the real estate sufficient for identification;
- 3) Include a statement of the reason or reasons why it is being issued a statement of remedial actions, which, if taken, would affect compliance with the provisions of this Ordinance;
- 4) State a reasonable date for the performance of any remedial action; and
- 5) Be served upon the owner, occupant, or agent, as the case may require, provided that such notice shall be deemed to be the property served upon such owner, occupant, or agent, if a copy is delivered to said owner, occupant, or agent personally, or by leaving a copy at said owner, occupant, or agent's place of abode with a person at least eighteen (18) years of age and residing there or by mailing by certified mail a copy to the last address and the date of mailing shall be deemed date of service.

H. Repairs or Remedial Actions: Whenever the owner, occupant, or agent fails, neglects or refuses to take remedial action or take other corrective action called for by the notice provided in this Ordinance, and after the later of ten (10) days from service, or the date stated in the notice, that person or agent may be subject to a fine of not less than One (\$1.00) Dollar nor more than Two Thousand (\$2,000.00) Dollars each day after the date for remedial action stated in the notice. If such person continues to violate such order, then person shall also be liable for further prosecution, conviction, and punishment under the same order, without any necessity of the La Crosse County Sheriff issuing a new order, until such order has been complied with. Every owner, occupant, or agent who has received notice of the intention of the Village to make repairs or take action shall give entry and free access to the Village, its agent, or independent contractor for the purposes of making such repairs or remedial action taken at the direction of the Village Board shall constitute a special charge for current services pursuant to Wis. Stats. Sec. 66.60(16) with a penalty of Ten (10%) percent per annum on the unpaid amount, starting with the 30th day provided above.

I. Petition for Hearing: Any person affected by any notice which has been issued in connection with the enforcement of this Ordinance may request and shall be granted a hearing before the Village Board provided that such person shall file a written petition with the Village Clerk requesting such hearing and setting forth a statement of the ground thereof within Ten (10) days of service of the notice. Within ten (10) days of filing such petition, the Board shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty (30) days after the date the petition was filed, provided that upon written application of the petitioner, the Board may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period if, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement.

II. UNNECESSARY BLOWING OF RAILROAD WHISTLES AND HORNS

- A. No railroad company or any of its agents or employees shall blow or cause to be blown any whistle or horn within the limits of the Village of Rockland from 10:00 o'clock p.m. to 6:00 o'clock a.m. except when necessary to prevent damage to property or injury to persons, or when visibility is impaired by weather conditions, or when required by federal or state regulation.
- B. Penalties: Any person violating this Ordinance shall, upon conviction thereof, forfeit not less than Twenty (\$20.00) Dollars nor more than Five Hundred (\$500.00) Dollars and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the La Crosse County Jail until payment of such forfeiture and the costs of prosecution, but not exceeding ninety (90) days for each violation, provided, however, that in no case shall the forfeiture imposed for a violating this Ordinance exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

III. WEED ABATEMENT

- A. Purpose: The purpose of this Section is to regulate and control noxious weeds in the Village of Rockland. Residents who choose to participate in "No Mow May" are exempt from mowing in the month of May, with the first cutting no later than June 15 of each year. (9/22)
- B. Definition: For purposes of this Section, noxious weeds shall be defined as any thistles, leafy spurge, ragweed, silk leaf, pigweed, field bindweed, nettles, poison ivy, or any grasses which are over ten (10") inches in height, with the exception of flowers or ornamental grasses which are kept in a landscaped portion of a yard or garden, and also excepting all plants grown in a tilled garden for food production purposes. (updated 9/22)
- C. Owner Responsibility: It shall be duty of every owner, possessor, or occupier of land within the Village, or of every person having charge of such lands, to cut or cause to be cut or otherwise destroy all noxious weeds, grass, or other growth thereon, detrimental to the orderly appearance, health, and safety of the citizens of the community, as often as may be necessary to prevent them from blooming or before they grow to a height of more than eight (8") inches. (07/2005)
- D. Failure to Comply: In case the aforesaid responsible person(s) shall refuse or neglect to comply with the provisions of this Ordinance within the time limits established herein, the Village Clerk shall serve personally or by mail, a copy of this Ordinance together with a notice to said responsible person(s) to cut or cause to be cut or otherwise destroy all of said noxious weeds, grass, or other growth on such land within a period of five (5) calendar days from and after service on such notice.
In the event of failure to comply with the provisions of this Ordinance after notice

as required, the Village shall cause the cutting of said weeds, grass, or other growth by the Village or by a private contractor engaged for such cutting. The charges for this will be assessed in the next tax roll as a tax on the land upon which such weeds, grass, or other growth were cut or destroyed and shall be collected as all other taxes assessed to the tax statement of the affected property in accordance with the following:

