

ORDINANCE #25A
PUBLIC NUISANCE ORDINANCE

STATE OF WISCONSIN
Town of Namakagon
Bayfield County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Namakagon Public Nuisance Ordinance. The purpose of this ordinance is to regulate for public health and safety reasons, public nuisances, and certain uses and activities in the town.

SECTION II – AUTHORITY

The Town Board has the specific authority under Wis. Stats. §29.038, §66.0407, §66.0413, §125.14, §169.01, and §175.25, and Wis. Stats. Ch. 823, and general authority under its village powers under Wis. Stats. §60.22 to adopt this ordinance.

SECTION III – 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 storage, treatment, disposal, and discharge of certain junk and of other items, uses, and activities in the town.

SECTION IV – DEFINITIONS

- A. **“Agricultural Use”** means any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint, and seed crops, raising of fruits, nuts, and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836, participating in the milk production termination program under 7 USC 1446 (d), and vegetable raising.
- B. **“Appliance”** means any household or office device, instrument, utensil, apparatus, or machine that utilizes power, including, but not limited to, any stove, clothes washer or dryer, refrigerator, dishwasher, freezer, water heater, water pump, furnace, television set, home entertainment device, computer or peripheral device, or other home or office electronic device.
- C. **“Building”** includes any building or structure or any portion of a building or structure.
- D. **“Equipment”** means goods used or bought for use primarily in a business, including farming and a profession.
- E. **“Hazardous Waste”** means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under Wis. Stats. §291.05(2).
- F. **“Junk”** means scrap metal, metal alloy, wood, concrete, or synthetic or organic material or any junked, inoperative, unlicensed, or unregistered vehicle, structure, equipment, furniture, appliances, or machinery, or any part thereof. “Junk”

includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material.

- G. **“Junked”** means dismantled for parts or scrapped.
- H. **“Junkyard”** means any place that is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling junk. “Junkyard” includes sanitary landfills, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards, and places for temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. “Junkyard” does not include places where litter, trash, and other debris are scattered along or upon a highway or temporary operations and outdoor storage of limited duration.
- I. **“Local Zoning and Land Use Regulation”** means any applicable county, town, or extraterritorial zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.
- J. **“Loud Noise”** means any unreasonably loud, discordant, and unnecessary sound conditions, including sounds from vehicles, equipment, machinery, guns, fireworks, or domestic or other animals, or from any human created or aided sounds, including alleged music. This shall also include frequently or habitually howling, yelping, barking, crowing, or making other noises by any domestic or other animal.
- K. **“Machinery”** means a structure or assemblage of parts that transmits forces, motion, or energy from one part to another in a predetermined way by electrical, mechanical, or chemical means. “Machinery” does not include a building.
- L. **“Public Nuisance”** means a thing, act, occupation, condition, or use of property that continues in the town for such time as to do any of the following:
 - 1. Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public.
 - 2. In any way render the public insecure in life or in the use of property.
 - 3. Greatly offend the public morals or decency.
 - 4. Unlawfully and substantially interfere with, obstruct, or attempt 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.
- M. **“Solid Waste”** means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste and other organics, boxes, barrels and other containers, tires and other like materials, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and any other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, agricultural, and community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Wis. Stats.

Ch. 283, source material as defined in Wis. Stats. §254.31(1), special nuclear material as defined in Wis. Stats. §254.31(11), or by-product material as defined in Wis. Stats. §254.31(1).

- N. **“Solid Waste Facility”** means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing, treatment, and recovery facilities. “Solid waste facility” includes the land where the facility is located. “Solid waste facility” does not include any of the following:
1. A facility for the processing of scrap iron, steel, or nonferrous metal using machinery to produce a principal product of scrap metal for sale or use for remelting purposes.
 2. A facility that uses machinery to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
 3. An auto junkyard or scrap metal salvage yard.
- O. **“Town”** means the Town of Namakagon, Bayfield County, Wisconsin.
- P. **“Town Board”** means the Board of Supervisors for the Town of Namakagon, Bayfield County, Wisconsin, and includes designees of the board authorized to act for the board, specifically including the Town Clerk and Town Chair.
- Q. **“Town Chair”** means the chairperson of the Town of Namakagon, Bayfield County, Wisconsin.
- R. **“Town Clerk”** means the clerk of the Town of Namakagon, Bayfield County, Wisconsin.
- S. **“Town Committee”** means a committee established by the Town Board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the town.
- T. **“Wis. Stats.”** means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subsections designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section”, “subsection”, “paragraph”, or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI – PUBLIC HEALTH OR SAFETY

