

**Ordinance #33
Public Nuisance**

Town of Big Flats, Adams County, STATE OF WISCONSIN

SECTION I – TITLE/PURPOSE

The title of this ordinance is the Town of Big Flats Public Nuisance Ordinance. The purpose of this Ordinance is to regulate for public health and safety reasons public nuisances and certain uses and activities in the Town.

SECTION II – AUTHORITY

The Town Board has the specific authority under ss. 29.038, 66.0407, 66.0413, 66.0415, 125.14, 169.01, and 175.25, and Chapter 823, Wis. stats., and the general authority under its Village Powers under s. 60.22 (3), Wis. stats., to adopt this Ordinance.

SECTION III – ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate the storage, treatment, disposal, and discharge of certain junk and other items, uses and activities in the Town.

SECTION IV – DEFINITIONS

- A. "Agricultural use" means any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish, or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts, and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USSC 3831 to 3836, participating in the milk production termination program under 7 USC 1446 (d), and vegetable raising.
- B. "Appliance" means any household or office device, instrument, utensil, or apparatus or machine that utilizes power, including, but not limited to any stove, clothes washer or dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, computer or peripheral device, or other home or office electronic device.
- C. "Building" includes any building or structure or any portion of a building or structure.
- D. "Debris" means any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a

- substantial threat to public health or safety, or create a public nuisance or public safety or health hazard, except when such items are determined by the Town Board or Town Committee or other agent of the Town to be stored or house out of public view and are not treated and maintained not to be a public nuisance.
- E. "Equipment" means goods used or bought for use primarily in a business, including farming and a profession.
 - F. "Junk" means scrap metal, metal alloy, wood, concrete, synthetic or organic material, or any junked, inoperative, unlicensed, or unregistered motor vehicle structures, equipment, furniture, appliances, or machinery, or any part thereof. "Junk" includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material.
 - G. "Junked" means dismantled for parts or scrapped.
 - H. "Junkyard" means any place that is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling junk, including refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards, and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises, and sanitary landfills. "Junkyard" does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.
 - I. "Machinery" means a structure or assemblage of parts that transmits forces, motion, or energy from one part to another in a predetermined way by electrical, mechanical or chemical means. "Machinery" does not include a building.
 - J. "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle that is self-propelled except a vehicle operated exclusively on a rail, with or without a current registration issued by the State of Wisconsin or other state to the owner of the vehicles.
 - K. "Not registered," in reference to all terrain vehicles" as defined in s. 340.01(2g) Wis. stats., "snowmobiles" as defined in s. 340.01(58a) Wis. stats., or "boats" as defined in s. 29.001(16) Wis. stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.
 - L. "Public nuisance" means a thing, act, occupation, condition, or use of property that continues in the Town for such length of time as to do any of the following:
 - 1. Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public.
 - 2. In any way render the public insecure in life or in the use of property.
 - 3. Greatly offend the public morals or decency.
 - 4. Unlawfully and substantially interfere with, obstruct, or attempt to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way, or the use of public property.
 - M. "Recyclable material" means material that is suitable for recycling.
 - N. "Town" means the Town of Big Flats, Adams County, Wisconsin.

- O. "Town Board" means the board of supervisors for the Town of Big Flats, Adams County, Wisconsin and includes designees of the board authorized to act for the board, specifically including the Town Clerk and Town Chair.
- P. "Town Clerk" means the clerk of the Town of Big Flats, Adams County, Wisconsin.
- Q. "Unlicensed" or "unregistered" in reference to motor vehicles, mobile homes, manufactured homes, camper trailers, recreational vehicles, truck bodies, semi-trailers, or trailers, are those that are required for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.
- R. "Vehicle" means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:
 - 1. "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats.
 - 2. "Automobiles" as defined in s. 340.01 (4), Wis. stats.
 - 3. "Boats" as defined in s. 29.001 (16), Wis. stats.
 - 4. "Camping trailers" as defined in s. 340.01 (6m), Wis. stats.
 - 5. "Farm equipment" as defined in s. 100.47 (1), Wis. stats.
 - 6. "Farm tractors" as defined in s. 340.01 (16), Wis. stats.
 - 7. "Junk vehicles" as defined in s. 340.01 (25j), Wis. stats.
 - 8. "Manufactured homes" as defined in s. 101.91(2) Wis. stats
 - 9. "Mobile homes" as defined in s. 340.01(29), Wis. stats
 - 10. "Recreational vehicles" as defined in s. 340.01(48r), Wis. stats.
 - 11. "Semi trailers" as defined in s. 340.01(57), Wis. stats.
 - 12. "Snowmobiles" as defined in s. 340.01(58), Wis. stats.
 - 13. Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles" that require no registration or licensure by the State of Wisconsin.
- S. "Wild animal" means any animal of a wild nature that is normally found in the wild and that is not a domestic animal.
- Y. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V – OFFENSES AGAINST PUBLIC HEALTH OR SAFETY

