

## **TOWN OF RED CEDAR, ORDINANCE 1003-2010 PUBLIC NUISANCE**

STATE OF WISCONSIN, Dunn County, Town of Red Cedar

FULL TEXT: The Town Board of the Town of Red Cedar does ordain the Public Nuisance ordinance as follows:

1. **Public Nuisances Prohibited.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Red Cedar, Dunn County, Wisconsin.
2. **Definition of Public Nuisance.** A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such a 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 or 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.
3. **Abatement of Public Nuisances**
  - a. Inspection of Premises. Whenever complaint is made to a member of the Town Board that a public nuisance exists within the Town of Red Cedar, the Town Board member shall order an inspection of the premises, whether by Town Official, town Constable, or town Building Inspector. The inspecting officer shall make a written report of his findings to the Town Board upon completion of the inspection. Whenever practicable, the inspection officer shall cause photographs to be made of the premises and shall file the same in the office of the Clerk.
  - b. Summary Abatement.
    - (1) Notice to Owner. If the inspecting officer determines that a public nuisance exists on private property and that there is a great and immediate danger to the public health, safety, peace, morals, or decency, the Town Board may direct that notice be served on the owner or, if the owner cannot be found, on the occupant or person causing, permitting, or maintaining such nuisance and to post a copy of said notice on the premises. Such notice shall direct the owner, occupant, or person causing, permitting, or maintaining such nuisance to abate or remove such nuisance within a given time period, 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 or maintaining the same, as the case may be.

(2) Abatement by Town. If the nuisance is not abated within the time provided, or if the owner, occupant, or person causing the nuisance cannot be found, the town board may cause the abatement or removal of such public nuisance.

c. Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of the nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, the Town Board may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Dunn County in accordance with the provisions of Wis. Stat. Ch. 823 (1997-1998), as amended.

d. Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting abatement of public nuisances by the Town of Red Cedar or its officials, in accordance with the laws of the State of Wisconsin.

4. **Cost of Abatement.** In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be billed to the owner or other person causing, permitting, or maintaining the nuisance. If the bill is not fully paid within thirty (30) days after the date of mailing, such cost shall be assessed against the real estate on which the nuisance existed as a special charge or special assessment pursuant to the Town's police power.

5. **Penalties.** The penalty for violation of this section shall be forfeiture of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each day the nuisance exists and not less than Ten Dollars (\$10.00) nor more than twenty Five Dollars (\$25.00) for each subsequent day of violation.

Effective Date. The herein ordinance shall take effect upon enactment and publication.

**PASSED AND ADOPTED** by a majority vote of the Town Board of the Town of Red Cedar, Dunn County, Wisconsin, this 12<sup>th</sup> day of July, 2010. Cheryl Miller, Clerk (715) 233-7081.