

HERMOSA TOWN BOARD
WORK SESSION
JULY 9, 2024
5:30 PM

- 1) **ROLL CALL:**
 - A. BOT Roll Call: Henrichsen, Kramer, Ferguson, Koontz, Harris
 - B. Acknowledgement of other Attendees

- 2) **CALL FOR CHANGES:**
 - A. Review of current agenda items
 - B. Motion to accept the agenda as presented/amended

- 3) **CONFLICT OF INTEREST DECLARATION**

- 4) **WORK SESSION ITEMS:**
 - A. Public Nuisances Ordinances
 - B. Dumpster signage

- 5) **ITEMS FROM CITIZENS:** No action will be taken by the board on any issue related without being first placed on a future agenda, by the board, to allow for proper notice. (Reserved time for public comment is 15 minutes). Meetings of the Board of Trustees are open to the public. The audience will be allowed to comment on specific agenda items during the time allotted on the agenda for those items, according to established procedures of the Board. This is a time for members of the public (citizens, business owners, and those living within one mile of the town limits) to express concerns or discuss issues having relevance to the town. Anyone wishing to address the Town Board during this time shall be asked to stand and identify themselves after being recognized by the Board President.

- 6) **TRUSTEE INPUT:**

- 7) **ADJOURN:** Motion by _____; Second by _____ to adjourn the meeting at _____ PM.

§ 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS MATTER. Includes trash, garbage, refuse and all other material which has been strewn about, is otherwise apparently abandoned or of no apparent value, which is unsightly or malodorous, or which may be potentially hazardous as a breeding ground for insects and rodents and other undesirable animals, or which may prove hazardous to individuals using the area upon which these noxious matters exist.

NUISANCE. All substances which emit any foul, unhealthy, noxious or disagreeable smell or odor; any stable or shop which is kept in a condition so as to be offensive or annoying to the public; all green or salted hides and carcasses left or deposited in any open or public area; personal property of any kind if unlicensed, unprotected by a durable cover, or not maintained in a neat and safe manner for a period of 30 days or more. This includes, but is not limited to, automobiles, machinery, equipment, accessories, parts, structures, property accouterments such as fences, accessways.

WEEDS. Includes all weeds on the state and/or county weed lists, including, but not limited to, of the kind known as Russian Thistle, Canadian Thistle, Cocklebur, Rag Weed, Golden Rod, Burdock, Creeping Jennie and all other noxious or unhealthful vegetation, especially those whose pollen is known to cause hay fever. To allow to grow to maturity on any private property or vacant lot shall constitute a nuisance.

(Ord. 10.012, passed 4-3-2001; Ord. 91.1A, passed 5-30-2017)

§ 91.02 PROHIBITED CONDITIONS.

(A) All weeds, tall grass in excess of eight inches in height, noxious matter, open wells and nuisances are declared a violation of this chapter and no owner of any lot, place or area within the town, or the agent of the owner or the occupant of the lot, place or area, shall permit on the lot, place or area, or upon any public way abutting the same, any weeds, tall grass, noxious matter or other nuisance to grow, lie, or be located thereon.

(B) Notwithstanding the prohibitions set forth in division (A), for parcels of three acres or more in undeveloped commercial and residential properties, grass growing in excess of eight inches shall be permitted for haying purposes so long as the owner, agent of the owner, or the occupant of the parcel of land of three acres or more maintains a 20-foot wide cut of the growing grass within the perimeter of the parcel of land of eight inches or less. The eight-inch or less cut shall not be necessary for that portion of the parcel that constitutes the boundary line of the town.

(Ord. 10.012, passed 4-3-2001; Ord. passed 5-7-2019) Penalty, see § 10.99

§ 91.03 ENFORCEMENT AUTHORITY.

The Board of Trustees may appoint an authorized agent for the purpose of performing inspections, providing appropriate notifications of violations, conducting enforcement and abatement action as may be required to ascertain compliance with ordinances of the town, and obtaining legal counsel as required. Detailed reports of all action taken by the appointed enforcement authority will be provided at each regular meeting of the Board of Trustees.

(Ord. 10.012, passed 4-3-2001)

§ 91.04 NOTICE TO ABATE.

(A) The Board of Trustees or the duly authorized agent is authorized and empowered to notify, in writing, the owner of any lot, place or area within the town, or the agent of the owner, and the occupant of the premises, to cut, destroy or remove any weeds, tall grass, noxious matter or nuisance found growing, lying or located on the property or upon the public way abutting same.

(B) The notice shall notify the owner, agent and/or occupant to cut, destroy, remove or otherwise remedy any such weeds, tall grass, noxious matter or other nuisance within a prescribed amount of time and shall be delivered as set for below.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.05 ABATEMENT BY TOWN AUTHORITY.

Upon failure, neglect or refusal of any owner, agent or occupant to comply with the notice provided for in § 91.04, within the prescribed time after the mailing thereof, the Board of Trustees or the duly authorized agent is authorized and empowered to provide for the cutting, destroying, removal or any other remedy as may be required, of the weeds, tall grass, noxious matter or other nuisance and to defray the cost of the work, including administrative costs, by special assessment against the property as set out in § 91.06.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.06 ABATEMENT BY TOWN COST ASSESSMENT.

