

**BIG CEDAR LAKE PROTECTION AND REHABILITATION DISTRICT  
ORDINANCE NO. 2015-1**

**AN ORDINANCE TO PROHIBIT DEPOSITING CERTAIN ITEMS IN AND AROUND  
DUMSTERS PLACED BY THE BIG CEDAR LAKE PROTECTION & REHABILITATION  
DISTRICT AT VARIOUS LOCATIONS AROUND BIG CEDAR LAKE AND TO  
PROVIDE PENALTIES FOR VIOLATIONS**

WHEREAS the Big Cedar Lake Protection and Rehabilitation District (BCLPRD) is a lake district created under Wis. Stats. Ch. 33 and has all powers granted to lake districts under Wis. Stats. Ch. 33, including the power to do any act necessary to carry out a program of lake protection and rehabilitation district, and

WHEREAS, the BCLPRD is a restructured lake district pursuant to the provisions of Wis. Stats. 33.235(4), by virtue of the Town of West Bend Sanitary District having merged into the BCLPRD in 1995 and thus has all powers granted to town sanitary districts under Ch. 60, including the power to project, plan, construct and maintain a solid waste collection system, including all of the improvements or activities or any combination of them necessary for the promotion of the public health, comfort, convenience or welfare of the district, and

WHEREAS, the BCLPRD has contracted with a private waste hauling company to provide solid waste pickup from residential properties and from 7 dumpsters around Big Cedar Lake, some of which are located in close proximity to Big Cedar Lake, and

WHEREAS, the BCLPRD has expended and will in the future continue to expend substantial sums of money provided by local property taxes for the pickup of solid waste material, and

WHEREAS, to protect the lake and allow for the orderly pickup of solid waste material, certain items should not be placed in the dumpsters.

NOW THEREFORE, THE COMMISSIONERS OF THE BIG CEDAR LAKE PROTECTION & REHABILITATION DISTRICT DO HEREBY ORDAIN AS FOLLOWS:

Section I. Ordinance No. 2015-1 is created to read as follows:

2015-1.1. No person shall put or place or caused to be put or placed in or around dumpsters placed by the Big Cedar Lake Protection & Rehabilitation District (BCLPRD) or any waste disposal company under contract with the BCLPRD at the north and south ends of Boettcher Dr., at the Big Cedar Lake Resort, on Oak Lodge Road and Merton Drive, at Cedar Lake Hills and at the boat launch at Gonring Drive any of the following items;

recyclable waste, demolition waste, hazardous waste

industrial waste, yard waste, free liquids

any non-containerized waste, carpeting, fluorescent light bulbs

electronic devices, waste/motor oil, tree trunks or stumps, logs, automobile parts/tires, vehicles

mattresses, large tools, furniture

Sinks, toilets, tubs, ovens, ranges and other bathroom or kitchen fixtures

Motors, pumps or appliances (such as washers, dryers, air conditioners, hot water tanks, refrigerators, stoves, microwave ovens, toasters, coffee makers, vacuum cleaners, etc.), lawn mowers, snow removal equipment

large amounts (over 50 pounds) of stone, concrete, rubble, earth or sod or smaller amounts that are not containerized

waste from containers, plastic bags, or bundles exceeding thirty-two (32) gallons in volume, five (5) feet in length, or fifty (50) pounds in weight

construction debris in excess of fifty (50) pounds or any smaller amounts that are not containerized

large or small auto parts (engine blocks, heads, fenders), automobile batteries or lead acid batteries

containers, bags or bundles containing a mix of both Residential Solid Waste and Recyclable Waste

Permitted items must be placed in the dumpsters.

2015-1.2. CITATION ENFORCEMENT. The Big Cedar Lake Protection & Rehabilitation District hereby adopts and authorizes the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists, as provided in Wis. Stats. 66.0113. Citations authorized under this ordinance may be issued by water safety patrol officers hired or contracted for by the Big Cedar Lake Protection & Rehabilitation District, and/or by any other employee hired by the Big Cedar Lake Protection.& Rehabilitation District. Nothing herein shall be construed to prohibit the District from enforcing this ordinance by any other lawful means.

2015-1.3. PENALTIES/CASH DEPOSITS.

(A) The penalty/cash deposit for violations of Ordinance 2015-1 shall be \$150 for the first offense and \$300 for the second or subsequent offense during the same calendar year. The penalty/cash deposit may be paid at the District offices or by mail to the District at 4480 Gonring Dr., West Bend, WI53095 within ten (10) calendar days of the date the violation occurred. The cancelled check will serve as the receipt.

(B) In the event a penalty/cash deposit has not been paid to the District under Section 2015-1.3A above within thirty (30) days of the date the violation occurred, the penalty/cash deposit is to be made with the Clerk of the Circuit Court for Washington County, Wisconsin, and said Clerk shall give a receipt for any penalty/cash deposit that is made in person, unless the penalty/cash deposit amount is mailed in and, in that case, the cancelled check will serve as the receipt. In addition to the penalty/cash deposit required in Section 2015-1.3A above that has not been paid to the District within thirty (30) days of the date the violation occurred, the penalty/cash deposit shall include a penalty assessment if required by Section 165.87, Wisconsin Statutes, a jail assessment if required by Section 302.46(1), Wisconsin Statutes, and any applicable fees and court costs prescribed by Wisconsin Statutes.

2015-1.4. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Commissioners of the Big Cedar Lake Protection & Rehabilitation District would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section 2. This ordinance shall become effective upon passage and publication.

Adopted by the Commissioners on April 15, 2015.

/s/ Roger E. Walsh

Roger E. Walsh, Chairperson

/s/ Paul Sacotte

Paul Sacotte, Secretary

Published on May 8, 2015