\$100.00 fee for the first cutting (05/2023)

\$300.00 for subsequent cuttings (05/2023)

IV. RECYCLING

- A. 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 Ch. NR 544, Wis. Adm. Code.
- B. Statutory Authority. This Ordinance is adopted as authorized under Sec. 287.09(3)(b), Wis. Stats., and the Village of Rockland.
- C. 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.
- D. 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 Ch. NR 544, Wis. Adm. Code, and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this Ordinance, or in effect on the date of the most recent text amendment to this Ordinance.
- E. 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.
- F. Applicability. The requirements of this Ordinance apply to all people within the Village of Rockland.
- G. Administration. The provisions of this Ordinance shall be administered by the Village of Rockland.
- H. Effective Date. The provisions of this Ordinance shall take effect on April 30, 2026.
- I. Definitions. For the purpose of this Ordinance:

- 1) "Bi-metal container" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
- 2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - a) It is designed for serving food or beverages;
 - b) It consists of loose particles intended to fill space and cushion the packaged article in a shipping container; or
 - c) Consists of rigid materials shaped to hold and cushion the packaged article in the shipping container.
- 4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
- 5) "HDPE" means high density polyethylene, labeled by the resin code # 2.
- 6) "LDPE" means low density polyethylene, labeled by the resin code # 4.
- 7) "Magazines" means magazines and other materials printed on similar paper.
- 8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.
- 9) "Multiple-family dwelling" means a structure containing five or more residential units, including units that are occupied seasonally.
- 10) "Newspaper" means newspaper and other materials printed on a newsprint.
- 11) "Non-residential facilities and properties" mean commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties include any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
- 12) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial waste, newspaper, or packaging.
- 13) "Other resins or multiple resins" mean plastic resins labeled by the resin code #7.
- 14) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- 15) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code #1.
- 16) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar, or carton, except for a blister pack that was originally used to contain a product that is the subject of retail sales.
- 17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.

- 18) "PP" means polypropylene, labeled by the resin code # 5.
- 19) "PS" means polystyrene, labeled by the resin code # 6.
- 20) "PVC" means polyvinyl chloride, labeled by the resin code # 3.
- 21) "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.
- 22) "Solid waste" has the meaning specified in Sec. 289.01(33), Wis. Stats.
- 23) "Solid waste facility" has the meaning specified in Sec. 289.01(35), Wis. Stats.
- 24) "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.
- 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- 26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

J. 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:

- 1) Lead acid batteries.
- 2) Major appliances
- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging.
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper
- 13) Rigid plastic containers are made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- 14) Steel containers
- 15) Waste tires

K. Separation Requirements Exempted. The separation requirements of Section J. do not apply to the following:

- 1) 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 recover the materials specified in Section J. from solid waste in as pure a form as is technically feasible.
- 2) Solid waste, which is burned as a supplement fuel at a facility, if less than 30% of the heat input to the facility, is derived from the solid waste burned as supplement fuel.
 - 3) A recyclable material specified in Section J (5) through (15) 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. Adm. Code.
- L. Care for Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Section J 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.
- M. Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Yard Waste. 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:
- 1) Lead acid batteries are the homeowner's responsibility and shall be directed to the La Crosse County collection site.
 - 2) Major appliances may be picked up on large item pickup days at a set cost. The charge must be paid before pickup days. Pickup days are held semi-annually. Major appliances may also be taken to the La Crosse County Waste Disposal Site.
 - 3) Waste oil disposal is the homeowner's responsibility and shall be taken to the La Crosse County Waste Disposal Site.
 - 4) Yard waste shall be hauled to the wastewater treatment plant year around. No bags are allowed. Brush will be picked up through the months of April to October. It must be bundled and easy to access.
- N. Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Village of Rockland, 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 Section J (5) through (15) above:
- 1) Aluminum containers shall be placed in the property owner's recycling cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.
 - 2) Bi-metal containers shall be placed in the property owner's recycling cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.
 - 3) Corrugated cardboard and paper, fiberboard, or other container board shall be placed in the property owner's recycling cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.

