

Chapter 10

PUBLIC WORKS

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10.01 Official Map. The zoning map of the village and all future amendments is hereby designated as the official map of the village.

10.02 Street and Sidewalk Grades.

(1) ESTABLISHMENT. The director of public works shall establish the grade of all streets, alleys and sidewalks and the same recorded in the office of the director of public works (director). No street, alley or sidewalk shall be worked until the grade thereof is established.

(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 village by any means whatsoever unless authorized or instructed to do so by the director of public works. All alterations of grade shall be recorded in the office authorizing the alteration.

(3) EXCAVATING PROPERTY BELOW GRADE. It shall be unlawful for any person, by himself or agent or employee, to excavate or dig or remove earth from any lot or parcel of land in the village so that the surface of

said land shall thereby be lowered more than 3 inches below the established street or sidewalk grade and allow the surface of such land to remain so lowered for more than 10 days, provided however, that this section shall not apply to any excavation of any structure where a building permit is obtained from the village as provided for in this code, nor to any drainage ditch, the width of which does not exceed 3 feet.

10.03 Sidewalk Construction and Repair.

(1) PERMIT REQUIRED. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a sidewalk permit from the building inspector. The fee for such permit shall be set from time to time by resolution of the board.

(2) 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 village and to pay the entire cost thereof. Whenever the board shall

authorize sidewalks to be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the village, it shall proceed according to Wis. Stats. §66.0907.

(a) *Exceptions.* Owners of real estate abutting improved streets, defined to mean any paved street set to grade along which curb and gutter is installed, shall construct the appropriate sidewalk unless the criteria for one of the following possible exceptions applies:

1. Property is a corner lot with one side improved and the other unimproved.
2. An exit from the end of the sidewalk is provided via a concrete driveway approach.
3. Property is unimproved and is the last parcel fronting on an improved dead-end street.

(b) Whenever any of the above criteria for each exception are no longer applicable, the appropriate sidewalk shall be installed.

(c) *Properties abutting unimproved streets.*

1. Owners of improved properties abutting unimproved streets shall construct the appropriate concrete sidewalk, if none exists, within 12 months of completion of building construction if a formal street plan exists.

a. The building inspector may require installation of sidewalks as a condition of occupancy prior to 12 months.

b. Property owners may install their own sidewalks as long as the installation is completed prior to the beginning of street bidding.

c. If the property owner chooses not to install their own sidewalk, the village's contractor as part of the street improvement project will install it.

2. If a street is being reconstructed, owners do not have the option of constructing their own sidewalks. a. If a sidewalk does exist, it shall be removed and a new one installed per specifications and grade, as part of the street reconstruction project.

b. The property owner shall be given credit for all good sections of concrete and not be assessed for those portions.

3. All the costs associated with the project and assessed to the abutting property owner can be paid according to section 10.10 of this code.

(d) *Concrete driveway approaches.* The village's contractor shall install concrete driveway approaches at the time of the street improvements.

(e) Exemptions from the sidewalk construction order as stated are granted and limited to the following four cul-de-sacs: Audrey Court, Julie Court, Willis Court and the south end of Thurke Avenue, also known as Thurke Circle.

(2) LICENSE AND BOND REQUIRED

(a) *License.*

1. It shall be unlawful for any person to lay, remove, replace or repair any sidewalk upon or within any public street, avenue, alley or pedestrian lane within the corporate limits of the village without first having applied for and obtained a sidewalk contractor's license from the director of public works of the village. Nothing in this section shall be construed as prohibiting any one person from laying, removing, replacing or repairing his own sidewalk or that part of the sidewalk immediately in front of property owned by him.

2. The fee for every sidewalk contractor's license shall be as set from time to time by resolution of the village board.

(b) Bond.

1. Every person licensed to repair sidewalks, before receiving the license, shall provide proof of insurance and a bond to the village in the amount of \$10,000, with conditions that the licensee shall lay, remove or replace or repair all sidewalks to be constructed, and shall obtain a permit, in accordance with the specifications as prescribed by this code and that the licensee will lay, replace or repair the sidewalk according to the lines and grades as marked and staked out by the director or the director's authorized representative.

2. The license and bond shall be renewable annually, providing that in lieu of a renewal of the bond, a new surety company bond satisfactory to the village board may be filed, both license and bond to expire on the thirty first day of December, next following the date of issuance of the license.

(4) SPECIFICATIONS. All sidewalks within the village shall be repaired, rebuilt and constructed in accordance with the following specifications:

(a) Subgrade. The subgrade shall be prepared by excavating to the line, grade, and cross section as established by the director. Soft and unsuitable material shall be removed and replaced with gravel and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed.

