

**Chapter 85****GARBAGE, RUBBISH AND REFUSE**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Kensington 11-20-1968 as Section 36.0126 and 36.0131 of the Code of Ordinances (1968); amended in its entirety 4-8-1998 by L.L. No. 1-1998. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Air pollution — See Ch. 43.**

**Brush, grass and weeds — See Ch. 61.**

**§ 85-1. Purpose.**

It is the purpose of this chapter to ensure regular maintenance and improvements to present structures, safeguard against blight and preserve property values and community standards and to establish minimum maintenance standards to safeguard life, limb, health, safety, property and the public welfare in the best interest of the residents of the Village of Kensington.

**§ 85-2. Permitting rubbish from construction to scatter.**

No owner, lessee, occupant or person in control of any property in the village, and no contractor, foreman, artisan, laborer, gardener or employee or workman engaged in work or other activity thereon, and no operator of a truck or other equipment carting rubbish, garbage, paper products, plaster, building wastes or other materials shall permit such rubbish, garbage, paper products, plaster, building wastes or other materials from such property or from such truck or other equipment to be blown, carried or deposited or to fall upon any public property or upon the property of another. It shall be the duty of such owner, lessee, occupant or person in control of such property, and of the contractor, foreman or person in charge of the work, and of the operator of such truck or other equipment, to provide and maintain suitable receptacles or containers (and appropriate covers on trucks and equipment) for all such rubbish, garbage, paper products, plaster, building wastes or other materials, and such rubbish, garbage, papers, plaster, building wastes and other materials shall be deposited and retained therein (and appropriately covered, in the case of open trucks and equipment) until removed from the village or otherwise disposed of in conformity with the provisions of the village ordinances.

**§ 85-3. Prohibited dumping of rubbish.**

It shall be unlawful for any person to deposit upon any public property or upon the property of another any rubbish, paper products, plaster, building wastes, grass, weeds, clippings, branches, trees and other material without the prior consent of the owner or lessee of such property and then only in conformity with the provisions of the village ordinances, rules and regulations.

**§ 85-4. Open areas.**

Yards and vacant lots shall be kept clean and free of physical hazards, garbage, refuse, litter, debris, accumulation of brush, shrubs, weeds, grass, stumps, roots and excessive growths.

**§ 85-5. Inspection and enforcement.**

- A. Whenever the Code Enforcement Officer determines that there is a violation of the provisions of this chapter, he shall cause a written notice to be served upon the owner or occupant, which shall include:
  - (1) An enumeration of conditions which violate the provisions of this chapter.
  - (2) A statement of a definite number of days from the date of the notice in which the owner or operator must commence and complete such remedial action.
- B. A copy of such notice shall be filed in the Village Clerk's office, and such notice shall be deemed sufficient, if served upon the owner or occupant as follows:
  - (1) In person; or
  - (2) By certified mail with return receipt requested.
- C. Upon failure to comply with said notice, the Building Inspector or Code Enforcement Officer shall issue an appearance ticket returnable in the Village Court.

**§ 85-6. Penalties for offenses.**

Each person who violates any provision of this chapter shall, for each and every week that said violation continues, be subject to a fine of not more than \$1,000 or imprisonment for a period not to exceed six months, or both such fine and imprisonment.