

**TOWN OF GIBRALTAR
ORDINANCE 2022-23
ILLEGAL DUMPING OF REFUSE OR GARBAGE IN PRIVATE OR PUBLIC DUMPSTER**

Ordinance 2022-23 Identified in the code of ordinances as 10.20 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose - To promote legal and proper disposal of material and recyclables.

State Statutes Adopted – Authority

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

Definitions

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Illegal dumping means the act of illegally placing any material on any location other than the appropriate place of disposal, whether the location is public or private.

Scrap metal, as defined in Wis. Stats. § 134.405(1)(g).

General Provisions

- (a) Depositing refuse or garbage in private or public dumpster. It shall be unlawful to place, deposit, leave or dump any trash, ashes, broken articles, garbage, junk, refuse or waste material of any kind into any dumpster located in the Town except:
 - (1) Where the dumpster is privately owned or owner consents; or
 - (2) Where reasonable excuse or justification exists
 - (3) Town recycling site during the designated times and dates specified by the Town of Gibraltar. Only items specified as allowable material shall be accepted.
- (b) The registered owner of any vehicle involved will be responsible for any violations.
- (c) Any person violating this section will be responsible for costs associated with proper disposal of the materials.

The term "Town recycling site" means an area behind E3478 County Road F Fish Creek, Wisconsin.

Penalty

- (a) Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00 Together with the costs of prosecution and in

rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days.

(b) Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.

Enforcement

(a) Enforcement shall be by citation

(b) Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be stated above or such amount that the Circuit Court of Door County hereafter affixes.

Reference to Statutes

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed, or otherwise altered by the State Legislature.

Severability

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.