1. A sub-base of gravel shall be placed under the sidewalk.

2. The sub-base must be a minimum of four inches thick.

3. On embankments the subgrade shall extend at least one foot beyond each edge of the sidewalk.

(b) Material. All sidewalks shall be of air entrained concrete composed of 6 bags

per cubic yard of one course construction and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.

(c) 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 surface plank of at least 2 inches nominal thickness except for sharply curved sections. 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 finish 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.

1. To provide adequate drainage, the sidewalk shall slope toward the curb at the minimum rate of 1/4 inch per foot width.

2. All joints and edges shall be finished with a 1/4 inch radius edging tool.

(d) Width and Thickness. Residential walks shall be 4.5 feet in width and not less than 4 inches nominal thickness except within driveway approaches where the minimum thickness shall be 6 inches nominal thickness; 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.

1. Sidewalks in front of commercial or industrial establishments shall be not less than 8 feet in width and 5 inches in thickness

except within driveway approaches where the minimum thickness shall be 7 inches.

(e) *Finishing.* Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction.

(f) *Jointing.* A transverse, full depth, 2 inch thick expansion joint of premolded expansion material shall be located at the property lines and where the walk intersects another walk, curb line, building or driveway approach and at all buildings, walls, poles, and stop boxes. 1. An expansion joint shall be located at an average interval of every 40 feet, with no single interval between expansion joints to exceed 60 feet.

2. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface.

3. Dummy groove joints for controlled cracking, at least one inch in depth and 5/16 inch in thickness shall be placed at intervals of approximately 5 feet.

4. Diagonal joints may be used only when approved by the director.

(g) *Curing and Drying.* As soon as any of the concrete work permitted under this section has been finished and hardened sufficiently to prevent excess marring of the surface, it shall be cured and protected against rapid drying.

1. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work.

2. Curing shall be accomplished by the "Impervious Coating", "Wet Fabric", or "Paper" methods.

3. For impervious coating or membrane curing, only those methods and materials meeting requirements of ASTM Spec. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used,

the specifications of which are hereby adopted by reference as if fully set forth herein.

4. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50 degrees F.) for 96 hours.

5. No concrete shall be poured when the temperature may be expected to fall below 35 degrees F. in any 72 hour period or upon freezing subgrade.

10.04 Driveways.

(1) PERMIT REQUIRED. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the building inspector. The fee for such permit shall be set from time to time by resolution of the board.

(2) SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.

(a) *Width.* No driveway opening shall exceed 26 feet in width at the street curb line except under the following circumstance:

1. The driveway serves a garage with openings that will accommodate three stalls across, in which case the driveway opening shall not exceed 32 feet in width at the street curb line.

2. In no event may a driveway exceed 32 feet in width unless the building inspector grants an exception. These same standards shall apply to the maximum allowable width of any driveway approach that abuts a street constructed with mountable type curb and gutter.

(b) *Interference with Intersections Prohibited.* 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 traffic safety committee for effective traffic control or for highway signs or signals.

(c) *Interference with Street.* No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area.

1. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right of way.

2. When required by the director to provide for adequate surface water drainage along the street, the property owner shall provide and maintain any necessary culvert pipe at his own expense.

(d) *Number of Approaches Limited.* No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the traffic safety committee. Any two (2) approaches shall be at least ten (10) feet apart.

(e) *Workmanship and Materials.* All driveway entrance and approaches that are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in section 10.03(3) of this chapter.

(f) *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 the construction or repair of driveway approaches or entrances. When curb or gutter is removed the new connection shall be of equivalent material and curb returns provided or restored in a

neat, workmanlike manner.

1. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.

2. Any sidewalk areas that are damaged or are inadequate by reasons of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of section 10.03 (3).

10.05 Street and Terrace Openings.

(1) **PERMIT REQUIRED.** No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the village without first having obtained a permit from the building inspector.

(2) **FEE.** The fee for a street opening permit shall be as set from time to time by the board.

(3) **REQUIREMENTS.** Permits will be obtained from the building inspector 72 hours in advance of the commencement of excavation to allow for the marking of village utilities.

1. Upon completion of excavation, the permit holder shall either barricade (lighted) or temporarily patch the excavation.

2. When a permanent patch is being prepared it shall be the responsibility of the contractor to notify the Public Works Department 24 hours in advance so that the limits of the patch can be marked out before patchwork begins.

3. Edges of existing pavement are to be sawed before placing patch.

4. Patching materials shall be the same as the existing pavement materials.

5. Depth of patch shall be the same as existing pavement.

6. Terrace patches shall be topped with 4" of shredded topsoil and shall be seeded

with a quality mix grass seed.