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed, after written notice to remove from the Town Board to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be a public nuisance:

- A. Unburied animal carcass areas. Any place in the Town where unburied animal carcasses are located on private or public land and are not timely removed or discarded, including timely burial in a sanitary manner, within 48 hours after receipt of written notice to remove from the Town Board. This paragraph does not apply to any animal or pet cemetery approved in writing by the Town.
- B. Noxious or polluted or waste areas. Any place in the Town where noxious, nauseous, unwholesome, or polluted water and waste are located on private or public land, including Town roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the Town, and these conditions are not timely removed within 30 days after receipt of written notice from the Town Board.
- C. Noxious emission odor areas. Any place in the Town where noxious odor, stench, or gas escape or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within 48 hours after receipt of written notice to remove from the Town Board. “Noxious odor” means an odor that is extremely repulsive to the senses of ordinary person in the Town that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the Town, as determined by the Town Board.
- D. Rat or vermin areas. Any place in the Town where rat or other vermin are located or frequent on public or private land, and those conditions are not removed or destroyed within 30 days after receipt of written notice to remove from the Town Board. Vermin subject to this paragraph include, but are not limited to, all of the following:
 - 1. Rats, mice, skunks and any other similar vermin.
- E. Dangerous or dilapidated building areas. Any place in the Town where a building or structure, the contents therein, or any associated electrical, heat, water, or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, and the conditions that are dangerous, unsafe, unsanitary, or otherwise render the building unfit for human habitation are not timely removed or discontinued within 30 days of receipt of written notice to remove from the Town Board.
- F. Fire hazard areas. Any place in the Town where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within 30 days after receipt of written notice from the Town Board.
- G. Improper encroachment or discharge areas. Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any Town roadway or on other Town public lands without written permission from the Town Board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within 5 days of the receipt of written notice to remove from the Town Board.
- H. Junked motor vehicle and junk part areas. Any place in the Town within 500 feet of the center line of any town highway in the town, or within 750 feet of the

center line of any county trunk, state trunk, or federal highway where junked motor vehicles or junk motor vehicle parts are accumulated or stored or any place in the Town where junked motor vehicle, junk vehicles or junk parts are accumulated or stored outside of a building for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, without obtaining a Junked Motor Vehicle Permit from the town in accordance with sec. IX paragraph B.

- I. Junkyard and junked vehicle, appliance, and machinery areas. Any place in the Town where junked vehicles, not otherwise subject to subsection I, junked appliances, junked equipment, and junked machinery are accumulated or stored for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, and any place otherwise within the definition of junkyard under this Ordinance that is not timely removed or discontinued within 30 days of receipt of written notice to remove from the Town Board, unless exempt under Section IX of this Ordinance.
- J. Unlicensed or unregistered vehicle area. Any place in the Town where for a period exceeding 30 days upon private property a not registered, unlicensed, or unregistered vehicle is parked, stored, or otherwise kept outside a building without the written permission of the Town Board and is not timely removed or discontinued within 30 days of receipt of written notice to remove from the Town Board, unless exempt under Section IX of this Ordinance.

SECTION VI – PUBLIC PEACE AND ORDER

No person shall create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Town a public nuisance associated with, causing, or likely to cause potential danger, disturbance, or injury to the public peace and order. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed, after written notice to remove from the Town Board to the owner or occupant of the land where the public nuisance occurred or is maintained in the Town, or to any persons responsible for the creation, maintenance, or permitting of such nuisance in the Town, are specifically declared to be a public nuisance:

- A. Loud noise areas. Any place in the Town where any unreasonably loud, discordant, and unnecessary sound conditions, including sounds from motor vehicles, equipment, machinery, guns, fireworks, or enclosed domestic or other enclosed animals or from any human created or aided sounds, including alleged music, is located on private or public land, without written approval of the Town Board and is not timely removed or discontinued within 24 hours of the written receipt of notice to remove from the Town Board.
- B. Disorderly conduct area. Any place in the Town where un-permitted, abusive, indecent, profane, or boisterous sounds, un-permitted fighting, brawling, or rioting or other un-permitted disorderly conduct conditions are located or occur on private or public lands and these disorderly conditions are not timely removed

or discontinued within 24 hours of receipt of written notice to remove from the Town Board.

