

## CHAPTER 8: PUBLIC NUISANCE/AUTO SALVAGE YARDS

### **8.01. Title/Purpose.**

This chapter is entitled “Public Nuisance/Auto Salvage Yard Ordinance.” The purpose of Chapter 8 is to set forth the rules and regulations regarding the protection of the health, safety, and welfare of the public by regulating public nuisances, health hazards, and auto salvage yards.

### **8.02. Authority.**

The Town Board has specific authority, powers, and duties, pursuant to Wis. Stat. § 66.0407, 66.0413, 66.0415, 175.25 and chs. 146 and 823, and the general authority under its village powers under Wis. Stat. § 60.22(3), to regulate, control, prevent, and enforce certain nuisance activities of businesses and operations by persons that may affect public health and public sanitation in the Town.

### **8.03. Public Buildings.**

No person or entity owning, occupying, or in charge of any public building in the Town (as the term “public building” is defined in Wis. Stat. § 101.01(12)), shall keep the building unclean or unsanitary.

### **8.04. Sewage Discharge.**

No person shall cause, allow, or permit any person to discharge effluent or pumpage by any means whatsoever from any septic tank, dry well, holding tank, or cesspool into any surface water or into any drainage ditch in the Town.

### **8.05. Public Nuisance Prohibited.**

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town.

### **8.06. Abatement of Public Nuisances.**

A. **Enforcement.** The Building Inspector shall enforce the provisions of this chapter as provided in subsection 8.06.B., below, and shall make inspections upon receipt of any verbal or written complaint to ensure that such provisions are not violated.

B. **Abatement.** If the Building Inspector determines that a public nuisance exists on private premises, he or she shall serve notice on the person causing or maintaining the nuisance to remove the same within 30 days. If such nuisance is not removed within such 30 days, the Building Inspector shall refer the matter to the Town Board. The Town Board may then (i) authorize the Building Inspector to take appropriate action to remedy the nuisance as provided by statute, (ii) authorize the Building Inspector

to issue a citation as provided in Chapter 15 of the Municipal Code, or (iii) take such further action as provided under the Municipal Code or by statute.

C. **Other Methods Not Excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with state laws.

#### **8.07. Highway Litter.**

No person shall throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, snow, ice, machinery, garbage, or other waste or rubbish in or on the right-of-way of any highway located in the Town without the prior written permission of the Town Board.

#### **8.08. Auto Salvage and Junk Storage.**

A. **Storage.** The commercial storage of auto salvage and junk (e.g., wrecked cars, scrap iron, junk machinery, scrap metal, and the like) shall be permitted in the Town only by the issuance of a license by the Town Board.

B. **License.** The Town Board may grant a commercial auto salvage/junk storage license on an annual basis from July 1 through June 30 at a per-year fee of \$300.00.

C. **Licensed Yard Location.** No commercial auto salvage or junk storage yard shall be located within 1,000 feet of any residence, or within 2,000 feet of any corporate limits of any city or village, or within 750 feet of the center line of any state or federal highway, except upon a permit issued by the Town.

D. **Fencing.** All commercial auto salvage or junk storage yards shall be completely enclosed by a fence not less than six feet in height, constructed of wood or metal, so as to prevent viewing of salvage by any passerby or of any property owner.

E. **Burning.** Burning of any substance on the property by the license holder or his or her permittees is prohibited.

#### **8.09. Fishing from Bridges.**

A. **Definitions.** As used in this Section, the following terms have the meaning set forth herein:

(1) "Fishing" shall mean any method utilized in attempting to catch fish, including, but not limited to, fishing with fishing poles, nets, and any other device used to catch fish.

(2) "Town of Darien bridge" shall mean any bridge located on any roadway, street, highway, or lane owned by the Town of Darien.

B. **Prohibited Fishing Areas.** The Town Board hereby determines that fishing from any Town of Darien bridge constitutes an undue traffic hazard. The Town of Darien Public Works Superintendent shall have the authority to erect signs prohibiting fishing from any Town of Darien bridge. Fishing is prohibited from any Town of Darien bridge when signs have been erected by the Public Works Superintendent indicating that fishing from such bridge is prohibited.

**8.10. Penalties.**

Except as otherwise provided herein, any person or entity violating any provision of this chapter shall be penalized in accordance with Chapter 16 of the Municipal Code. Notwithstanding the foregoing, Section 8.08., above, shall not apply to existing businesses of auto salvage or junk storage existing prior to enactment date of this ordinance.