7. It shall be the permit holder's responsibility to maintain and/or replace the patch for a period of 1 year after completion.

8. The cost of repairing any damage to utilities shall be the responsibility of the permit holder.

(4) REGULATIONS GOVERNING STREET AND SIDEWALK OPENINGS.

(a) Frozen Ground. No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the director.

(b) Removal of Pavement. When opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or damage to surfacing material and together with the excavated material from trenches 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. Every person shall enclose with sufficient barriers each opening that he may make in the streets or public ways of the village. 1. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees.

2. Lights or torches shall be kept burning from sunset to sunrise, one light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning.

3. Except by special permission from the director, no trench shall be excavated more than 50 feet in advance of pipe laying nor left unfilled more than 50 feet where pipe has been laid.

4. All necessary precautions shall be taken to adequately guard the public from accidents or damage to persons or property through the period of the work.

5. Each person making such opening shall be held liable for all damages, including costs incurred by the village 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 street or sidewalk, the paving material, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced in their original position or condition and the same relation to the remainder as before.

1. Any excavated material, which in the opinion of the director is not suitable for refilling, shall be replaced with approved backfill material.

2. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same so to be maintained for a period of one year.

3. In refilling the opening, the earth must be laid in layers not more than 6 inches in depth and each layer rammed, tamped or flushed to prevent settling.

4. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench.

5. The board may elect to have the village make the pavement repair for any street or sidewalk opening, in which the cost of making the repair and of maintaining it for one year shall be charged to the person making the street opening.

(5) EXCAVATIONS IN NEW STREETS

LIMITED. Whenever the board determines to provide for the permanent improvement or re-paving of any street, such determination shall be made not less than 30 days before the work of improvement or repairing shall begin.

(a) *Notifications.* Immediately after such determination by the village board, the director shall notify in writing each person, utility, village 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 30 days.

(b) After such permanent improvement or re-paving, no permit shall be issued to open, cut or excavate said street for a period of 5 years after date of improvement or re-paving unless in the opinion of the director of public works an emergency exists which makes it absolutely necessary that the permit be issued.

(6) EMERGENCY EXCAVATIONS

AUTHORIZED. In the event of an emergency any person owning or controlling any sewer, water main, conduit, or utility in or under any street and his agents or 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 shall apply for an excavation permit no later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.

(7) **VILLAGE WORK EXCLUDED.** The provisions of this section shall not apply to excavation work, authorized by the director, by village employees or contractors performing work under contract with the

village necessitating openings or excavations in village streets.

(8) PERMIT FOR ERECTING UTILITY POLES.

No person shall erect any telephone, electric or railway poles or posts upon any street or alley in the village, until such person submits to the director of public works or building inspector, the route of their proposed line or lines or any extension thereof showing as far as practical the location of each such pole or post and the number and location of the wire and no such construction shall be made until the said official first gives its permission therefor.

(9) **SERVICE MAINS.** All water and sewer mains and laterals and all gas mains and laterals and other connections between the house and the streets shall be sufficiently installed prior to paving to permit the ground to properly settle and so far as applicable, Wis. Stats. §62.18 is adopted and fully incorporated by reference. Before any gas mains are laid, the utility company shall present a proposed plan showing their location. The utility company shall agree and guarantee in the manner as the director shall determine, that all streets and sidewalks disturbed by the installation of gas mains will be repaired and put back into substantially the same condition that they were in before the commencement of the work. Upon failure to comply with the terms of the guarantee, the village may make written demand requiring such work to be done, naming the same. Upon failure and neglect of the utility to do the work within a time to be stated in the demand, the village may complete the work and charge the expense of the work to the utility company.

10.06 Obstructions and Encroachments.

(1) 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. No person shall 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 appropriate sections of the zoning code.

(2) STREET PRIVILEGE PERMIT.

(a) When Required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the village may be granted to applicants by the director of public works for the purpose of moving any building or structure or 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 other requirements of this sub-section and has obtained permission from the director of public works and any permits required by Sec. 8.03 of this code.

(b) Conditions of Occupancy.

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 director of public works for violation thereof: 1. Such temporary obstruction shall not cover more than 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 director shall continue 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 director and chief of police.

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 the director authorizes an earlier termination date.

(3) REMOVAL BY VILLAGE. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk refuses or neglects to remove the obstruction within 24 hours after notice from the director, it shall be the duty of the director to remove the obstruction and notify the village clerk of the cost. The clerk shall enter the cost on the next annual tax roll as a special charge against the property abutting the obstructed sidewalk and the sum shall be levied and

collected as other special taxes against real estate.

(4) ILLEGAL USE OF STREETS.