SECTION VII – PUBLIC MORALS OR DECENCY

No person shall create, continue, erect, maintain, cause, continue, install, construct, or permit to exist in the Town a public nuisance associated with, causing or likely to cause danger, disturbance, or injury to public morals or decency. The following acts, uses, activities, things, occupations, places, or physical conditions, not property and timely removed by the owner or occupant of the land, after written notice to remove from the Town Board to the owner or occupant of the land where the public nuisance occurs or to any person responsible for the creation, maintenance, or permitting of such nuisance in the Town, are specifically declared to be a public nuisance:

- A. Bawdyhouses. Pursuant to s. 823.09, Wis. stats., whoever shall erect, establish, continue, maintain, use, occupy, or lease any building or part of a building, erection, or place to be used for the purpose of lewdness, assignation, or prostitution, or permit the same to be used, in the Town, shall be guilty of a nuisance and the building, erection, or place, in or upon which such lewdness, assignation or prostitution is conducted, permitted, carried on, continued or exists, and the furniture, fixtures, musical instruments, and contents used therewith for the same purpose are declared a nuisance, and shall be enjoined and abated.
- B. Illegal drug houses. Pursuant to s. 823.113 (1), Wis. stats., any building or structure that is used to facilitate the delivery, distribution, or manufacture, as defined in s. 961.01 (6), (9) and (13), Wis. stats., respectively, of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), Wis. stats., and any building or structure where those acts take place, is a public nuisance and may be proceeded against under s. 823.113, Wis. stats.
- C. Criminal gang houses. Pursuant to s. 823.113 (1), Wis. stats., any building or structure that is used as a meeting place of a criminal gang, as defined in s. 939.22 (9), Wis. stats., or that is used to facilitate the activities of a criminal gang, is a public nuisance and may be proceeded against under s. 823.113, Wis. stats.
- D. Gambling houses. Pursuant to s. 823.20, Wis. stats., any gambling place, as defined in s. 945.01 (4) (a), Wis. stats., is a public nuisance and may be proceeded against under Chapter 823, Wis. stats.
- E. Illegal alcohol houses. Pursuant to s. 125.14 (5), Any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under this chapter or ch. 139, Wis. stats., or where persons are permitted to drink alcohol beverages in violation of Chapter 125, Wis. stats., is a public nuisance and may be closed until the activity in violation of Chapter 125, Wis. stats., is abated. When the activity is abated, the building or place may be used for any lawful purpose.

SECTION VIII – ABANDONED VEHICLES ON PUBLIC LANDS

No person regardless of the vehicle's physical condition, registration, or license held shall leave unattended or stored any motor vehicle or other vehicle, appliance, equipment, or machinery, or parts thereof, on any public street, public road, public highway, or public property in the Town, including the road right-of-way, for such time and under such circumstances so as to cause the vehicle, appliance, equipment, or machinery to reasonably appear to have been abandoned. When any such vehicles, machinery, appliances, or equipment has been left unattended, parked, or stored on any public street, public road, public highway, or public property, including the Town road right-of-way, within the Town for a period of more than 72 hours, the vehicle, structure, machinery, appliances or equipment is presumed by the Town abandoned and to be a public nuisance. This section does not apply to a railroad train stopped at a railway crossing as defined in s. 340.01 (47), Wis. stats.

