

Chapter 151
SOLID WASTE

ARTICLE I
Refuse and Weeds

§ 151-1. Purpose.

§ 151-2. Definitions.

§ 151-3. Accumulations of refuse prohibited.

§ 151-4. Grass, brush and weeds; enforcement.

§ 151-5. Penalties for offenses.

§ 151-6. Adoption of rules and regulations.

[HISTORY: Adopted by the Town Board of the Town of Nichols 12-19-1982 as Ch. 16 of the 1982 Code; amended in its entirety 2-9-2016 by L.L. No. 1-2016. Subsequent amendments noted where applicable.]

ARTICLE I
Refuse and Weeds

§ 151-1. Purpose.

The purpose of this article is to protect the health, safety and welfare of the citizens of the Town of Nichols by regulating the accumulation of refuse on properties within the Town by requiring the removal of refuse.

§ 151-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

REFUSE — Includes all putrescible and nonputrescible solid wastes such as garbage, rubbish, used building materials, paper, ashes, tin cans, glass, pottery, appliances, incinerator residue, dead animals, offal and commercial and industrial waste. Also includes removal of grass, brush and weeds unless maintained in a confined area for composting.

§ 151-3. Accumulations of refuse prohibited.

- A. No person shall permit any refuse to accumulate on properties owned, leased, occupied or operated by that person or on the sidewalk adjacent to such properties.
- B. No person shall deposit or cause to be deposited refuse on any property within the Town of Nichols.
- C. It shall not be considered a violation of this section if refuse accumulations are stored in tightly sealed waterproof containers not visible from the public sidewalk or street or adjoining properties. Such containers may be left in the public view one day per week when refuse collection takes place.

- D. It shall not be considered a violation of this section if used building materials are permitted to accumulate in connection with the repair or removal of a building, provided that at least once every 30 days the total accumulation is removed.
- E. No person shall permit garbage, tires, vehicle parts, furniture, appliances or items and/or materials not designed for outdoor use to be stored in places visible from a public sidewalk or street or adjacent properties.
- F. Procedures for violations.
 - (1) For refuse:
 - (a) First, a notice to remedy shall be sent to the property owner allowing him/her three days to correct a raw garbage violation.
 - (b) Second, a certified letter will be sent stating an appearance ticket will be issued on any particular day for not correcting the violation within the time allotted.
 - (c) Third, the Town of Nichols will remove the refuse and bill the property owner for all cost incurred. If the bill is not paid within the allotted time, a lien will be affixed to the property, and the amount thereof will be added to the owner's Town real property taxes.

§ 151-4. Grass, brush and weeds; enforcement.

- A. No person shall permit grass, brush or weeds to exceed 12 inches in height on improved property owned, leased, occupied or operated by that person which abuts upon similar improved property. Improved property is a piece or tract of land which requires the issuance of a permit before any activity may be undertaken thereon, regardless of whether it is residential, commercial, business, industrial, occupied or unoccupied.
- B. No person shall permit poison ivy, poison sumac, or poison oak to grow on property owned, leased, occupied or operated by him on improved property.
- C. The Town Code Enforcement Officer shall be responsible for enforcing this section.
- D. Procedure for violation.
 - (1) First, an order to remedy will be issued to the property owner and a week will be given to correct the situation.
 - (2) Second, a notice will be sent to the property owner by first-class mail indicating the date the Town has scheduled to cut the grass, weeds or brush.
 - (3) Thereafter the property owner will be billed for the labor provided by the Town, and if payment is not received within 30 days, a lien will be placed against the property and added to the property owner's taxes.

§ 151-5. Penalties for offenses.

- A. Any person violating any part of this article shall be deemed a disorderly person and shall be guilty of disorderly conduct and, upon conviction, shall be subject to a fine of not less than \$100 and not more than \$250 or to imprisonment for not more than 15 days, or to both such fine and imprisonment. This fine shall apply to each such violation, each week's continued violation constituting a separate additional violation.
- B. Any person violating any part of this section shall be subject to a civil penalty for each and every week that such violation continues, recoverable by suit brought by the Town.
- C. The remedies provided for herein shall be cumulative and shall be in addition to any other remedy provided by law. In addition to the enforcement provisions described herein, an administrative fee plus the cost of the removal or correction of any violation shall be assessed against the property owner in an amount as set forth from time to time by resolution of the Board of Trustees. Said administrative fee, if unpaid, will also be included in any lien placed against the property and will be added to the property owner's taxes.

§ 151-6. Adoption of rules and regulations.

The Board of Trustees shall have the authority to adopt such other rules and regulations which in its judgment shall be necessary to enforce the provisions and intent of this article.