(a) No person shall throw, place or deposit, any dirt, filth, straw, ashes, rubbish, litter or other refuse matter in any street, alley or public place or on any sidewalk in the village.

(b) No person shall light a fire or burn rubbish, leaves or other material on any street, sidewalk or public alley in said village without a permit from the fire chief.

(c) No person shall deposit or permit to be deposited in or on any street, alley, or sidewalk in the village any articles liable to injure the wheels or tires of vehicles or to interfere with the public use of sidewalks and streets.

(d) No person shall allow or haul any rubbish, ashes, dirt, sand, stones or other material liable to become scattered on the street, except in a vehicle provided with a box enclosed so as to retain the material, and no person shall scatter or permit to be scattered any of the material upon any street.

(e) No person shall injure or cause to be injured or destroyed any trees or shrubs lying in or upon any street or adjoining any street, lane, alley, sidewalk or other public ground within the village.

(f) No person shall construct any steps, stairs, building, fence, bay window, platform, trap door, cellar door area, balcony, cornice, sign, sign post, or other encroachment or obstruction upon, in or under any street, alley or public ground, without the previous consent of the board.

(5) PERMIT FOR CULVERT: (a)

Obstructing Ditches. No person shall fill either wholly or in part, obstruct or damage any ditch or drain in any street, lane, alley or public ground within the village.

(b) No person shall build any driveway or bridge over or lay any tile or pipe in any ditch or drain in any street or alley in said village without first obtaining permission to do so from the director.

(6) DAMAGING SIDEWALKS PROHIBITED.

No person shall break, aid in breaking or cause to be broken any sidewalk or any portion thereof within the village.

10.07 Snow and Ice Removal.

(1) RESPONSIBILITY OF OWNER, OCCUPANT, ETC. It shall be the responsibility of every property owner within the village who has sidewalks abutting their property, to remove or cause to be removed accumulated snow and ice within 24 hours after it ceases to fall.

(a) This includes snow: that may have drifted overnight; may have been plowed; splattered off streets; and snow from clearing out handicap ramps into the street, if any are in front of or off the corner of the property.

(b) If ice cannot be removed, it shall at least be sprinkled with a material to help prevent the sidewalk from being dangerous to pedestrians until such time as it can be removed in the opinion of the director.

(c) It shall be unlawful to discharge storm water onto a village street between November 1 and April 30.

(2) REMOVAL BY VILLAGE. If the provisions of section 1 are not met, the director or authorized agent, shall cause said sidewalks to be cleaned or sprinkled with an abrasive or de-icer as outlined in section 1. All expenses will be assessed as a special tax against the parcel at a rate set from time to time by resolution of the board.

(3) SNOW IN STREETS. It shall be unlawful to place, shovel or blow snow into

any street within the village.

(4) Properties located on a dead end street shall be required to shovel only the walk through the drive to give pedestrian traffic access to the street.

(5) Snow Emergency. When in the opinion of the Director of Public Works or his agent, extraordinary conditions exist that require the removal of an accumulation of snow or ice, a snow emergency will be called to allow for the efficient clearing of the streets. The state of emergency will be conveyed through the use of public radio and the press. When an emergency is declared all winter parking regulations will be suspended and all vehicles will be removed from the street for the duration of the snow removal operation.

(6) PENALTY. The penalty for violation of any provision of this section shall be \$25.00 first offense, \$35.00 penalty for the second offense, \$50.00 penalty for the third offense and every offense thereafter. Each day the violation exists shall constitute a separate violation.

10.08 Street Lighting. No person shall disturb or damage any of the ornamental street lighting equipment in the village. No person shall, unless duly authorized, remove, change or damage any lantern or other lighting equipment or any barricade of any kind, which may be in use upon the streets or sidewalks of said village for the purpose of protecting public travel in said village.

10.09 Street Names and Signs - Street Numbers. It shall be the duty of the building inspector to maintain a complete file of plats upon which is indicated the following information:

(1) Names of all streets.

(2) A house numbering map showing the numbers for all platted parts of the village.

(3) Record map showing the location of all sewer and mains.

10.10 Solid Waste Management. The purpose of this section is to describe the refuse and recycling collection policies of the village and to promote recycling, composting, and resource recovery through an effective recycling program, as provided in Wis. Stats. §287.11, and Chapter NR 544, Wisconsin Administrative Code.

(1) STATUTORY AUTHORITY. This section is adopted as authorized under Wis. Stats. §287.09(3)(b) and §66.0415, and as authorized by the Village Board of North Fond du Lac.

(2) DEFINITIONS

(a) *Automated container* means containers provided by the village to its residents for use in the curbside collection of refuse.

(b) *Bi-metal container* means a container for carbonated or malt beverages, that is made primarily of a combination of steel and aluminum.