No person may create, contrive, erect, maintain, cause, continue, install, contract, or permit to exist in the town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after written notice to remove from the Town Board to any owner or occupant

of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred, or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared a public nuisance:

A. Noxious Weed Areas

Any place in the town where noxious weeds are over one foot high, are located on private or public land, and the noxious weeds are not timely cut or removed within 15 days after posting or publication of a notice to destroy noxious weeds under Wis. Stats. §66.0407, or within 15 days after receipt of written notice to remove from the Town Board.

B. Unburied Animal Carcass Areas

Any place in the town where unburied animal carcasses are located on private or public land and the animal carcasses are not timely removed or discarded, including by timely burial in a sanitary manner, within 24 hours after receipt of written notice to remove from the Town Board. This paragraph does not apply to any animal or pet cemetery approved in writing by the town.

C. Noxious or Polluted or Waste Areas

Any place in the town where noxious, nauseous, unwholesome, or polluted water and waste are located on private or public land, including town roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the town, and those conditions are not timely removed within 15 days after receipt of written notice from the Town Board.

D. Noxious Emission Odor Areas

Any place in the town where noxious odor, stench, or gas escapes or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within 15 days after receipt of written notice to remove from the Town Board. In this subsection, “noxious odor” means an odor that is extremely repulsive to the senses of ordinary persons in the town and that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the town, as determined by the Town Board.

E. Rat or Vermin Areas

Any place in the town where rats or other vermin are located or frequent on public or private land, and those conditions are not removed or destroyed within 24 hours after receipt of written notice to remove from the Town Board.

F. Hazardous, Toxic, or Solid Waste Facility or Site Areas

Any place or solid waste facility in the town where the discharge, disposal, storage, or treatment of hazardous, toxic, or solid waste occurs on private or public lands without approval and licensing or permitting of the discharge, disposal, storage, or treatment by all proper federal, state, county, and town governing authorities and full compliance with all applicable laws, rules, regulations, or ordinances of the federal, state, county, or town, and the activity of condition is not timely removed or discontinued within 24 hours after receipt of written notice to remove from the Town Board. To constitute a public nuisance under this paragraph, an area, facility, or site must threaten or cause serious discomfort or serious injury to the health or cause

serious inconvenience to the health or safety of a significant number of persons within the town, as determined by the Town Board.

G. Dangerous or Dilapidated Building Areas

Any place in the town where a building or structure, the contents of a building or structure, or any associated electrical, heat, water, or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation are not timely removed or discontinued within 15 days of receipt of written notice to remove from the Town Board.

H. Dangerous Tree Areas

Any place in the town where any trees or tree limbs located on private or public lands constitute a dangerous or unsafe condition and these dangerous or unsafe conditions have not been timely removed within 15 days after receipt of written notice to remove from the Town Board.

I. Fire Hazard Areas

Any place in the town where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within 24 hours after receipt of written notice from the Town Board.

J. Placing Injurious Substances on Highway

No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof.

K. Improper Encroachment or Discharge Areas

Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any town roadway or on other town public lands without written permission from the Town Board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within 24 hours of the receipt of written notice to remove from the Town Board.

L. Appliance, and Machinery Areas

Any place in the town where junked or abandoned appliances, equipment, or machinery are accumulated or stored for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, and any place otherwise within the definition of junkyard under this ordinance that is not timely removed or discontinued within 15 days of receipt of written notice to remove from the Town Board, unless exempt under Section X of this ordinance.

M. Fishing, Swimming, or Jumping from Bridges

Any act of fishing, jumping, diving, or swimming from any bridge located in the town which has been posted as to these restrictions.

SECTION VII – PUBLIC PEACE AND ORDER

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause potential danger, disturbance, or injury to the public peace and order. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after written notice to remove from the Town Board to the owner or occupant of the land where the public nuisance occurred or is maintained in the town, or

to any persons responsible for the creation, maintenance, or permitting of such nuisance in the town, are specifically declared to be a public nuisance.

