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TOWN OF SEVASTOPOL
Door County, Wisconsin

ORDINANCE No. 02 – 2011
REGULATION OF OUTSIDE STORAGE,
UNSIGHTLY PREMISES AND HAZARDS

The Town Board of the Town of Sevastopol does ordain the Regulation of Outside Storage, Unsightly Premises and Hazards ordinance as follows:

1. TITLE AND PURPOSE.

The title of this ordinance is the TOWN OF SEVASTOPOL, ORDINANCE No. 02-2011, REGULATION OF OUTSIDE STORAGE, UNSIGHTLY PREMISES AND HAZARDS. The purpose of this ordinance is to regulate for public health and safety reasons the outside storage, unsightly premises, hazards and certain uses and activities in the Town of Sevastopol.

2. AUTHORITY.

The town board has specific authority under Chapters 60 and 66, Wis. Stats., and general authority under its village powers under sec. 60.22, Wis. Stats., to adopt this ordinance.

3. ENFORCEMENT.

The enforcement of this ordinance shall be in accordance with the Wisconsin Statutes, with specific attention to Chapters 340, 778, 814 and 823, Door County Ordinance 31.39, Town of Sevastopol Ordinance 01-2011, and this ordinance of the Town of Sevastopol.

4. ADOPTION OF ORDINANCE.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the outside storage, treatment, disposal, and discharge of certain junk and of other items, uses, and activities in the Town of Sevastopol.

5. PUBLIC NUISANCE PROHIBITED.

Any violation of the provisions of this ordinance regulating the outside storage, unsightly premises and hazards and certain uses and activities are hereby declared to be a public nuisance. No person shall erect, contrive, cause, continue, maintain or permit to exist, any public nuisance within the Town of Sevastopol.

6. OUTSIDE STORAGE, UNSIGHTLY PREMISES AND HAZARDS.

A. Accumulation and Storage. The accumulation and storage of the following items are hereby specifically declared to be a nuisance when not properly stored, but such enumerations shall not be construed to exclude other items coming within the definition herein: inoperable, junked or junk automobiles, trucks, tractors, boats, or parts thereof, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, junk, wood, bricks, cement or cement blocks or other unsightly debris, such as may tend to depreciate property values in the area or create an unattractive nuisance or hazard or other nuisance and shall not be allowed on any lot or parcel of land within the Town of Sevastopol except in

1 a licensed junk or salvage yard or when such materials are properly housed and screened
2 with a fence or hedge of sufficient height and length to completely block from public view.

3 **B. Outside Storage.** No outside storage shall be permitted of any vehicles, boats, machinery
4 or equipment which are not in operating condition, licensed and ready for use unless
5 properly housed and screened with a fence or hedge of sufficient height and length to
6 completely block from public view. The foregoing shall not apply to licensed junkyards or
7 salvage yards and, subject to any restrictions otherwise imposed by law or by authority of
8 this or any other ordinance of Door County or the Town of Sevastopol. Neither shall it apply
9 to any location which is not in fact visible from any public highway or adjacent property.

10 **C. Screening, Fences and Hedges.** Any fence or hedge used to screen the accumulation and
11 storage of items enumerated in paragraphs **5. A** and **B** above shall be maintained in a clean,
12 trimmed and functional manner less they become a nuisance in their own right. Tarpaulins,
13 regardless of the material used shall not constitute proper screening and shall not be
14 allowed as a means of concealment.

15 **D. Licensed or Permitted Repair Facilities.** Any legally licensed or permitted auto repair or
16 farm implement repair facility shall be allowed to temporarily park vehicles or equipment
17 awaiting repair.

18 **E. Definition.** The definition of Temporarily Park shall be not more than seventy two (72)
19 hours in any period of seven (7) consecutive days on the same premises.
20

21 **7. ABATEMENT OF PUBLIC NUISANCE / PERMIT REVOCATION.**

22 **A. Inspection of Premises.**

23 1) Whenever it becomes apparent or a complaint is made to the town board, town
24 clerk, town chair or any appropriate town committee or agent that a public nuisance
25 under this ordinance or a violation of a permit issued under this ordinance, or any
26 other permit that is associated with the complaint, issued under the Town of
27 Sevastopol's village powers under sec. 60.22, Wis. Stats., may exist within the Town
28 of Sevastopol, the town chair, town committee, or other agents of the town board
29 may inspect or cause to be inspected the premises complained of and if necessary
30 report the findings to the town board.