(c) *Bulky waste materials* means refuse in quantities exceeding those normally collected and shall include such items as furniture, fixtures, plumbing, plastic, metal objects, carpeting, bedding and other large household items. Food containers, building materials and building debris are not considered bulky waste.

(d) *Container board* means corrugated paperboard used in the manufacture of shipping containers and related products.

(e) *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.

(f) *Hazardous waste* means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to any increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances that are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department of Natural Resources.

(g) *HYPE* means high density polyethylene, labeled by the SPI code #2.

(h) *LDPE* means low density polyethylene, labeled by the SPI code #4.

(i) *Magazines* means periodicals and other materials printed on similar paper.

(j) *Major appliance* means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, or stove.

(k) *Multiple-family dwelling* means a property containing 2 or more non-owner occupied residential units, including those which are occupied seasonally.

(l) *Newspaper* means a newspaper and other materials printed on newsprint.

(m) *Non-residential facilities and properties* means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(n) *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.

(o) *Other resins or multiple resins* means plastic resins labeled by the SPI code #7.

(p) *Person* includes any individual, corporation, partnership, association, and local government unit, as defined in Wis. Stats. §66.0131(1)(a), state agency or authority or federal agency.

(q) *PETE* means polyethylene terphthalate, labeled by the SPI code #1.

(r) *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.

(s) *Post-consumer waste* means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. §291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. §289.01(17).

(t) *PP* means polypropylene, labeled by the SPI code #5.

(u) *Private collection service* means collection services provided by a person licensed to do the same by the DNR and by the Village of North Fond du Lac.

(v) *PS* means polystyrene, labeled by the SPI code #6.

(w) *PVC* means polyvinyl chloride, labeled by the SPI code #3.

(x) *Recycling containers* means the bins provided by the village for use in the curbside collection of recyclables.

(y) *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 all other resins of multiple resins; steel containers; waste tires; and bi-metal containers.

(z) *Refuse* means any solid waste not defined as a recyclable material, yard waste, brush, bulky waste, building materials, or hazardous waste, which waste can be landfilled under applicable Wisconsin law.

(aa) *Residential dwelling* means a property containing 2 or fewer residential units where the owner occupies at least one of the units, including those occupied seasonally.

(bb) *Scavenging* means the uncontrolled and unauthorized removal of materials at any point in solid waste management.

(cc) *Solid waste* has the meaning specified in Wis. Stats. §289.01(33).

(dd) *Solid waste facility* has the meaning specified in Wis. Stats. §289.01(35).

(ee) *Solid waste treatment* means any method, technique or process designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

(ff) *Storage* means the interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.

(gg) *Storage area* means areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

(hh) *Waste tire* means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(ii) *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.

(3) SEPARATION OF RECYCLABLE MATERIAL. 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 post-consumer waste:

(a) Lead acid batteries.

(b) Major appliances.

(c) Waste oil.

(d) Yard waste.

(e) Aluminum containers

(f) Bi-metal containers

(g) Corrugated paper and 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, and PP.

(n) Steel containers.

(o) Waste tires.

(4) EXCLUSIONS TO SEPARATION REQUIREMENTS. The separation requirements of section 10.15(2) 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 post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources.

(b) Solid waste, which is burned for supplemental fuel at a facility of less than 30% of the heat input into the facility as derived from the solid waste, burned as supplemental fuel.

(c) A recyclable material specified above for which a variance has been granted by the Department of Natural Resources under Section 544 Wisconsin Administrative Code.

(5) CARE AND PREPARATION OF SEPARATED RECYCLABLE MATERIAL. To the greatest extent practical, the recyclable materials shall be cleaned and kept free of contamination 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 that protects them from wind, rain, and other inclement weather conditions. Newspapers, magazines, junk mail, and office papers should be placed on top of or alongside the recycling bin.

(a) Except as otherwise directed by the village, occupants of residential dwellings (single family and 2 to 4 unit residences) shall make the following preparations for the collection of the separated materials specified below.

1. Aluminum containers should be rinsed and then flattened to save space.

2. Steel and bi-metal containers should be rinsed and the labels should be removed. Both ends should be cut out and then the can should be flattened to save space.

3. Corrugated paper or other container board should be flattened, then bundled or

bagged and kept dry.

4. Glass containers, clear and colored, should be emptied and rinsed. Labels and covers may be left on. Other types of glass such as light bulbs, window glass, drinking glasses and dishes, etc. are not recyclable.

