

TOWN OF ANGELO

97-12-9

WHEREAS, it is in the interests of the public that certain nuisances be defined as public nuisances.

WHEREAS, the Town Board of the Town of Angelo has power under Village Powers pursuant to Sec. 60.22(3) Wis. Stats., to enact ordinances defining and prohibiting public nuisances,

NOW THEREFORE, The Town Board of Supervisors of the Town of Angelo, Monroe County, Wisconsin, does hereby ordain the following:

SECTION 1. JUNKED AND ABANDONED VEHICLES AND APPLIANCES

(A) Junked Automobiles, Etc. No disassembled, inoperable, unlicensed, junked, or wrecked motor vehicles, mobile homes, truck bodies, tractors, trailers, or appliances shall be stored or allowed to remain in the open upon public or private property, within the Town for a period exceeding five (5) days if upon public property, or for a period exceeding thirty (30) days if upon private property. Any business engaged in "automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed one year, after which such vehicles must be enclosed by a screening or live planting."

(1) The phrase "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers," as used in this section is defined as follows: motor vehicles or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

(2) The term "unlicensed" as referring to motor vehicles, truck bodies, tractors, or trailers as used in this ordinance shall be defined as follows: motor vehicles, truck bodies, tractors, or trailers which do not bear lawful license plates.

(3) The term "motor vehicle" is defined in Section 340.01(35) of the Wisconsin Statutes.

(4) The term "mobile home" is defined in Section 340.01(29) of the Wisconsin Statutes.

(5) The term "appliance" as used in this ordinance shall be defined as any stove, washer, dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, or other household appliance which is no longer operable in the sense for which it was manufactured.

(B) Abandoned Vehicles, Etc. No person shall have unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street, highway, or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any street or highway or public property within the Town of Angelo for a period of more than seventy-two (72) hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(C) EXEMPTIONS Certain persons will be exempt from this ordinance as it applies to motor vehicles if they meet the requirements of Sec. 175.25(4) Wis. Stats. Moreover, any person with one (1) or less unlicensed vehicles stored on premises shall be exempt from this ordinance as it applies to motor vehicles.

SECTION 2. ABATEMENT OF PUBLIC NUISANCES

(A) Inspection of Premises. Whenever complaint is made to the Town Chairman or to the Town Enforcement Committee, consisting of three members appointed by the Town Board, that a public nuisance exists within the Town of Angelo, the Enforcement Committee shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of its findings to the Town Chairman. Whenever practicable, the Town Enforcement Committee shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

(B) Summary Abatement.

(1) Notice to Owner. If the Enforcement Committee shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairperson may direct the Enforcement Committee to serve a notice upon a person causing, permitting, or maintaining such nuisance, whether as owner or occupant of the premises where such nuisance is caused, permitted, or maintained. If immediate personal service can not be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant thereof, as well as direct mail notice to the last known owner of said property. Such notice shall direct the person causing, permitting, or maintaining such nuisance, or the owner or occupant to the premises to abate and remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town may cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the nuisance.

(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 Enforcement Committee shall cause the abatement or removal of such public nuisance.

(C) Abatement By Court Action. If the Enforcement Committee 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 or decency, it shall file a written report of its findings with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Monroe County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes.

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

SECTION 3. COSTS 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 abatement of any public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting, or maintaining the nuisance. If notice to abate the nuisance has been given to the owner previously, such cost shall be assessed against the real property where such violation occurred as a special charge unless paid earlier.

SECTION 4. ENFORCEMENT PROVISIONS

(A) First Offense/Penalty. Any person who shall violate this subsection, shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) 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 ninety (90) days.

(B) Second Offense/Penalty. Any person guilty of violating this subsection or any part of this subsection who shall previously have been convicted of violation of the same ordinance or subsection shall upon conviction thereof forfeit not less than Ten Dollars (\$10.00) nor more than Four Hundred Dollars (\$400.00) for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and the cost shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid but not to exceed six (6) months.

(C) Each day of violation of this ordinance shall constitute a separate offense.

Chairman

Supervisor

Supervisor

Filed this date: 2-10-98

Clerk