

Town of Clinton Ordinance #112

Nuisances

WHEREAS, this Ordinance is adopted by the powers granted to the Town of Clinton by the Town's adoption of Village powers under Wis. Stat. §§ 60.10, 60.22 and 61.34, and its authority to regulate nuisances under Chapter 83 and other and other authority under the statutes. Any amendment, repeal or recreation of the statutes relating to this Ordinance made after the effective date of this Ordinance is incorporated into this Ordinance by reference on the effective date of the amendment, repeal or recreation;

NOW, THEREFORE, the Board of Supervisors of the Town of Clinton, Barron County, Wisconsin, does hereby ordain as follows:

Town of Clinton Ordinance Number 112, originally enacted in on October 11th, 2005, is hereby amended and restated as follows:

Nuisances Prohibited

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

1.1 Definitions

A public nuisance is an object, act, occupation, condition, or 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, or 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;
- (e) Create a situation which causes a hazard to the health and well-being of the residents and frequenters of the Town of Clinton through accumulation of decayed food, carcasses, animal or vegetable matter, trash, rubbish, scrap, or any disease-carrying insects, rats or other vermin may breed or in which may pose to an attractive nuisance for children or which may produce hazardous waste or other contamination to soil or water or air;
- (f) It shall further be a public nuisance to allow on property whether owned or leased refuse, garbage, dilapidated structures which are dangerous, unsafe and unsanitary, or otherwise unfit for human use or occupancy, unlicensed motor vehicles, junked motor vehicles, abandoned refrigerators from which the doors and other covers have not been removed and other such litter, debris, trash, rubbish or other stored materials which may be reasonably foreseeable to act as habitation for vermin or attractive nuisance for children. Junked motor vehicles shall also be defined to be

disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, or appliances.

1.2 Enforcement Officer

The enforcement officer shall be the Town Chairman, the Town or County Health Inspector, or any person designated in writing, from time to time, by the Town Chairman or the Town Board.

1.3 Investigation of Nuisances

Whenever a complaint is made to the Town Chairman, Health Inspector, or any Board member, the Enforcement Officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Town Chairman or Town Board.

1.4 Notice to Violator

If the Enforcement Officer determines that a public nuisance exists within the Town of Clinton under the terms of this Ordinance and that there is a great and immediate danger to the public health, safety, peace, morals, or decency, the Town Chairman or the Town Board may direct the Enforcement Officer to serve a notice on the persons causing, permitting, or maintaining such nuisance, or upon the owner or occupant of the premises upon which such nuisance is caused, permitted or maintained, and to post a copy of such 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 14 days 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.

1.5 Abatement by Town; Costs

If the nuisance is not abated within the time provided, or if the owner, occupant, or person causing the nuisance cannot be found, the Enforcement Officer shall cause the abatement or removal of said public nuisance. In addition to any other penalty imposed by this Ordinance for a violation, the cost of abatement shall be assessed against the real estate as a special charge.

1.6 Injunction; Damages

The Enforcement Officer shall also have the authority to commence an action in the name of the Town of Clinton in the Circuit Court of Barron County, in accordance with statutes, to obtain judgment of damages and/or injunction in accordance with the law of the State of Wisconsin.

1.7 Statute Adopted by Reference.

The Town adopts this ordinance and incorporates herein by reference all of the provisions of Chapter 823, Wisconsin Statutes.

1.8 Penalties

Any person who violates this Ordinance shall, upon conviction thereof in the Circuit Court of Barron County, Wisconsin, forfeit not less than \$100.00, nor more than \$300.00, together with

costs. On second and subsequent violations pay a forfeiture of not less than \$300.00 nor more than \$750.00, together with costs. Each day of violation of this Ordinance shall constitute a separate offense.

1.9 No Waiver or Limit of Authority

Nothing in this Ordinance shall waive or limit the Town's authority to take any legal action it deems necessary to stop or abate any violation of this ordinance.

1.10 Definition; "Person"

As used herein, "person" shall include natural persons, partnerships, corporations, and other legal entities.

Severability

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Effective Date

Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. § 60.80.

ADOPTED this _____ day of _____, 2015
by a vote of ___ yes, ___ no.

Jim Gores
Town Board Chairperson

Attest:

Melanie Miller
Town Clerk