5. Magazines should be bagged or bundled and kept dry.

6. Newspaper should be bagged or bundled and kept dry.

7. Office paper should be bagged or bundled and kept dry.

8. Rigid plastic containers should be prepared and collected as follows:

a. Plastic containers made of PETE, and labeled with a #1 SPI Code should be rinsed, have caps removed, and be flattened.

b. Plastic containers made of HDPE, and labeled with a #2 SPI Code, should be rinsed, have caps removed, and be flattened.

c. Plastic containers made of PVC, and labeled with #3 SPI Code, should be rinsed, have the caps removed, and be flattened.

d. Plastic containers made of PP, and labeled with #5 SPI Code, should be rinsed, have caps removed, and be flattened.

10. Plastic Bags are not recyclable, although many stores will accept used plastic bags.

(6) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, AND WASTE OIL

(a) Lead acid batteries shall be taken to retail battery stores for proper disposal.

(b) Major appliances shall be scheduled for pick-up by calling any private hauler of white goods.

(c) Waste oil shall be taken to the drop-off site at the Municipal Garage or to any private business that accepts waste oil.

(d) Discarded tires shall be taken to any private business that accepts used tires.

(7) MANAGEMENT OF YARD WASTE.

(a) Yard waste may be disposed of in the following manner:

1. Grass, leaves, and garden debris may be dropped off at the Municipal Garage. The village will also conduct special curbside collection of these materials during designated periods in the spring and fall.

2. The village will also conduct special weekly curbside collections of these materials on designated days from April-November of each year.

3. The village will conduct special curbside collections of discarded Christmas trees.

(b) Licensing of Yard Waste Disposal.

(1) *License Required.*

(a) No person shall dispose of yard waste at any designated Village Municipal Yard Waste Disposal Site without being licensed; provided, this requirement shall not apply to Village of North Fond du Lac residents disposing of yard waste from property which they own or occupy.

(b) Licenses shall be issued on an annual basis and a license fee shall be established by resolution of the Village Board. License fees shall not be prorated.

(2). *Regulations.* The following regulations shall apply to persons licensed pursuant to subsection (1):

- (a) "Yard waste" shall be defined as grass clippings, leaves, brush, and other vegetative garden debris originating from properties located within the Village limits.
- (b) Licensees shall only dispose of yard waste at designated Village disposal sites.
- (c) Yard waste must be deposited according to disposal site instructions in properly designated areas with

different types of waste separated as directed. All yard waste shall be removed from the bags or containers prior to disposal.

(3) *License Revocation.* Disposal licenses may be subject to revocation by the Director of Public Works for the following reasons:

- (a) Disposing of yard waste originating outside the Village.
- (b) Failure to follow disposal site instructions, including, but not limited to properly separate types of yard waste.
- (c) Disposal of materials other than yard waste

(4) *Penalty.* Any person violating any provision of this section shall be subject to a penalty as provided in Section 24.05 of the Code of Ordinances.

a. In addition to a penalty imposed, the hauler shall be required to immediately purchase a permit.

(8) MANAGEMENT OF BULKY WASTE.

(a) *Service Provided.* A curbside pick-up of bulky waste will be provided as needed and determined by the village board. During the remainder of the year, property owners must contract with a private hauler to dispose of these items or drop them off at the Transfer Station in Fond du Lac.

(b) *Properties Served.* Bulky waste pick-up services will be provided to all residential, multiple-family, and non-residential facilities and properties except that commercial and industrial users may not use the pick-up to dispose of unusually large quantities of bulky items, as determined by the director, or as a substitute for regular weekly refuse collections.

(c) *Placement for Pick-up.* Users may begin placing bulky wastes on the curb for

pick-up 48 hours prior to the first day of collection as designated annually by the Director of Public Works.

(9) COLLECTION OF RECYCLABLE MATERIALS *(a) Service Provided.* The curbside collection of recyclable materials will be provided once each week on the same day as the regular refuse pick-up.

(b) Properties Served. 1. The curbside collection of recyclable materials will be provided to all residential dwellings.

2. All other users must contract privately or with the village for a fee as set from time to time by resolution of the village board, for the required recycling of materials.

3. It shall be the responsibility of the occupant or tenant of any new property to notify the Director of Public Works that recycling collection service is required.

(c) Placement for Collection 1. An 18-gallon plastic bin that is provided by the Village is the approved recycling container. Recyclable materials may be co-mingled within the bin. Larger quantities of corrugated paper, magazines, and newspapers may be placed on the ground next to the recycling container.

2. The recycling bins must be placed at the curb no later than 6:00 a.m. on the scheduled collection day. No recycling bin shall be placed for collection more than twelve (12) hours prior to the scheduled collection day and must be removed from the curb within twelve (12) hours following collection. Recyclable containers are prohibited from being placed on the street side of the property. Street side being defined as an area between the front face of a residence and the road to which it is addressed.