A. Loud Noise Areas

Any place in the town where any loud, discordant, and unnecessary sound conditions unreasonably disturb peace and good order of the neighborhood. This includes, but is not limited to, loud noises from vehicles, equipment, machinery, guns, fireworks, or enclosed domestic or other animals, or from any human created or aided sounds, including alleged music. Without written approval of the Town Board, the noise must be discontinued and/or timely removed within 1 hour of the written receipt of notice to remove from the Town Board. Any permitted activity may not start before 7:00 a.m. and must cease before 10:00 p.m. unless written exclusion is granted.

B. Disorderly Conduct Area

Any place in the town where unpermitted, abusive, indecent, profane, or boisterous sounds, unpermitted fighting, brawling, or rioting, or other unpermitted disorderly conduct conditions, are located or occur on private or public lands and these disorderly conditions are not timely removed or discontinued within 1 hour of receipt or written notice to remove from the Town Board.

C. Lighting that Shines into Neighboring Properties

Any lighting that shines into neighboring properties causing a disturbance to the occupants of that property is in direct violation of this ordinance. If the lighting is not removed or discontinued within 1 hour of receipt of written notice from the Town Board, citations will be issued.

D. Motor Home, RV, Travel Trailer and Camper Area

Any motor homes, RV's, travel trailers, or campers that are parked for more than 90 days per year or 3 or more occupying one piece of property without a permit is in direct violation of this ordinance and will be declared a public nuisance.

SECTION VIII – PUBLIC MORALS OR DECENCY

No person may create, continue, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to public morals or decency. The following acts, uses, activities, things, occupations, places, or physical conditions not properly and timely removed by the owner or occupant of the land after written notice to remove from the Town Board to the owner or occupant of the land where the public nuisance occurs, or to any person responsible for the creation, maintenance, or permitting of such nuisance in the town, are specifically declared to be a public nuisance as follows:

A. Brawdy Houses

Pursuant to Wis. Stats. §823.09, whoever erects, established, continues, maintains, uses, occupies, or leases any building or part of a building, erection, or place to be used for the purpose of lewdness, assignation, or prostitution, or permits the same to be so used, in the town, is guilty of a nuisance and the building, erection, or place in or upon which such lewdness, assignation, or prostitution is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and contents used therewith for the same purpose, are declared a nuisance, and shall be enjoined and abated.

B. Illegal Drug Houses

Pursuant to Wis. Stats. §823.113(1) any building or structure that is used to facilitate the delivery, distribution, or manufacture, as defined in Wis. Stats. §961.01(6)(9) and Wis Stats. §961.01(13), respectively, of a controlled substance as defined in Wis. Stats. §961.01(4), or a controlled substance analog as defined in Wis. Stats §961.01(4)(m), and any building or structure where those acts take place, is a public nuisance and may be proceeded against under Wis. Stats. §823.113.

C. Criminal Gang Houses

Pursuant to Wis. Stats. §823.113(1), any building or structure that is used as a meeting place of a criminal gang, as defined in Wis. Stats. §939.22(9), or that is used to facilitate the activities of a criminal gang, is a public nuisance and may be proceeded against under Wis. Stats. §823.113.

D. Gambling Houses

Pursuant to Wis. Stats. §823.20, any gambling place, as defined in Wis. Stats. §945.01(4)(a) is a public nuisance and may be proceeded against under Wis. Stats. Ch. 823.

E. Illegal Alcohol Houses

Pursuant to Wis. Stats. §125.14(5), any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under Wis. Stats. Ch. 125 or Wis. Stats. Ch. 139, or where persons are permitted to drink alcohol beverages in violation of Wis. Stats. Ch. 125 is a public nuisance and may be closed until the activity in violation of Wis. Stats. Ch. 125 is abated. When the activity is abated, the building or place may be used for any lawful purpose.

SECTION IX – ABANDONED VEHICLES, MACHINERY, EQUIPMENT, AND APPLIANCES ON PUBLIC LANDS

No person shall leave unattended or store any appliance, equipment, or machinery, or parts thereof, on any public street, public road, public highway, or other public property in the town, including the road right-of-way, for such time and under such circumstances as to cause the vehicle, appliance, equipment, or machinery to reasonably appear to have been abandoned. When any machinery, appliances, or equipment has been left unattended, parked, or stored on any public street, road, highway, or other public property, including a road right-of-way, within the town for a period of more than 72 hours, the vehicle, structure, machinery, appliances, or equipment is presumed by the town to be abandoned and a public nuisance and may be removed in accordance with Wis. Stats. §342.40.

