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5 **AN AMENDED RESOLUTION/ORDINANCE**
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7 Amending Section 47.48 of the Milwaukee County Code of General Ordinances
8 to increase the penalty for illegal dumping on county park property to \$5,000
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11 WHEREAS, according to the US Environmental Protection Agency, illegal
12 dumping is the disposal of waste in an unpermitted area, such as in the back of a
13 yard, along a stream bank, in an alley, in a public right-of-way or at some other off-
14 road area; and
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16 WHEREAS, the implications of illegal dumping are serious, resulting in
17 significant environmental, social, health and financial costs; and
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19 WHEREAS, during the 2024 Budget process, amendment #7 passed
20 requesting the Department of Parks, Recreation and Culture (DPRC) research a
21 neighborhood parks watch program aimed at addressing illegal activities, including
22 improper disposal of waste in Milwaukee County Parks and parkways; and
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24 WHEREAS, the DPRC estimates there has been over sixty instances of large-
25 scale illegal dumping over the past 3 years resulting in more than 600 hours of staff
26 time annually spent on clean up with an average annual cost of \$14,000; and
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28 WHEREAS, illegal dumping in County Parks detracts dollars and time from the
29 rest of the park system and its users; and
30

31 WHEREAS, Section 47.36 of the Milwaukee County Code of General
32 Ordinances grants the DPRC the authority to cite individuals for disposing of waste on
33 county property; and
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35 WHEREAS, Section 47.48 of the Milwaukee County Code of General
36 Ordinances stipulates the DPRC is allowed to impose a civil penalty of two hundred
37 dollars (\$200.00) for each day that dumping remains on county property; and
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39 WHEREAS, the penalty for illegal dumping on county property has not been
40 adjusted since 1997; and
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42 WHEREAS, the penalty for illegal dumping in the City of Milwaukee is a citation
43 of up to \$5,000; and
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45 WHEREAS, in a presentation to the Committee on Parks & Culture at the May
46 2024 meeting (File No. 24-436), the DPRC presented several strategies for
47 combatting illegal dumping on park land, which included the following:

- 48 • Increasing penalty for illegal dumping in parks (requires ordinance
49 amendment).
- 50 • Modifying vehicle access to certain remote areas with history of dumping
51 activity.
- 52 • Investing in partnerships with the MCSO, Friends Groups and Partner
53 Organizations.
- 54 • New Technology to improve enforcement efforts, including new cameras
55 to document illegal dumping activity.
- 56 • Increased presence in parks with Park Rangers and MCSO to deter
57 dumping.

58 ; and

59
60 WHEREAS, in an effort to deter the illegal disposal of waste on county park
61 property, the civil penalty for violations of this ordinance should be increased from
62 \$200 per day to a uniform \$5,000 penalty, which is in alignment with the citation
63 issued by the City of Milwaukee; and

64
65 **WHEREAS, the Office of Corporation Counsel provided a legal opinion dated**
66 **August 30, 2024, hereto attached to this file, which, to maximize harmony with**
67 **state law, recommended creating a range of potential fines and to include**
68 **language that the cost of remediation will either be part of the penalty or**
69 **considered in the determination of the penalty; and**

70
71 WHEREAS, the Committee on Parks and Culture (P&C), at its meeting of July 9,
72 2024, referred File No. 24-575 to the Office of Corporation Counsel for a report in the
73 September 2024 meeting cycle (vote 5-0); and

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75 WHEREAS, the Committee on P&C, at its meeting of September 3, 2024,
76 recommended adoption of File No. 24-575 as amended (vote 7-0); and

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78 WHEREAS, the Committee on Judiciary, Law Enforcement, and General Services,
79 at its meeting of September 10, 2024, laid over File No. 24-575 to the Call of the
80 Chairperson (vote 5-0); now, therefore,

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82 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby amends
83 Section 47.48 of the Milwaukee County Code of General Ordinances by adopting the
84 following:

85
86 **AN ORDINANCE**

87
88 The County Board of Supervisors of the County of Milwaukee does ordain as follows:

89

90 **SECTION 1.** Section 47.48 of the Milwaukee County Code of General Ordinances is
91 amended as follows:

92
93 47.48. - Department abatement of dumping.
94

95 If a responsible party does not immediately abate all dumping on park property
96 and restore the affected park property to its condition prior to any dumping, as
97 determined in the sole judgment of the department, or if the department cannot
98 immediately locate or identify the party responsible for such dumping, the director
99 may:

- 100
101 (1) Impose a civil penalty of one thousand dollars (\$1,000) to five thousand
102 dollars (\$5,000). The cost of the remediation shall either be part of the
103 penalty or considered in the determination thereof; ~~two hundred~~
104 dollars (\$200.00) for each day that the dumping remains unabated after
105 the director orders the responsible party to abate it
106 (2) Abate the dumping, restore the affected park property and, at the discretion
107 of the director, pursue reimbursement efforts against the responsible party;
108 (3) Refer the matter to the district attorney or corporation counsel, who may
109 bring an action for compensatory and punitive damages, trespass,
110 ejectment, declaratory or injunctive relief, or any other appropriate civil or
111 criminal remedy; or
112 (4) Use any combination of the above remedies.
113

114 **SECTION 2.** The provisions of this ordinance shall be effective upon passage and
115 publication.

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118 09/03/24

119 S:\Committees\2024\September\P&C\Resolutions\24-575 Penalty Illegal Dumping ORD.docx