- 4) Foam polystyrene packaging shall be placed in the provided garbage and refuse cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.
- 5) All glass containers shall be placed in property owner's recycling cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.
- 6) Glass in the form of window glass, ceramics, china, light bulbs, and TV tubes shall be placed in the property owner's garbage and refuse container cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.
- 7) Magazines and shiny inserts shall be placed in property owner's recycling cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.
- 8) Newspaper, phone books, white paper, and office paper shall be placed in property owner's recycling cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.
- 9) Rigid plastic containers and bottles labeled #1 through #7 shall be placed in property owner's recycling cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.
- 10) Steel and tin containers shall be placed in property owner's recycling cart and placed curbside for regularly-scheduled pickup by the Village contracted hauler.

All of the above are the responsibility of the homeowner. Curbside recycle bins are provided to the homeowner. Waste tires shall be the responsibility of the homeowner for disposal at proper collection site.

O. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- 1) Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in Section J (5) through (15) above:
 - a) Provide adequate, separate containers for the recycling program established in compliance with the Ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
 - iii. An alternative method that does not result in the overflow of a recycling container during the time between collection of materials and delivery to a recycling facility.
 - b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - c) Provide the collection of materials separated from solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d) Notify tenants about which materials are collected, how to prepare the materials to meet the processing requirements, collection methods or sites,

and locations of drop-off collection sites to recycle materials not collected on-site.

- 2) The requirements specified in 1) 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 Section J (5) through (15) above from solid waste in as pure a form as is technically feasible.

P. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- 1) Owners or designated agents of non-residential facilities and properties shall do all the following to recycle the materials specified in Section J (5) through (15) above:
 - a) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflowing during the time between collection of materials and delivery to a recycling facility.
 - b) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties of the established recycling program.
 - c) Provide the collection of materials separated from solid waste by the users, tenants, and occupants, and the delivery of the materials to a recycling facility.
 - d) Notify users, tenants, and occupants about which materials are collected, how to prepare materials to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) 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 Section J (5) through (15). above from solid waste in as pure a form as is technically feasible.

Q. Prohibitions 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 Section J (5) through (15) above that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

R. Enforcement.

- 1) The Village of Rockland is responsible for enforcing the Village's Recycling Ordinance. The Village of Rockland's staff and personnel shall follow the guidelines identified its adopted Compliance Assurance Plan in response to

issues associated with recycling and solid waste. The Compliance Assurance Plan is on file at the Village of Rockland Clerk's office, and it is intended to meet the requirements of Sec. NR 544.04(9g), Wis. Adm. Code as well as the Village of Rockland's Recycling Ordinance.

- 2) For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee, or representative of the Village of Rockland 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 Village of Rockland who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- 3) Any person who violates the provision of this Ordinance may be issued a citation by the Village of Rockland 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.
- 4) Penalties for violating this Ordinance may be assessed as follows:
 - a) Any person who violates Section Q. above may be required to forfeit Fifty (\$50.00) Dollars for a first violation, Two Hundred (\$200.00) Dollars for a second violation, and not more than Two Thousand (\$2,000.00) for a third or subsequent violation.
 - b) Any person who violates the provision of this Ordinance, except Section Q, may be required to forfeit not less than Ten (\$10.00) Dollars or more than One Thousand (\$1,000.00) Dollars for each violation.

The Village of Rockland COMPLIANCE ASSURANCE PLAN

The Village of Rockland is responsible for enforcing the Village of Rockland's Recycling Ordinance. The Village of Rockland's staff and personnel shall follow the guidelines identified in this Compliance Assurance Plan in response to issues associated with recycling and solid waste. This plan is intended to meet the requirements of s. NR 544.04 (9g), Wis. Adm. Code as well as the Village of Rockland's Recycling Ordinance.

EXAMPLE 1:

Problem: Property found to have no methods for recycling in place.

Compliance Strategy:

1st Response: Municipal Clerk shall send a letter to property owners reminding them of the requirement to comply with local recycling ordinances. Other educational materials will also be provided as needed.

2nd Response: Municipal Clerk shall send a letter to property owner giving 30 days to comply with local recycling ordinances. Copy of letter shall be sent to citation officer.

After 30 days have passed Public Works shall inspect property to determine if property is in compliance with Ordinance. If found to be non-compliant, citation officer shall issue the property owner a citation per code.

EXAMPLE 2:

Problem: Unacceptable materials found mixed with recyclables.

Compliance Strategy:

Recycling route drivers should notify residents by tagging the recycling bin (bag) and leave at curb.

Continued occurrences shall result in letter issued by the recycling coordinator. If compliance is not achieved citation officer shall issue a citation per code.

EXAMPLE 3:

Problem: Recyclable materials found in trash.

Compliance Strategy: Garbage route drivers should collect material and leave current recycling educational materials.

Continued occurrences shall result in letter issued by the Recycling coordinator. If compliance is not achieved citation officer shall issue a citation per code.