SECTION X – EXEMPTIONS AND PERMITS

A. Exemptions

1. Any operation of a junkyard on private lands in the town that is in conformity with county zoning and land use regulations for which the owners, operators, or persons otherwise responsible for the operation of the junkyard have obtained all the proper and necessary federal, state, county, town, and extraterritorial municipal approvals, permits, or licenses for the operation or have obtained licenses for operation of a junkyard on that privately owned premise under Wis. Stats. §84.31, is exempt from the provisions of Section VI

- (L), applicable to junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the approvals, permits, or licenses.
2. Any business engaged in the retail sales on manufactured homes, mobile homes, camper trailers, or recreational vehicles on private lands in the town that is in conformity with county zoning and land use regulations for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current and valid manufactured home dealers license under Wis. Stats. §101.951, or a current and valid recreational vehicle dealers license under Wis. Stats. §218.12 issued by the State of Wisconsin, and are actively engaged in the town, as determined in writing by the Town Board, in the business of commercial retail recreational vehicles on property in the town is exempt from the provisions of Section VII (D).
 3. Any parking, storage, or other keeping of any agricultural use vehicles in the open on private lands in the town that is in conformity with county zoning and land use regulations by the owner or leaseholder of the land, if the vehicles are and can be used by the owner or leaseholder, without repair, for normal agricultural use in the town is exempt from the provisions of Section VI(L), applicable to junked machinery, junked appliances, or junked equipment and parts thereof. Notwithstanding anything contained in this paragraph, storage of inoperable junk or other unrepaired agricultural use vehicles on private property of any person for more than 30 days in the open shall be deemed a violation of Section VI(L), unless the storage is at a commercial implement repair location where the equipment or implements can and will be timely repaired and removed from the premise.

B. Permits

1. Upon proper and timely application by an owner or occupant of the premises in the town to Bayfield County with recommendation from the Town Board at a Town Board meeting, a permit may be granted on public private lands in the town, with or without conditions and restrictions, any of the following:
 - a. The storage in the open on private premises of vehicles, structures, machinery, appliances, or equipment in the town that are subject to Section VI.
 - b. The maintenance of buildings, structures, or dwellings in the town that are subject to Section VI.
 - c. The storage, disposal, treatment, or discharge of items, waste, and materials in the town that are subject to Section VI.
2. A permit under this subsection B may be issued by Bayfield County regardless of the ownership or possession rights to the vehicles, implements, machinery, structures, equipment, appliances, buildings, structures, dwellings, items, waste, or materials to be stored, maintained, disposed, treated, or discharged.
3. The permit shall be for a specific location, may be established for a term of months or years, and may be reissued upon application by the permit holder if the permit holder is in full compliance with this ordinance and with the permit conditions and restrictions as issued.

4. The conditions and restrictions, if any, in the permit established by Bayfield County for any permitted storage, maintenance, disposal, treatment, or discharge shall be reasonable restrictions and conditions to protect the public health, safety, and welfare of persons within the town and to limit or negate potential public nuisances caused by the permitted storage, maintenance, disposal, treatment, or discharge. The conditions and restrictions shall be stated in writing and attached to the written permit upon issuance by Bayfield County.
5. The owner or occupant of the permitted premises is responsible for compliance with the conditions and restrictions in the permit issued regardless of whether the owner or occupant of the premises has any legal or equitable interest in the vehicles, structures, machinery, appliances, or equipment subject to the permit.

SECTION XI – ABATEMENT OF PUBLIC NUISANCES/PERMIT REVOCATION

A. Inspection of Premises

1. Whenever a complaint is made to the Town Board, Town Clerk, Town Chair, or any appropriate Town Committee or agent that a public nuisance under this ordinance or a violation of a permit issued under this ordinance exists within the town, the Town Chair, Town Committee, or other agents of the Town Board shall promptly inspect or cause to be inspected the premises complained of and shall make a written report of its findings to the Town Board, which report shall thereafter be filed with the Town Clerk and kept of record in the office of the Town Clerk. Whenever practicable, the Town Chair, Town Committee, or other agents of the Town Board shall cause photographs to be made of the premises for inclusion in the written report to the Town Board.
2. If the person subject to complaint holds a current permit under this ordinance, or any Town Building Permit or Junked Vehicle Permit issued under Wis. Stats. §175.25, and the town's village powers under Wis. Stats. §60.22, the Town Chair, the Town Committee or other agents of the Town Board may immediately request the Town Board to hold a public hearing to consider suspension or revocation of the permit for refusal to comply with the permit conditions and this ordinance. The Town Board shall hold a public hearing prior to taking any action to revoke or suspend a permit. The permit holder shall be notified of the public hearing at least 20 days before the public hearing by the mailing by U.S. mail of a First-Class notice letter to the last known address of the permit holder noted on the permit or permit application.
3. The Town Board may, in the alternative to revocation, suspend any issued permit for a period up to 6 months. Any revocation shall be for a period in excess of 6 months and no reapplication can be received or acted upon by the Town Board for the premises or for the owner or occupant of the premises for any activity, use, or item prohibited by or requiring a permit under this ordinance during the revocation period.

