

## PUBLIC NUISANCE ORDINANCE

The Town Board of the Town of Wolf River, Winnebago County, Wisconsin does ordain as follows:

SECTION 1. Title/Purpose. This ordinance is entitled "Town of Wolf River Public Nuisance Ordinance."

SECTION 2. Authority. The Town Board of the Town of Wolf River has the specific statutory authority, powers and duties, pursuant to Section 66.052, (1989-1990) Wis. Stats., and Chapters 143, 144, 146 and 823, (1988-1989) Wis. Stats., pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Section 60.10, (1989-1990) Wis. Stats., to regulate, control, prevent and enforce against in the Town of Wolf River certain uses, activities, businesses and operations by persons that may cause a public nuisance in the Town of Wolf River.

SECTION 3. General Provisions. No person shall cause, allow or permit any person to create any public nuisance areas on the premises, owned, leased or controlled by that person in the Town of Wolf River. The following are specifically declared by the Town Board of the Town of Wolf River to be public health and safety nuisances. This declaration should not be construed to exclude other public nuisances affecting public safety in the Town of Wolf River. The Town Board has specifically found the activities designated herein to be nuisances because of the health hazards they create such as the likelihood they will attract and harbor undesirable things such as rodents, will cause environmental damage, and create safety hazards to persons and animals.

(A) Maintaining within 660 feet of any residential, mobile home, business, local service, and light industrial zoning district or within 200 feet of a roadway; an abandoned, junk or wrecked motor vehicle or other personal property area where one or more vehicles, tractors, house trailers, railroad cars and other motorized vehicles or personal property are allowed to accumulate outside of an enclosed building without a proper junk yard permit issued by the Town Board of the Town of Wolf River. Any such motor vehicle or other item identified herein shall be considered abandoned when it has been located within the Town for a period of more than Sixty (60) days and which is in condition which would mechanically prevent its immediate operation upon any public highway or where its operation thereon would be in violation of the law.

A vehicle designed to be used on a highway shall be considered junk when it is mechanically incapable of operation or use upon a highway or is not registered and licensed for the purpose, unless the owner thereof can demonstrate that the vehicle is properly maintained and used for off road purposes.

(B) Keeping a dilapidated building area where one or more old or dilapidated buildings, structures and equipment are allowed to stand

**while they are dangerous, unsafe, un-sanitary, uninhabitable or otherwise unfit for human use and occupancy.**

(C) Maintenance outside any habitated building or structure or inside any uninhabited building or structure in a location accessible to small children, any abandoned, any unattended or discarded icebox, refrigerator, deep freezer or other container or equipment which has an airtight door or lid which may not be released from the inside without removing the door or lid or removing the lock from such container or equipment unless the person securely locks or fastens the door to prevent access by small children.

SECTION 4. Each Day Separate Violation. Each day any of the prescribed activity herein is allowed to continue contrary to the provisions of this ordinance shall constitute a separate and distinct offense.

SECTION 5. Enforcement. The Town Constable, Law Enforcement Officer or other designated enforcement official shall enforce the provisions of this ordinance; and shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated.

SECTION 6. Court Order. A Constable or Law Enforcement Officer shall not use force to obtain access to private property to abate a public nuisance, but shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

SECTION 7. Cost of Abatement. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of 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 a court has ordered abatement without providing for reimbursement of the costs thereof, such costs shall be assessed against the real estate as a special charge.

SECTION 8. Penalty. Any person who shall violate any of the provisions of this ordinance shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

(A) First Offense. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00, 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 Ninety (90) days.

(B) Second Offense. Any person found guilty of violating this ordinance who has previously been convicted of a violation of the same ordinance within one (1) year shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00 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 such forfeiture and costs are paid, but not exceeding Six (6) months.

(C) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of this ordinance, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

SECTION 9. All existing Town ordinances, parts of ordinances and amendment thereto in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION 10. The various parts of this ordinance are declared to be severable and should any part be held to be invalid, such invalidity shall apply only to the part in question and shall not affect the remainder of the ordinance.

SECTION 11. This ordinance shall be effective upon passage, posting in three (3) public places in the Town of Wolf River, and publication as a Class One notice in Weyauwega Chronicle.

ADOPTED: September 28, 1992.

Marlyn E. Hahn  
Marlyn Hahn, Chairman

Elmer C. Koepp  
Elmer Koepp, Supervisor

Gisela S. Kierow  
Gisela S. Kierow, Supervisor