SECTION IX - EXEMPTIONS-PERMITS

A. Exemptions.

1. Any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property.
2. Any vehicle on the premises of a business enterprise operated in a lawful place, and operated in a lawful manner, when the keeping or maintenance of such a vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town or any public agency or entity.
3. Any operation of a junkyard on private lands in the Town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the operation of the junkyard have obtained all the proper and necessary Federal, State, County, Town, and extraterritorial municipal approvals, permits, or licenses for the operation or have obtained licenses for operation of a junkyard on that privately owned premise under s. 84.31, Wis. stats., is exempt from the provisions Section V, subsection J, of this Ordinance applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the approvals, permits, or licenses.
4. Any commercial motor vehicle salvage or motor vehicle retail sales business on private lands in the Town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current motor vehicle salvage dealer license under s. 218.205, Wis. stats., authorizing storage uses, operations, and activities at property locations in the Town or hold a current motor vehicle dealer license under s. 218.0114, Wis. stats., for salvage, sale, or storage operation and activities at a property location in the Town, and are actively engaged in the Town, as determined in

writing by the Town Board, in the commercial motor vehicle salvage or motor vehicle retail sales business on property in the Town is exempt from the provisions Section V, subsection J, of this Ordinance applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.

5. Any business engaged in the retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on private lands in the Town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current and valid manufactured home dealers license under s. 101.951, Wis. stats., or a current and valid recreational vehicle dealers license under s. 218.12, Wis. stats., issued by the State of Wisconsin.
6. Any parking, storage, or other keeping outside of buildings in the Town of **two (2)** or fewer unlicensed or unregistered motor vehicles or **two (2)** or fewer boats, snowmobiles, or all-terrain vehicles, not registered with the State of Wisconsin, on private lands owned or leased by the owner or leaseholder of the vehicles that is in conformity with local zoning and land use regulation, even if the vehicles are not stored for purposes of sale or repair, is exempt from the provisions Section V, subsection K, of this Ordinance relating to the keeping and storage of unlicensed or unregistered vehicles.
7. Any parking, storage, or other keeping of any agricultural use vehicles in the open on private lands in the Town that is in conformity with local zoning and land use regulation, by the owner or leaseholder of the land, if the vehicles are and can be used by the owner or leaseholder, without repair, for normal agricultural use in the Town is exempt from the provisions Section V, subsection J, of this Ordinance applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. Notwithstanding anything contained in this paragraph, storage of inoperable junk or other un-repaired agricultural use vehicles on private property of any person for more than 30 days in the open shall be deemed a violation of Section V, subsection J, this Ordinance unless the storage is at a commercial implement repair location where the equipment or implements can and will be timely repaired.

B. Permits.

Pursuant to authority granted in sec. 175.25 Wis. Stats., the Town Board may issue annual permits to store junked, unlicensed motor vehicles, machinery, appliances or equipment upon a parcel of property in the Town of Big Flats.

1. A written permit to store junked – unlicensed motor vehicles, machinery, appliances or equipment, shall be issued upon proper application having been made, and only after the applicant, if deemed necessary, has met all the requirements as to the type of enclosure or shielding.

2. Any application for “junked - unlicensed motor vehicle, machinery, appliance or equipment storage permit” shall be acted upon within 60 days after it was filed with the Town Board.
3. Inspection of an enclosure facility may be executed each year before the Town Board re-issues permits.

SECTION X – ABATEMENT OF PUBLIC NUISANCES/PERMIT REVOCATION

A. Inspection of Premises.

1. Whenever a complaint is made to the Town Board, Town Clerk, Town Chair, or any appropriate Town committee or agent, that a public nuisance under this Ordinance or a violation of a permit issued under this Ordinance exists within the Town, the Town Chair, Town Committee, or other agents of the Town Board shall within 10 days of receipt of complaint inspect or cause to be inspected the premises complained of and shall make a written report of its findings to the Town Board. If the Town Chair, Town Committee, or other agents of the Town Board performing the inspection also received the complaint he, she, or they shall file a copy of the report with the Town Clerk. Whenever practicable, the Town Chair, Town Committee, or other agents of the Town Board shall cause photographs to be made of the premises and shall file the photographs with a written report in the office of the Town Clerk.
2. If the person subject to complaint has a current permit under this Ordinance, the Town Chair, or other agents of the Town Board may immediately request the Town Board to hold a public hearing, to consider suspension or revocation of the permit, for refusal to comply with the permit and the conditions attached therein. The Town Board shall hold a public hearing prior to taking any action to revoke or suspend a permit. The permit holder shall be notified of the public hearing at least 20 days before the public hearing by the mailing by U.S. mail of a First Class notice letter to the last known address of the permit holder noted on the permit or permit application.
3. The Town Board may, in the alternative to revocation, suspend any issued permit for a period up to 6 months. Any revocation shall be in excess of 6 months and no reapplication can be received or acted upon by the Town Board for the premises or for the owner or occupant of the premises for any activity, use, or item prohibited by or requiring a permit under this Ordinance during the revocation period.
4. For any decision regarding the revocation or suspension of any permit, the Town Board shall determine and state the reason or reasons for any revocation, non-revocation, or suspension of the permit based on the lack of compliance with the permit conditions and this Ordinance by the permit holder or by any employees or agents of the permit holder. The reason or reasons for the decision shall be stated in writing and sent to the permit holder within 10 days after the decision by the Town Board by mailing by

US Mail of a First Class letter to the last known address of the permit holder noted on the permit or permit application.