4. For any decision regarding the revocation or suspension of any permit, the Town Board shall determine and state the reason or reasons for any revocation, non-revocation, or suspension of the permit based on the lack of compliance with the permit conditions and this ordinance by the permit holder or by any employees or agents of the permit holder. The reason or reasons for the decision shall be stated in writing and sent to the permit holder within 10 days after the decision by the Town Board by mailing by U.S. mail of a First-Class letter to the last known address of the permit holder noted on the permit or permit application.

B. Owner of Premises Responsibility

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

C. Summary Abatement

1. Notice to Owner

If the Town Chair, Town Committee, or other agents of the Town Board determine by written notice to the Town Board, that a public nuisance exists under this ordinance within the town on private or public land and that there is great, immediate, and substantial danger or threat to the public health or safety, the Town Board, Town Chair, Town Committee, or other agents of the Town Board shall serve a written order upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted, or maintained. If immediate personal service cannot be made one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises or the person who is causing, permitting, or maintaining the public nuisance. One copy of the notice shall be served by mailing by U.S. mail of a First-Class letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove the public nuisance within 24 hours and shall state that unless the public nuisance is so timely abated, the town may cause, due to the emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.

2. Abatement by Town

If the public nuisance is not abated within the time provided in the notice under paragraph 1 or if the owner, occupant, or person causing the public nuisance, if known, cannot be found, the Town Chair, the Town Committee, or other agents of the Town Board with approval of the Town Board, shall cause the abatement or removal of the public nuisance by immediately seeking for the town a court order that allows for the immediate enjoinder and abatement of the public nuisance.

D. Abatement by Court Action

If the Town Board determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the Town Board shall file a written report or its resolution of its findings with the Town Clerk who shall, after approval

and filing of the report or resolution by the Town Board, take one or more of the following actions, as directed by the Town Board:

1. Issue and serve a written order to cease and desist the public nuisance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
2. Issue and serve a citation for violation of this ordinance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
3. Cause the town attorney to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of this ordinance or the conditions of any permit as issued or have drafted by the town attorney to be filed and served a formal complaint for abatement of the public nuisance under Wis. Stats. Ch. 823.

E. Other Methods not Excluded

Nothing in this ordinance may be construed as prohibiting the injunction and abatement of public nuisances against any person, including against a permit holder that holds a current and valid permit issued by the town under this ordinance, by the town or its officials in accordance with the laws of the State of Wisconsin.

SECTION XII – COSTS OF ABATEMENT OR DISPOSAL

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the town may be collected under this ordinance or Wis. Stats. §823.06, as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the town to enjoin or abate the public nuisance as a special charge under Wis. Stats. §66.0627, unless paid earlier. If any vehicle, structure, equipment, implement, or appliance is abandoned or remains unclaimed in violation of this ordinance, the Town Board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under Wis. Stats. §66.0139, by public auction or other means as determined in writing by the Town Board.

SECTION XIII – ENFORCEMENT PROVISIONS

A. Penalties

1. First Offense

Any person who violates this ordinance shall, upon conviction, forfeit not less than \$20 nor more than \$500 together with the costs of prosecution.

2. Second and Subsequent Offenses

Any person guilty of violating this ordinance or any person who has previously been convicted of a violation of this ordinance shall, upon conviction, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution.

B. Separate Violations

Each day of violation of this ordinance constitutes a separate offense.

SECTION XIV – SEVERABILITY

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

SECTION XV – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The Town Clerk shall properly publish and/or post this ordinance as required under Wis. Stats. §60.80.

Adopted this 9th day of February 2022.

Robert Rasmussen

Town Chairman

Joe Ky...

Supervisor

Jack McLean

Supervisor

Tamara B...

Attested: Town Clerk