(10) 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 section 10.11(3)(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 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 post-consumer 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 10.15(4)(e) through (o) from solid waste in as pure a form as is technically feasible.

(11) 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 section 10.15(4)(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 post-consumer 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 10.15(4)(e) through (o) from solid waste in as pure a form as is technically feasible.

(c) Level of Service. Each residential user is entitled to a maximum of one 40, gallon automated refuse container per week at no charge.

1. A 60 or 90-gallon automated refuse container may be obtained in place of the 40 gallon container for a monthly/quarterly fee as established by resolution of the village board.

2. From time to time, residents may need to dispose of refuse quantities beyond the capabilities of their selected container. Additional refuse may be disposed of in the manner approved by resolution of the village board.

3. Residents who are already purchasing the additional service of a 90 gallon container and consistently have additional household disposal needs may obtain an additional 90 gallon container for a quarterly fee as set from time to time by resolution of the village board.

(12) COLLECTION OF REFUSE. (a) *Service Provided.* Regular curbside refuse pick-up will be provided once each week on a designated day.

(b) *Properties Served.*

1. Regular refuse pick-ups will be provided to all residential dwellings.

2. All other users must contract privately or with the village for a fee as set from time to time by resolution of the village board, for the required pick-up of refuse.

3. It shall be the responsibility of the occupant, tenant, or proprietor of any new property to notify the Director of Public Works that refuse collection service is required.

(c) *Level of Service.* Each residential user is entitled to a maximum of one 40, gallon automated refuse container per week at no charge.

1. A 60 or 90-gallon automated refuse container may be obtained in place of the 40 gallon container for a monthly/quarterly fee as established by resolution of the village board.

2. From time to time, residents may need to dispose of refuse quantities beyond the capabilities of their selected container. Additional refuse may be disposed of in the manner approved by resolution of the village board.

(d) *Placement for Pick-Up.* 1. The 40, 60, or 90-gallon automated container provided by the village are the approved refuse containers.

2. The refuse container(s) must be placed at the curb no later than 6:00 a.m. on the scheduled collection day. No refuse containers shall be placed for pick-up more than twelve (12) hours prior to the scheduled pick-up day and must be removed from the curb within twelve (12) hours following pick-up. Refuse containers are prohibited from being placed on the street side of the property. Street side being defined as an area between the front face of a residence and the road to which it is addressed.

3. The refuse container must be placed in position at the curb where the automated truck has access to grab and dump it. The container should therefore be placed at least four (4) feet away from parked cars, trees, mailboxes, and recycling containers.

4. The lid of the refuse container must close tightly. Containers may not be overfilled nor may materials be placed outside the container.

5. All refuse placed in approved village containers for pickup must be contained within translucent enclosed plastic bags.

(e) Prohibited Materials.

1. Recyclable Materials. Recyclable materials as defined in section 10.15(3) are prohibited from being co-mingled and placed in regular refuse containers or solid waste dumpsters and must be handled separately and in compliance with section 10.15(4) of this chapter.

2. Dead Animals. It shall be unlawful to place any dead animal, or parts thereof, in a refuse container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.

3. Undrained Food Wastes. It shall be unlawful to place any garbage or other food waste in a refuse container for collection

unless it is first drained and wrapped.

4. Ashes. It shall be unlawful to place hot ashes in a refuse container for collection.

(13) IMPROPER DISPOSAL OR HANDLING OF REFUSE AND RECYCLABLE MATERIALS

(a) Non-Collectable Materials

1. Hazardous Wastes. It shall be unlawful for any person to place for collection any of the following wastes:

- a. Hazardous waste;
- b. Toxic waste;
- c. Chemicals;
- d. Explosives or ammunition;
- e. Flammable liquids;
- f. Liquid paint.

2. Animal or Human Wastes. It shall be unlawful for any person to place human waste for collection except for disposable diapers, which will be accepted. Animal waste or kitty litter waste should be disposed of in clear or translucent plastic bags for collection.

3. Hospital Wastes. It shall be unlawful for any person to place for collection any pathogenic hospital wastes.

4. Building Waste. All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.

(b) Improper Placement. It shall be unlawful to place, or allow to be placed, any garbage, refuse or solid waste upon the roads, streets, public or private property within the village contrary to the provisions of this chapter.

(c) Compliance With Chapter. It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid and hazardous waste within the boundaries of the village contrary to the provisions of this chapter.

(d) *Improper Transportation.* It shall be unlawful to transport any solid waste in any vehicle that permits the contents to blow, sift, leak or fall there from. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.