- B. Owner of Premises Responsibility. Any owner or occupant of land in the Town shall be responsible for compliance with this Ordinance on the land regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this Ordinance.
- C. Summary Abatement.
 - 1. Notice to Owner. If the Town Chair, Town Committee, or other agents of the Town Board determine, by written notice to the Town Board, that a public nuisance exists under this Ordinance within the Town on private or public land and that there is great, immediate, and substantial danger or threat to the public health or safety, the Town Board, Town Chair, Town Committee, or other agents of the Town Board shall serve a written order notice upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises the person who is causing, permitting, or maintaining the public nuisance, and one copy of the notice shall be served by mailing by U.S. mail of a First Class letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove the public nuisance within 24 hours and shall state that unless the public nuisance is so timely abated, the Town may cause, due to the emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.
 - 2. Abatement by Town. If the public nuisance is not abated within the time provided in the notice under paragraph 1 or if the owner, occupant, or person causing the public nuisance, if known, cannot be found, the Town Chair, the Town Committee, or other agents of the Town Board, with approval of the Town Board, shall cause the abatement or removal of the public nuisance by immediately seeking for the Town a court order that allows for the immediate enjoinder and abatement of the public nuisance.
- D. Abatement By Court Action.
 - 1. If the Town Board determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the Town Board shall file a written report or its resolution of its findings with the Town Clerk who shall, after approval and filing of the report or resolution by the Town Board, take one or more of the following actions, as directed by the Town Board:

- a. Contact in writing the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located with a notice order to cease and desist the public nuisance.
 - b. Issue or have issued and served a citation upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located for violation of this Ordinance.
 - c. Cause the Town attorney to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of this Ordinance or the conditions of any permit as issued or have drafted by the Town attorney to be filed and served a formal complaint for abatement of the public nuisance under chapter 823, Wis. stats.
- E. Other Methods Not Excluded. Nothing in this Ordinance shall be construed as prohibiting the enjoinder and abatement of public nuisances against any person by the Town, or its officials in accordance with the laws of the State of Wisconsin or this Ordinance, including against a permit holder that holds a current and valid permit issued by the Town under this Ordinance.
- F. Citations. – The Town Board may, upon adoption of a Citation Ordinance, enforce against such public nuisance violations in this Ordinance by issuance and service of a Citation against any alleged violation of this Ordinance.

SECTION XI – COSTS OF ABATEMENT/DISPOSAL

In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this Ordinance, the cost of abatement of any public nuisance by the Town may be collected under this Ordinance or s. 823.06, Wis. stats., as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Town to enjoin or abate the public nuisance as a special charge under s. 66.0627, Wis. stats., unless paid earlier. If any vehicle, structure, equipment, implement, or appliance noted in this Ordinance is abandoned or remains unclaimed, the Town Board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under s. 66.0139, Wis. stats., by public auction or other means as determined in writing by the Town Board.

SECTION XII – ENFORCEMENT PROVISIONS

- A. First Offense/Penalty. Any person who violates this Ordinance shall, upon conviction, forfeit not less than \$20 nor more than \$500 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution

shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

- B. Second Offense/Penalty. Any person guilty of violating this Ordinance or any who has previously been convicted of a violation of this Ordinance or shall, upon conviction, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.
- C. Separate Violations. Each day of violation of this Ordinance shall constitute a separate offense.

SECTION XIII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this ordinance are severable.

SECTION XIV – EFFECTIVE DATE

This Ordinance is effective on publication.

The Town Clerk shall properly publish this Ordinance as required under s. 60.80 Wis. Stats.

Adopted this 8th day of May 2007

Dennis Tolley, Town Chairman

Ray Quimby, Supv. 1

Todd Peterson, Supv 2

Attest: Hazel Duntley, Clerk