

TOWN OF ELBA
PUBLIC NUISANCE ORDINANCE

ORIGINAL

Section 1: Title/Purpose

This ordinance is entitled the "Town of Elba Public Nuisance Ordinance".

Section 2: General Provisions

No person shall cause, allow or permit any person to create any public safety, order or health nuisance on premises owned, leased, or controlled by that person in the Town of Elba. The following are specifically declared by the Town Board of the Town of Elba to be public nuisances. This declaration should not be construed to exclude other public nuisances affecting public safety, order or health in the Town of Elba.

A) Motor vehicles, tractors, house trailers, or other motorized vehicles which are no longer licensed, or have been abandoned, disassembled, or are nonoperable, disabled, junked or wrecked. No more than one of the above listed items shall be allowed unless used in a person's bonafide livelihood. Such property shall not be stored anywhere on any premises unless completely enclosed, screened by existing buildings, at least 500 feet from center of town road; or screened defined as a 6 foot opaque, solid uniform fence, or 6 foot coniferous plantings.

B) Stacked, piled or stored junk items, materials or equipment unless completely enclosed in a structure.

C) Old or dilapidated buildings, structures and equipment which are dangerous, unsafe, unsanitary, uninhabitable or otherwise unfit for human use and occupancy.

D) Loud, discordant and unnecessary sounds of motor vehicles, animals or music which cause annoyance or discomfort to the senses of an ordinary person or neighborhood.

E) Trees and limbs that are a menace or danger to public safety.

F) All animals running at large.

Section 3: Abatement of Public Nuisances

A) ENFORCEMENT. The Town Board as a whole shall enforce the provisions of this ordinance and shall make inspections upon signed written complaint. No action shall be taken to abate a public nuisance unless the Town Board has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied themselves that a nuisance does in fact exist. Complaint must be numbered, dated, signed, and filed with the Town Clerk.

B) SUMMARY ABATEMENT. If the inspecting Town Board determines that a public nuisance exists within the Town causing great and immediate danger to the public health, safety, peace or morals, the Town Board may direct the proper officer (defined as one of the three rotating board members) to cause the nuisance to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or

maintaining the nuisance, as the case may be. Notice will be by registered mail. Within 48 hours of the returned receipt's date, the two parties (a Town Board member and alleged ordinance violator) shall set up an appointment within five days to inspect.

C) ABATEMENT AFTER NOTICE. If the proper rotating board member determines that a public nuisance exists but that such nuisance does not threaten great and immediate danger to the public health, safety, peace or morals, he/she shall serve notice on the person causing or maintaining the nuisance to remove it within 30 days, or the proper board member shall cause the nuisance to be removed as provided in subsection B.

D) OTHER METHODS NOT EXCLUDED. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Town of Elba or its officials in accordance with the laws of the State of Wisconsin.

E) COURT ORDER. Except when necessary under subsection B, a board member hereunder 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, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

Section 4: COST OF ABATEMENT

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.

Section 5: ENFORCEMENT PROVISIONS

A) FIRST OFFENSE/PENALTY. Any person who shall violate this ordinance shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) and no more than Two Hundred Dollars (\$200.00) 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 such forfeiture and costs are paid, but not exceeding 90 days.

B) SECOND OFFENSE/PENALTY. Any person guilty of violating this ordinance who shall previously have been convicted of violation of the same ordinance or subsection, shall upon conviction thereof forfeit not less than one Hundred Dollars (\$100.00) nor more than Four Hundred Dollars (\$400.00) for each such offense; together with the costs of prosecution and in default of payment for such forfeiture and cost shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

C) Each day of violation of this ordinance shall constitute a separate offense at the discretion of the Town Board.

D) This ordinance shall be enforced by the citation procedure as authorized. The following bond schedule is hereby established for use of citation pursuant to this ordinance.

ORDINANCE TITLE

DEPOSIT

COSTS

First Violation of the
Public Nuisance Ordinance

\$50 plus Current court costs

Second Violation of the
Public Nuisance Ordinance

\$75 plus Current court costs

The foregoing ordinance was adopted at a regular meeting of the
Town Board on the day of 1999.

Russell G. Farr

Russell Farr, Chair

Don Lee

Don Lee Supervisor

Allan Link

Allan Link, Supervisor

Attest:

Rebecca Kirchberg
~~Fay Pergande~~, Clerk
Rebecca Kirchberg

4-19-99