(e) *Interference With Authorized Collector.* No person other than an authorized collector shall collect or handle any refuse after it shall have been put into an approved refuse container and deposited in the proper place for the collector, nor shall any person molest, hinder, delay or in any manner interfere with an authorized refuse collector in the discharge of his duties.

(f) *Anti-scavenging or Unlawful Removal of Recyclables.* It shall be unlawful for any person, unless under contract with or licensed by the village to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home for the purposes of collection for recycling.

(g) *Private Dumps.* It shall be unlawful for any person to use or operate a private dump within the village.

(h) *Burning of Waste.* It shall be unlawful for any person to burn solid waste or recyclables in any manner, except as provided elsewhere in this Code.

(i) *Refuse From Outside of Village.* It shall be unlawful to bring refuse for disposal

and recyclables from outside the corporate limits into the village unless authorized by agreement with the Department of Public Works.

(j) *Condition of Refuse Storage Areas.* Refuse storage areas shall be kept in a nuisance and odor free condition. Litter shall not be allowed to accumulate. Collection crews and contractors will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The user shall be responsible for cleaning up any spilled litter. Litter not collected shall not be allowed to accumulate. Violation of this provision will result in the issuance of a warning notice to the user to clean up his area. Continued violation shall result in the owner being prosecuted under section 10.25.

(k) *Refuse Accumulation; When A Nuisance.* Accumulation or deposit of solid waste, rubbish or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habit or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance. Continued violation shall result in the owner being prosecuted under section 10.25.

(14) OWNERSHIP OF REFUSE AND RECYCLABLES. Recyclable materials and refuse, upon placement at the curb, shall become the property of the Village. Recyclable materials, upon collection by any permitted collector, shall become the

property of the contractor.

(15) 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 24.04 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(16) HAULER SPECIFICATIONS.

(a) Hauler Restrictions

1. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the village that have been separated for recycling.

2. Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market and shall maintain materials in marketable condition.

(b) Right to Reject Materials. The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in section 10.11(6) of this section or in education material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials in writing about the reasons for rejecting the items. The hauler shall also keep a list of such occurrences and provide it to the Village monthly.

(c) Hauler Licensing.

1. Haulers who collect solid waste or recyclables in the village for storage, treatment, processing, marketing, or disposal shall obtain and maintain a municipal license from Director of Public Works prior to collecting any materials in the village. The term of the municipal license shall be from July 1 to June 30 of each year and the fee shall be as established by the village board.

2. Such haulers shall also be required to obtain and maintain all necessary state permits, licenses, and approvals prior to collecting any materials in the village.

(d) Transportation Requirements. All haulers shall comply strictly with the solid waste transportation requirements set forth in section 10.11(13)(d). Failure to comply may result in warnings, citations, or suspension of license.

(e) Reporting Requirements. The solid waste and recycling haulers and processors operating in the village are required to maintain records and upon request, report in writing to the Director of Public Works at least monthly each year. Reports shall include: a list of all users in the village to which contracted services have been provided during the reporting period; the amount of solid waste and recyclables collected and transported from the village; the amount of solid waste and recyclables processed and or marketed by item type from the village; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the village to revoke any license or sever any contract with the hauler/processor.

(17) INTERPRETATION. In their interpretation application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any power granted by

the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the section provision is unclear, the provisions 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 section or in effect on the date of the most recent text amendment to this section.

(18) ADMINISTRATION. It shall be the responsibility of the director to administer the content of this section. The director, based on common municipal practices shall handle items not specifically covered in this section. If his decision is not acceptable to the property owner, the village board shall review and decide complaints as requested.

(19) VIOLATIONS. In the event that a user violates the requirements of this chapter, the non-conforming materials shall be tagged at curb side with a notice informing the user of the violation and the corrective action required. If tagged, the materials shall be removed from the curb within 24 hours by the user. The violation shall be corrected and the materials shall be placed curb side for the next regular pickup. No special pickups will be made for materials that were in violation.

(20) ENFORCEMENT AND PENALTIES.

(a) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the village may inspect recyclable materials separated for recycling, post-consumer 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 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 any provision of this ordinance may be issued a warning or citation by the North Fond du Lac Police Department, Superintendent of Public Works or the superintendent's designee to collect forfeitures. The issuance of a citation under this paragraph shall not preclude the subsequent issuance of additional citations under any other ordinance or law relating to the same or any other matter.

(c) Penalties for violating this ordinance may be assessed as follows:

(1) Any person who violates Section 24.16 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation in any twelve (12) month period.

(2) Any person who violates a provision of this ordinance, except Section 24.16 may be required to forfeit not less than \$25 for a first violation, not more than \$100 for a second violation, and not more than \$1000 for a third or subsequent violation in any twelve (12) month period.