

NUISANCE ORDINANCE 2014-1

THE TOWN BOARD OF THE TOWN OF BONE LAKE DO ORDAIN AS FOLLOWS:

SECTION I – Title/Purpose

The title of this ordinance is the Town of Bone Lake Public Nuisance Ordinance. The purpose of this Ordinance is to regulate for public health hazard 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. § 66.407, 66.0413, 125.14, 169.01, and 775.25, and Chapter 823, and the general authority under its Village Powers under Wis. Stats. § 60.22(3) to adopt this Ordinance.

SECTION III – Adoption of Ordinance

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll vote by a majority of the Town Board present and voting, provides the authority for the Town to negotiate the storage, treatment, disposal and discharge of certain junk and other items, uses and activities in the Town.

SECTION IV – Definitions

As used in this chapter, the following terms shall have the meanings indicated:

- A. Debris. Means any litter, junk, ashes cinders, remains of a building or structure that was completely or partially destroyed by fire or other casualty, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a substantial threat to public health or safety, create a public nuisance or public safety or health hazard, except when such items are determined by the Town Board or Town Committee or other agent of the Town to be stored or house out of public view and are not treated and maintained not to be a public nuisance.
- B. Building. Includes any building or structure or any portion of a building or structure.
- C. Public Nuisance. Means thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - 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 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.
 5. Substantially depreciate the value of adjoining or neighboring property.
- D. Town Board. Includes all agents of the Town Board of the Town of Bone Lake. Specifically including the Town Clerk and Town Chair.

SECTION V – Public Nuisance Prohibited

No person may create, contrive, erect, maintain, cause, configure, install, construct, 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 to be 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 conditions are not timely cut or removed within ten (10) days after posting or publication of a notice to destroy noxious weeds under Wis. Stat. § 66.04, or within ten (10) days after receipt of written notice to remove from the Town Board.
- B. 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 these conditions are not timely removed within seven (7) days after receipt of written notice from the Town Board.
- C. Dangerous or dilapidated building areas. Any place in the Town where a building or structure, the contents therein, 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, and the conditions that are dangerous, unsafe, unsanitary, or otherwise render the building unfit for human habitation are not timely removed or discontinued within fourteen (14) days of receipt of written notice to remove from the Town Board.
- D. Dangerous or improper depressions, holes, or pits. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk and these conditions are not timely removed within ten (10) days after receipt of written notice from the Town Board

E. Debris. Any place in the Town where debris has accumulated on private or public land and is not timely removed within fourteen (14) days after receipt of written notice to remove from the Town Board.

SECTION VI – Abatement

- A. Inspection of Premises. 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 exists within the Town, the Town Clerk, 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. If the Town Chair, Town Committee or other agents of the Town Board performing the inspection also received the complaint he, she, or they shall file a copy of the report with 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 and shall file the photographs with a written report in the office of the Town Clerk.
- B. Owner of Premises Responsibility. Any owner or occupant of land in the Town shall be responsible for compliance with this Ordinance on the land regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this Ordinance.

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 notice 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 the person who is causing, permitting, or maintaining the public nuisance, and 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 condition, 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 allowing the immediate enjoinder and abatement of the public nuisance.

- D. Abatement by Court Action. If the Town Chair, Town Committee, or other agents of the Town Board shall determine 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 and/or decency, he or she shall file a written report of his findings with the Town Clerk, who shall pass the report onto the Town Attorney and cause the report to be placed on the agenda of the next Town Board meeting to be voted on for an abatement action. Upon receiving a majority vote an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court in accordance with the provisions of Wis. Stat. Ch. 823.
- E. Other methods not excluded. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the state
- F. Raze Order. The Town may issue an order to raze a nuisance building per the requirements and procedures of Wis. Stat. § 66.0413
- G. Court order. Except when necessary under Subsection C, an officer 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.
- H. Citation. The Town may issue a citation to the owner or occupant of the land for each day the nuisance continues to exist on the property.

SECTION VII – Cost of Abatement

In addition to any other penalty imposed by this chapter for the erection, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected under this Ordinance or Wis. Stat. § 823.06 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 under Wis. Stat. § 66.0627.

SECTION VIII – Violations and Penalties

Any person who shall violate any provision of this chapter or who shall cause or maintain or permit to be maintained a public nuisance shall be subject to a penalty as provided in The Town of Bone Lake Citation Ordinance.

SECTION IX – Effective Date

This Ordinance shall become effective upon due notice and publication as required by law.

Approved and Adopted this 11th day of Sept. 2014.

Voted For: 3

Voted Against: 0

Abstained: 0

Absent: 0

Andy Bon
, Town Chairperson

Attest: Marcell Franden
, Town Clerk