31 2) Except as otherwise provided by law, if the person subject to the complaint holds a
32 current permit under this ordinance, or any other permit that is associated with the
33 complaint, issued under the Town of Sevastopol's village powers under sec. 60.22,
34 Wis. Stats., the town chair, the town committee or other agents of the town board
35 may request the town board to hold a public hearing to consider suspension or
36 revocation of the permit for refusal to comply with the permit conditions and this
37 ordinance. The town board may hold a public hearing prior to taking any action to
38 revoke or suspend a permit. The permit holder shall be notified of the public hearing
39 by the mailing by U.S. mail of a First Class notice letter to the last known address of
40 the permit holder noted on the permit or permit application.

41 3) Except as otherwise provided by law, the town board may, in the alternative to
42 revocation, suspend any issued permit for a period of up to six (6) months. Any
43 revocation shall be for a period in excess of six (6) months. No application or
44 reapplication can be received or acted upon by the town board for the premises or
45 for the owner or occupant of the premises for any activity, use, or item prohibited by
46 or requiring a permit under this ordinance, or any other permit that is associated
47 with the complaint, issued under the Town of Sevastopol's village powers under sec.
48 60.22, Wis. Stats., during the suspension or revocation period.

1 4) The town board shall advise the permit holder of any decision regarding the status
2 of the permit.

3 **B. Owner of Premises Responsibility.**

4 Any owner or occupant of land in the Town of Sevastopol is responsible for the compliance
5 with this ordinance on the owner's or occupant's land regardless of the ownership of and
6 responsibility for the uses, activities, or things located on the land that are subject to this
7 ordinance.

8 **C. Summary Abatement.**

9 1) **Notice to Owner:** If the town chair, town committee, or other agent of the town
10 board determine that a public nuisance exists under this ordinance within the Town
11 of Sevastopol on private or public land and there is great, immediate, and substantial
12 danger or threat to the public health or safety, the town board, town chair, town
13 committee, or other agents of the town board may serve a written order upon the
14 person who is causing, permitting, or maintaining the public nuisance, and the owner
15 or occupant of the premises where the public nuisance is caused, permitted, or
16 maintained. The order notice shall direct the owner or occupant to remove the public
17 nuisance within a time frame deemed to be reasonable by the town board and shall
18 state that unless the public nuisance is so timely abated, the town may cause, due to
19 the emergency conditions, the public nuisance to be abated and shall charge the
20 costs of the abatement, including all attorney fees, inspection fees, permit fees, and
21 any and all other charges associated with the abatement to the owner, occupant or
22 person causing, permitting, or maintaining the public nuisance.

23 2) **Abatement by Town:** If the public nuisance is not abated within the time provided
24 in the notice under paragraph 1) or if the owner, occupant, or person causing,
25 permitting, or maintaining the public nuisance, if known, cannot be found, the town
26 chair, the town committee, or other agents of the town board, with the approval of
27 the town board, may cause the abatement or removal of the public nuisance by
28 seeking for the Town of Sevastopol a court order that allows for the immediate
29 enjoinment and abatement of the public nuisance.

30 **D. Abatement by Court Action.** If the town board determines that a public nuisance exists in
31 the Town of Sevastopol on public or private premises but that the nature of the nuisance
32 does not threaten great, immediate, and substantial danger to the public health or safety,
33 the town board may in its discretion direct the town clerk to take one or more of the
34 following actions:

35 1) Cause to be issued and served a written order to cease and desist the public nuisance
36 upon the person causing, permitting, or maintaining the public nuisance and the
37 owner or occupant of the premises where the public nuisance is located.

38 2) Cause to be issued and served a citation for violation of this ordinance upon the
39 person causing, permitting, or maintaining the public nuisance and the owner or
40 occupant of the premises where the public nuisance is located.

41 3) Cause the town attorney to draft a formal civil complaint to be filed and served upon
42 the alleged violators based upon an alleged violation of this ordinance or the
43 conditions of any permit as issued.

44 4) Have drafted by the town attorney to be filed and served a formal complaint for
45 abatement of the public nuisance under Chapter 823, Wis. Stats.