The Board of Trustees or the duly authorized agent shall cause an account to be kept against each lot upon which work is done pursuant to § 91.05, and have same certified to the Finance Officer upon completion of the work. The Finance Officer shall thereupon certify the account, showing the amount, the description of the property and add the assessment to the general assessment against the property, and certify the special assessment, together with the regular assessment, to the County Auditor to be collected as municipal taxes for general purposes. The assessment shall be subject to review and equalization the same as assessment for taxes for general purposes.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.07 NOTIFICATION GUIDELINES.

All notices will carry an original signature by at least one member of the Town Board of Trustees.

(A) *First notice - courtesy note.*

(1) The courtesy note shall be delivered by regular mail and/or hand delivered by Town Marshal/Deputy to the last known address of the property owner, agent and/or occupant. Hand deliveries are to be signed by the occupant if present. If occupant not present, notice will be hung on doorknob with date noted as to date and time of placement by law enforcement. The courtesy note shall contain the specific violation, the expected remedy, shall reference the ordinance violated, and shall state the date of the re-inspection. Re-inspection date shall be determined by the Board of Trustees or authorized agent and shall give sufficient time for the required remedy, usually seven calendar days from the postmarked date and noted on door hanger.

(2) Weeds, tall grass, malodorous, unhealthy, and dangerous violations require only one notice. Weeds and tall grass shall be removed within seven calendar days of the postmarked or hand delivered date of the notice. Malodorous, unhealthy, or dangerous violations shall be remedied within three calendar days of the date of the notice.

(B) *Second notice - notice of violation.* The notice of violation shall be delivered via door hangar (hand delivered by law enforcement) to the last known address of the property owner, agent and/or occupant. The notice of violation shall contain the specific violation, the expected remedy, shall reference the code section or ordinance violated, shall state the date of the re-inspection, and shall state consequential action which will be abatement. State the abatement action being taken, the cost of the abatement action to be assessed against the property, and the date the action shall be taken. Re-inspection date shall be determined by the Board of Trustees or authorized agent and shall give sufficient time for the required remedy, usually two weeks from date of the notice.

(C) *Third notice - notice of abatement.* The notice of abatement shall be delivered via registered mail, return receipt requested, with a copy delivered via regular mail, to the last known address of the property owner, agent, and/or occupant, and/or hand delivered by law enforcement. The notice of abatement shall contain the specific violation, shall reference the ordinance violated, shall state the abatement action taken, the date the action was taken, and the cost of the action to be assessed against the property.

(D) *Subsequent violations.* Upon subsequent violation of this chapter within a 24-month period after notice has been given as provided above, the town shall immediately send notice of pending abatement action and require the owner to remedy the nuisance within three days of delivery by regular mail and hand delivered by Marshal to the last known address.

(Ord. 10.012, passed 4-3-2001; Ord. 10.012A, passed 12-7-2004; Ord. passed 4-17-2018; Ord. passed 4-17-2018; Ord. passed 8-4-2020)

§ 91.08 EXCEPTIONS.

The Board of Trustees shall act and perform all the duties and exercise the powers of the Board of Adjustments. The Board of Adjustments shall have the power to make special exceptions to provisions of this chapter, provided that the applicant for the special exception shall first file with the Board of Adjustment a consent, signed by not less than 75% of the owners of property within 500 feet of the lot or site of which the special exception is sought, provided further that the special exception be granted by not less than a majority vote of the full Board of Adjustments.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.09 APPLICATION.

For the health, safety and welfare of the citizens of this community, all properties within the jurisdictional boundaries of the town will comply with all provisions of this chapter without regard to conditions existing at the time that it goes into effect.

(Ord. 10.012, passed 4-3-2001; Ord. passed 8-4-2020)

§ 91.10 COMPLAINTS.

(A) Should any member of the Town Board of Trustees receive a written or verbal, complaint, a Trustee on the Town Board shall, within two days, investigate the complaint and make immediate determination of required action and so notify both the plaintiff and owner of the determination. The complaint shall be required before any courtesy notice or abatement action shall be initiated and shall be anonymous.

(B) Should the complaint be declared valid, the Town Board of Trustees, upon majority vote, may give the violating owner a courtesy notice of the violation of the first offense.

(C) All notices will carry an original signature by at least one member of the Town Board of Trustees.

(Ord. 10.012A, passed 12-7-2004; Ord. passed 8-4-2020)

§ 91.11 CONFLICTS WITH OTHER LAWS.

(A) In the interpretation and application of the provisions of this chapter, these provisions shall be held to a minimum requirements adopted for the promotion of the public health, morals, safety and the general welfare.

(B) Whenever the requirements of this chapter are at variance with the requirements of other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

(Ord. 10.012, passed 4-3-2001)

§ 91.99 PENALTY.

