

TOWN OF TROY
ORDINANCE NO 2004-1
Ordinance Revisions
Chapter 16 – Public Nuisance

The Town Board of the Town of Troy, Walworth County, do hereby ordain as follows:

Chapter 16 - Public Nuisance

1. **TITLE.** This Ordinance is entitled the “Town of Troy Public Nuisance Ordinance”
2. **PURPOSE.** The purpose of this ordinance is to ensure a safe and healthy environment for the citizens of the Town of Troy.
3. **AUTHORITY.** The Town of Troy is a political subdivision and the municipality of the State of Wisconsin organized and existing under Chapter 60 of the Wisconsin Statutes.
4. **PROHIBITION.** No persons shall erect, contrive, maintain, or permit to exist any public nuisance within the Town of Troy.
5. **NUISANCE DEFINITION.** A public nuisance is a thing, act, occupation, condition or use of property which continues 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 render dangerous any street, any, highway, navigable body of water, or other public way.
6. **NUISANCES ENUMERATED.** The following are specifically declared public nuisances. These enumerated nuisances should not be construed to exclude other public nuisances affecting public health in the Town of Troy.
 - (a) **BREEDING PLACES FOR INSECTS OR VERMIN.** Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, of any other material in which insects, rats or other vermin can breed.
 - (b) **WASTE ACCUMULATION.** Accumulation of waste where waste amounts in excess of ten (10) cubic feet are allowed to accumulate without a proper waste management permit issued by the Town of Troy Board.
 - (c) **UNBURIED CARCASSES.** An unburied animal or bird carcass are where the dead animal or animals are not buried in a sanitary manner within eight (8) hours of death.
 - (d) **STAGNANT WATER.** A stagnant water area where insects can multiply.

TOWN OF TROY
ORDINANCE NO 2004-1
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- (e) **WELL POLLUTION.** A well pollution area where pollution from the premises entering the groundwater has caused a drinking water well on another property to become contaminated.
- (f) **ABANDONED VEHICLES.** A group of abandoned or wrecked motor vehicles or tractors, house trailers, railroad cars and other motorized vehicles that accumulate without the proper junkyard permit issued by the Town of Troy Board.
- (g) **DILAPIDATED BUILDINGS.** All buildings so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (h) **IMPROPER STRUCTURES.** An area where signs, billboards, awnings, or other structures are improperly or unsafely installed or maintained so as to be dangerous to public safety.
- (i) **OBSTRUCTIONS.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, such that the obstructions impair a clean view of traffic, except as permitted by Town Ordinances.

7. **ENFORCEMENT.**

- (a) **MAILING OF NOTICE.** If the Town of Troy Board determines that a nuisance exists, the Town of Troy Board shall mail or serve a written notice of the violation to the address to which the property tax bills for the premises are sent. Notice is effective upon mailing or served.
- (b) **FIFTEEN DAY PERIOD.** The owner(s) or adult resident(s) of properties upon which a nuisance is found shall have fifteen (15) days from the effective date of the notice to correct the violation.
- (c) **ABATEMENT BY 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 town shall cause the abatement or removal of such public nuisance.
- (d) **ABATEMENT BY COURT ACTION.** If the town determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Town Chairman who, upon direction of the Town Board, shall cause an action to abate such nuisance to be commenced in the name of the Town in Walworth County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.
- (e) **COURT ORDER.** Except where necessary, the Town shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and,

TOWN OF TROY
ORDINANCE NO 2004-1
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Chapter 16 – Public Nuisance

if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

- (f) 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 the laws of the State of Wisconsin.
- (g) COST OF ABATEMENT. In addition to any other penalty imposed by this Chapter 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, such cost shall be assessed against the real estate as a special charge.
- (h) PENALTIES. If a violation is not corrected within the fifteen day period, each person found guilty of such a violation shall forfeit not less than \$50.00 and not more than \$250.00 plus all costs, fees, penalties, assessments, surcharges, and other charges that can be imposed by state law. Each day a violation occurs shall constitute a separate violation.

ADOPTED by the Town Board of the Town of Troy at its regular scheduled meeting on this 10th day of March 2004.



Town Chairman

Attest :

Ruth Polinski, Town Clerk

Date Published: 3-17-04
Date Posted: 3-11-04

No. 8690
State of Wisconsin
County of Walworth

Kathryn L. Matteson, being duly sworn on oath says: THE EAST TROY TIMES is a weekly newspaper published in the Village of East Troy, in said county, and I am the Publisher thereof.

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of which the annexed is a printed copy, was published in said newspaper once in each week for 1 successive weeks, and said annexed copy was taken from said newspaper in which it was published.

The dates of publication were:

March 17, 20 04
_____, 20 _____
_____, 20 _____
_____, 20 _____
_____, 20 _____
_____, 20 _____

Signed Kathryn L Matteson Publisher

Subscribed and sworn to before me this 15 day of April, A.D., 20 04.

Signed Carl Matteson

My commission expires 11-14-2004

Publishing fees 154 lines, at \$5142, first insertion, \$79.96
_____ lines at \$ _____, _____ insertions, \$ _____

Affidavit \$1.00

Total: \$ 80.96

Received of Town of Troy, the sum of \$ 80.96 in full for publication fees.

Dated April 15, 2004 Check # 1827

NOTICE: This affidavit may be made by Publisher, Printer, Foreman of the Printer, or Principal Clerk of the Printer.

This form may be used for summons, order notice, citation or other legal advertisement.