46 **E. Other Methods Not Excluded.**

47 1) Nothing in this ordinance may be construed as prohibiting the injunction and
48 abatement of public nuisances against any person, including against a permit holder

1 that holds a current and valid permit issued under this or any other Town of
2 Sevastopol ordinance, by the town or its officials in accordance with the laws of the
3 State of Wisconsin or in this ordinance.

- 4 2) The provisions of this ordinance may be enforced by any member of the public,
5 without inclusion of the Town of Sevastopol in the enforcement proceedings, in order
6 to secure compliance with the provisions of this ordinance. Any private enforcement
7 action shall not include the remedies of obtaining a fine or forfeiture, costs of
8 prosecution or attorney fees in the enforcement proceedings. The sole remedy
9 available for private enforcement is injunctive relief.

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11 **8. COSTS OF ABATEMENT OR DISPOSAL.**

12 In addition to any other penalty imposed by this ordinance for the erection, contrivance,
13 creation, continuance, or maintenance of a public nuisance and violation of this ordinance, the
14 cost of abatement, including all attorney fees, inspection fees, permit fees, witness fees, and any
15 and all other charges associated with the abatement of any public nuisance by the Town of
16 Sevastopol may be collected under this ordinance or sec. 823.06, Wis. Stats., as a debt or
17 expense, from the owner or occupant of the real property for causing, permitting, or maintaining
18 the public nuisance. If notice to abate the nuisance has been given to the owner or occupant
19 previously, the cost of abatement, including all attorney fees, inspection fees, permit fees,
20 witness fees, and any and all other charges associated with the abatement of any public nuisance
21 by the Town of Sevastopol may be assessed against the real property for services rendered and
22 incurred by the Town of Sevastopol to enjoin or abate the public nuisance as a special charge
23 under sec. 66.0627, Wis. Stats. unless paid earlier. If any vehicle, structure, equipment,
24 implement, appliance, or animal is abandoned or remains unclaimed in violation of this
25 ordinance, the town board of the Town of Sevastopol may proceed to declare this personal
26 property abandoned and proceed to dispose of this personal property under sec. 66.0139, Wis.
27 Stats., by public auction or other means as determined by the town board.

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29 **9. PENALTY.**

30 **A. First Offense Penalty.** Any person who shall violate this ordinance or any part thereof shall
31 upon conviction thereof forfeit not less than One Hundred Dollars (\$100.00) nor more than
32 Five Hundred Dollars (\$500.00) for each such offense, together with the cost of prosecution,
33 including all attorney fees, inspection fees, witness fees, permit fees, and any and all other
34 charges associated with the proceedings. Each day of violation shall be considered a
35 separate and distinct violation.

36 **B. Second Offense Penalty.** Any person guilty of violating this ordinance or any part thereof
37 who shall previously have been determined to be in violation of this ordinance shall forfeit
38 not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
39 (\$1000.00) for each such offense, together with the cost of prosecution, including all
40 attorney fees, inspection fees, witness fees, permit fees, and any and all other charges
41 associated with the proceedings. Each day of violation shall be considered a separate and
42 distinct violation.

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44 **10. SEVERABILITY.**

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

1 **11. EFFECTIVE DATE.**

2 This ordinance shall become effective upon publication.

3 The town clerk shall properly publish this ordinance as required under sec. 60.80, Wis. Stats.

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6 Adopted this 23 day of May, 2011.

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8 Submitted by:

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10 Chuck Tice

11 Chuck Tice, Chairperson,
12 Property Management Committee

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Roll Call Board Members	Aye	Nay	Exc.
Tom Girman	✓		
John Staveness	✓		
Chuck Tice	✓		
Dan Woelfel	✓		
Leo Zipperer	✓		

22 **Certification:**

23 I, Linda Wait, Clerk of the Town of Sevastopol,
24 hereby certify that the above is a true and
25 correct copy of an ordinance that was adopted
26 on the 23rd day of May, 2011,
27 by the Town Board of Supervisors.

28 Linda D. Wait

29
30 Linda D. Wait, Clerk
31 Town of Sevastopol

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33 **COUNTERSIGNED:**

34
35 Leo W. Zipperer
36 Leo W. Zipperer, Town Board Chairman