Each day any violation of this chapter continues shall constitute a separate offense. In addition to the remedies provided in this chapter, any person violating any provision of this chapter shall be subject to the general penalty provision as set forth in § 10.99 of this code.

(Ord. 91.1A, passed 5-30-2017)

(B) Residents of the town are responsible for picking up trash and garbage from tipped containers.

(C) If a collection container becomes unusable due to damages resulting from causes other than the collection truck, the resident shall be responsible for purchasing a new container from the service provider.

(Ord. passed 6-19-2018)

§ 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to persons who have garbage service with the town. Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

§ 52.04 COLLECTION CHARGES.

(A) The town shall make a charge for each month for the collection of refuse from each family domestic unit. The charge shall be billed on the monthly water bill to each family domestic unit and shall be immediately due and payable upon the billing date. It shall be payable with, and in addition to, the water bill.

(B) In the event refuse collection is provided by the town under the provisions of this chapter to a family domestic unit within the garbage service district not independently served by the town water service and billed therefor, the owner and occupant of the dwelling unit occupied by the family domestic unit shall be billed for each month at the same rate that the water users are billed. The refuse collection charge shall be forthwith payable to the town by either the owner or occupant of the dwelling unit.

(C) Bills shall be payable at the Town Finance Office or at the authorized bank depository by automatic withdrawal upon enrollment.

(D) The rates for any and all charges the town shall make under this provision shall be prescribed by resolution of the Common Council.

(E) In addition to the foregoing methods of billing and collecting the charges for refuse collection, the Finance Officer, with the approval of the Board of Trustees, may from time to time adopt, use, and enforce such other methods of billing and collection of the charges as may be reasonably efficient, feasible, and appropriate, to the end that in every case all collection charges provided by this section shall be paid.

(Ord. passed 6-19-2018)

NEW

AN ORDINANCE TO AMEND THE TOWN OF HERMOSA ORDINANCE CHAPTER 52: GARBAGE AND REFUSE BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO RESIDENTS ONLY FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52.

BE IT ORDAINED BY THE TOWN OF HERMOSA BOARD OF TRUSTEES THAT THE TOWN OF HERMOSA AMENDS THE TOWN OF HERMOSA ORDINANCE CHAPTER 52 BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO RESIDENTS ONLY FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52:

CHAPTER 52: GARBAGE AND REFUSE

§ 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to residents who live within municipal town limits. Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

Dated this 20th day of December 2022

BOARD OF TRUSTEES:

President

ATTEST:

Finance Officer

First Reading: 12/06/2022
Second Reading: 12/20/2022
Publication: 12/28/2022
Effective Date: 01/17/2023

Proposed

AN ORDINANCE TO AMEND THE TOWN OF HERMOSA ORDINANCE CHAPTER 52: GARBAGE AND REFUSE BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO THOSE PAYING FOR GARBAGE SERVICE FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52.

BE IT ORDAINED BY THE TOWN OF HERMOSA BOARD OF TRUSTEES THAT THE TOWN OF HERMOSA AMENDS THE TOWN OF HERMOSA ORDINANCE CHAPTER 52 BY REVISING §52.03 YARD WASTE COLLECTION TO DEFINE YARD WASTE COLLECTION LIMITING TO THOSE PAYING FOR GARBAGE SERVICE FOR PURPOSES OF THE TOWN OF HERMOSA ORDINANCES CHAPTER 52:

CHAPTER 52: GARBAGE AND REFUSE

§ 52.03 YARD WASTE COLLECTION.

Yard waste collection is limited to those customers (lots/homes) paying for garbage service through the Town of Hermosa's Garbage and Refuse contract. Yard waste will not be collected for disposal, it must be delivered without any container to the yard waste disposal containers located on 1st Street. No yard waste shall be commingled with any trash, rubbish, infectious or hazardous waste, or other non-yard waste materials.

(Ord. passed 6-19-2018)

Dated this 23rd day of January 2024

BOARD OF TRUSTEES:

President

ATTEST:

Finance Officer

First Reading:
Second Reading:
Publication:
Effective Date:

IN TOWN RESIDENTS ONLY!!
YARD WASTE ONLY!

NO

- ✓ PLASTIC OR PAPER BAGS
- ✓ APPLIANCES
- ✓ LIQUIDS OR CHEMICALS
- ✓ TIRES OR BATTERIES
- ✓ DRUMS OR CONTAINERS

PLACING UNAUTHORIZED MATERIALS IN THIS CONTAINER COULD RESULT IN A FINE UP TO \$500.00
(\$10.99 GENERAL PENALTY) PLUS ADMINISTRATIVE FEE OF \$50.00. IF CONTAMINATED YOU WILL
ALSO BE RESPONSIBLE FOR THE COST TO EMPTY THE DUMPSTER.

NO COMMERCIAL CONTRACTORS

IF DEBRIS FALLS ON THE GROUND - PLEASE CLEAN IT UP !

TAKE PRIDE IN YOUR HOMETOWN

SMILE FOR THE CAMERA