

TOWN OF CLINTON
CHAPTER 6 OF THE MUNICIPAL CODE
OF THE TOWN OF CLINTON

PUBLIC NUISANCE

SECTION I DEFINITIONS

In this chapter the following words and phrases shall be construed to have the following meanings:

- A. “Vehicle” means every device, other than farm machinery, designed to be self-propelled, including but not limited to automobiles, trucks, buses, motorcycles, snowmobiles and all-terrain vehicles.
- B. “Equipment” means tractors, other farm machinery, trailers, semi-trailers, mobile homes, boats, motors, lawn mowers and garden tractors.
- C. “Abandoned Vehicles or Equipment” means any vehicles or equipment which remain in one location on public property for more than forty-eight (48) hours. Also included are any vehicles or equipment which remain in one location on private property without permission of the occupant of the private property for more than one (1) hour. Any substantial part or parts of any vehicles and equipment are included in the above definition.
- D. “Non-operable Vehicles or Equipment” means any vehicles or equipment or any substantial part or parts thereof which are incapable of being operated.
- E. “Unlicensed Vehicle or Equipment” means any vehicle or equipment subject to a license law which does not have affixed thereto a current license under the applicable licensing law.
- F. “Refuse” means combustible and non-combustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction or demolition.
- G. “Public nuisance” means an object, 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, 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. The following acts, omissions, places, conditions and objects are hereby specifically declared to be public nuisances if they exist outside of completely enclosed structures which prevent them from being visible, audible or detected by any other means from outside the parcel of land on which the enclosure is placed. The enumeration set forth below shall not be construed to exclude other nuisances coming with the definition of the first sentence or this subsection:

1. Appliances intended to be used indoors, including, but not limited to, refrigerators, freezers, washing machines and dryers.
2. Debris from demolition or disassembly of buildings and other fixtures.
3. Piles of manure in any zoning district other than an agricultural district.
4. Tires which are not usable on a motor vehicle unless used for a legitimate functional or decorative purpose such as a sandbox or a flower bed.
5. Motor vehicle parts, including, but not limited to, batteries.
6. Empty chemical containers.
7. Stockpiles of recyclable materials, as defined in Chapter 1 of this Municipal Code.
8. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in an appropriate sanitary manner.
9. Buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
10. Refuse which is not disposed of in an appropriate sanitary manner.
11. Abandoned vehicles or equipment, non-operable vehicles or equipment, and unlicensed vehicles or equipment.

SECTION II PROHIBITION OF PUBLIC NUISANCES

- A. No owner or occupant of land located in the Town of Clinton shall permit any public nuisance to exist on land owned or occupied by such owner or occupant longer than 10 days after written notification by the Town Board that such public nuisance shall be removed. The Town Board may appoint a person with the power to give notice hereunder at any time after all members of the Town Board have viewed the public nuisance in question. Notification under this section may be accomplished by placing a notice in a conspicuous place on the property where the public nuisance

exists, setting forth briefly the applicable provisions of this ordinance and the date of the notice, or by sending a letter by certified mail, return receipt requested, to the owner or occupant.

- B. No person who owns or possesses or has custody of any vehicles or equipment shall allow the same or any substantial part thereof to become an abandoned vehicle or equipment.

SECTION III EXCLUSION FOR AGRICULTURAL VEHICLES AND EQUIPMENT

This chapter shall not apply to vehicles or equipment designed for use in the business of agriculture if located in an agricultural zoning district .

SECTION IV REMOVAL BY TOWN

If a public nuisance is not abated within the time period provided in this chapter, or if the owner, occupant or person causing the nuisance cannot be found, any member of the Town Board or any person duly appointed by the Town Board is authorized to cause the removal of such public nuisance.

SECTION V ASSESSMENT TO PROPERTY OWNER

In all cases where it is necessary for the Town Board or its representative to remove a public nuisance under this chapter, the sums expended in accomplishing such removal shall be a lien on the real estate from which such nuisance is removed, in the same manner as any tax upon real estate. The Town Clerk shall certify to the Town Treasurer the description of such property, and the cost of such removal, and the Treasurer shall include the same in the annual schedule of land subject to special taxation. Payment of costs included as a lien hereunder shall be enforced in like manner as other special taxes upon real estate levied and collected in the Town of Clinton.

SECTION VI ENFORCEMENT PROVISIONS

- A. First Offense/Penalty. Any person who shall violate this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200, together with the cost of prosecution and the cost of removal of the nuisance incurred under Section IV above, and in default of payment shall be imprisoned in the county jail until such forfeiture is paid, but not exceeding 90 days.
- B. Second Offense/Penalty. Any person who shall violate this chapter who shall previously have been convicted of violation of the same provision of this chapter shall, upon conviction thereof, forfeit not less than \$200 nor more than \$300 for each such offense, together with the costs of prosecution and the costs of removal, and in default of payment shall be imprisoned in the county jail until such forfeiture is paid, but not to exceed 6 months.

- C. Each day a violation continues shall be deemed a separate offense or violation of this chapter.
- D. The Town Board may, in its discretion, enforce this ordinance under Chapter 823 of the Wisconsin Statutes and may obtain an injunction to prevent existing and future violations of this ordinance.

SECTION VII VALIDITY

If any provision of this chapter, or any subdivision thereunder, shall be declared to be unlawful or unconstitutional at any time, it shall be deemed separable from the balance of the chapter and shall not affect the lawfulness or constitutionality of the remaining sections or subparagraphs.

SECTION VIII EFFECTIVE DATE

This chapter shall take effect upon passage and publication as required by law.