

ORDINANCE - TOWN OF BURNETT

No. 14

PUBLIC NUISANCES

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6.01 PUBLIC NUISANCES PROHIBITED

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

6.02 DEFINITIONS

(1) Public Nuisance. A public nuisance is a thing, act, occupation, condition of use of property which shall continue for such length of time as to: (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public: (b) In any way render the public insecure in life or in the use of property: (c) Greatly offend the public morals or decency: (d) Unlawfully and substantially interfere with, obstruct or tend 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.

(2) Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of sub. (1) of this section:

(a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

(b) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(c) Accumulations of decayed animal or vegetable matter trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

6.03 ABATEMENT OF PUBLIC NUISANCES

(1) Inspection of premises. Whenever complaint is made to the Town Chairman that a public nuisance exists within the Town of Burnett, he shall promptly notify the Chief of Police, Health Officer or Building Inspector, who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Town Chairman. Whenever practicable the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

(2) Summary of Abatement

(a) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman may direct the Chief of Police to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises which such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(b) Abatement of Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Health Officer in case of health nuisances, and the Chief of Police, in other cases, shall cause the abatement or removal of such public nuisance.

(c) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great or immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town of Burnett in the Circuit Court of Dodge County in accordance with the provisions of ch. 280 of the Wisconsin Statutes.

(d) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Burnett or its officials in accordance with the laws of the State of Wisconsin.

6.04 COST OF ABATEMENT .

(1) In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

6.05 PENALTY

(1) First Offense / Penalty. Any person who shall violate this subsection, shall, upon conviction thereof, forfeit \$100.00 together with the cost of prosecution and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid but not exceeding 90 days.

(2) Second Offense / Penalty. Any person guilty of violating this subsection or any part of this subsection who shall previously have been convicted of violation of the same ordinance or subsection shall upon conviction thereof forfeit \$200.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid but not to exceed (6) six months.

This Ordinance shall be in affect from the day of passage.

The foregoing Ordinance was passed at a regular monthly meeting of the Town Board on June 4, 1985.

Approved by:
Town Board of Burnett

4th Day of June 1985

Orville R. Rasmussen
Town Chairman

Donald C. Luck
Town Supervisor

Kenneth E. Nitschke
Town Supervisor

Filed this 4th day of
June 1985

Harvey A. Braunschweig
Town Clerk