

Town of Sumner
ORDINANCE # 2017-1014-C
Public Nuisances and Health Hazards

STATE OF WISCONSIN

Town of Sumner
Jefferson County

Section 1 - Title and Purpose: This ordinance is titled Public Nuisances and Health Hazards and replaces Town of Sumner Ordinance P2010-0612 in its entirety. The purpose of this ordinance is to protect public health, safety, and welfare, and to prevent the depreciation of property values by providing for the regulation of public nuisances and health hazards

Section 2 - Authority: The Town Board of the Town of Sumner, Jefferson County, Wisconsin has the specific authority under s. 60.22, Wis. Stats., and general authority of village powers under Ch. 61, Wis. Stats. to enact this ordinance and to provide for forfeitures and penalties for its breach.

Section 3 - Adoption of Ordinance: The Town Board of the Town of Sumner, Jefferson County, Wisconsin, on a roll-call vote with a quorum present and voting and proper notice having been given, do ordain as follows:

Section 4 - Public Nuisances Prohibited: No person shall erect, construct, cause, continue, maintain, or permit to exist any health hazard or a public nuisance to the Town of Sumner or a public health hazard or nuisance in violation of Jefferson County PUBLIC HEALTH HAZARD AND PUBLIC NUISANCE ORDINANCE 98-46.

Section 5 - Public Nuisances Defined: A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:

- A. Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public.
- B. In any way render the public insecure in life or in the use of property.
- C. Unlawfully and substantially interfere with, obstruct, tend to obstruct, or render dangerous for passage any town highway, alley, right-of-way, navigable body of water, or other public way or public property.

Section 6 - PUBLIC NUISANCES REPORTABLE TO JEFFERSON COUNTY: Public nuisances and public health hazards prohibited in Jefferson County's *PUBLIC HEALTH HAZARD AND PUBLIC NUISANCE ORDINANCE* – NO. 98-46, Sect. 16.06, will be reported by the Sumner Town Chair, Town Clerk, or Town Board to the County official with enforcement jurisdiction over the prohibited conduct. The nuisances that are reportable are as follows.

- A. **UNBURIED CARCASSES** - Carcasses of animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- B. **HOUSEHOLD PET WASTE** - Accumulations of the bodily waste from all household domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard.
- C. **AIR POLLUTION** - The escape of smoke, soot, cinders, noxious acids, fumes, gasses, fly ash, industrial dust, or any other atmospheric pollutants that creates non-compliance with Chapter NR429 of the Wisconsin Administrative Code. (Note: NR429 allows exemptions for open burning.)
- D. **SOLID WASTE** - Any solid waste which is stored or disposed of in non-compliance to Chapter NR500 of the Wisconsin Administrative Code.
- E. **FOOD OR BREEDING PLACES FOR VERMIN, INSECTS, AND PESTS** - Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitoes, or disease carrying insects, rats or other vermin can breed, live, nest, or seek shelter.
- F. **TOXIC AND HAZARDOUS MATERIALS** - Any chemical or biological material that is stored, used, or disposed of in such quantity or manner that is, or has the potential to create a health hazard.
- G. **GROUNDWATER POLLUTION** - Addition or conveyance of any chemical or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances

include but are not limited to the chemical or biological substances listed in Chapter NR809 of the Administrative Code titled “safe drinking water”.

H. PRIVATE WATER SUPPLY - Any private well that is constructed, abandoned, or used; or any pump installed in non-compliance with Chapter NR812 of the Wisconsin Administrative Code.

I. HOLES AND OPENINGS - Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well; or any improperly abandoned, barricaded or covered up excavation.

J. INOPERABLE VEHICLES AND VEHICLE PARTS - Outdoor storage of more than two abandoned, unlicensed, or inoperable vehicles per lot; or outdoor storage of motor vehicle parts for a period of 72 hours or more. Exceptions include commercial sellers of motor vehicle parts.

K. UNFIT DWELLING – A dwelling that is found to have any defect specified in County Ordinance 98-46 Sect. 16.07 (1) (2).

L. OTHER - Any other situation determined to meet the definition of a public nuisance contained in County Ordinance 98-46.

Section 7 – Enforcement and Abatement of Reportable Public Nuisances: Enforcement, correction, or abatement of reportable public nuisances and health hazards will be conducted by the appropriate Jefferson County officer or official with authority under County Ordinance 98-46, Sects. 16.02, 16.08, 16.09, and 16.10.

Section 8 - PUBLIC NUISANCES TO THE TOWN OF SUMNER: Public nuisances enumerated in this section are prohibited within the Town of Sumner.

A. NOXIOUS WEEDS AND GRASSES: At any time noxious weeds as defined in Sec 66.0407 Wis. Stats and any weed designated as noxious by rule of the Department of Natural Resources exists on a given property.

B. NOXIOUS ODORS: Any use of property, substances or things within the Town emitting or causing any foul, offensive, nauseous, noxious or disagreeable odors; gases or stenches repulsive to the physical senses of ordinary persons which annoy or discomfort; or are injurious to the health of any appreciable number of persons within the Town

C. OBSTRUCTION OF TOWN HIGHWAYS AND PASSAGEWAYS: At any time trees, hedges, vegetative matter, billboards, signs, or other obstructions encroach into the town road right-of-way horizontally or, vertically to a point less than fifteen feet above roads and passage ways, and prevents persons driving vehicles on town highways or alleys; from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk; or causes distracted, inhibited, or unsafe conditions.

D. OBSTRUCTION OF TOWN RIGHT-OF-WAYS: At any time an obstruction is constructed, caused, or maintained, whether temporary or permanent; natural or man-made; and is caused by action, in-action, or encroachment; it will be considered a public nuisance to the town. Interference with the function or make-up of any portion or structure, including culverts and ditches, within the right-of-way by burning, dumping, any manner of alteration, or other action will be considered an obstruction

E. UNAUTHORIZED SIGNS AND MARKERS: All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of a public highway, passage or crossing; which because of color, design, location, brilliance, or manner of operation may purport to be, or may be mistaken for an official and authorized sign, marker, or traffic control device.

F. FIREWORKS: All possession, use, or display of fireworks except by permit as provided in Town of Sumner Policy 2017-0814.

G. EXCEPTIONS TO “PUBLIC NUISANCE TO THE TOWN”:

(1) Any reportable public nuisance in Sect. 6.

(2) Farming odors, practices, or conditions allowed by Wisconsin Department of Agriculture Trade and Consumer Protection.

Section 9 – Enforcement and Abatement of Public Nuisances to the Town:

A. ENFORCEMENT: The Sumner Town Chair, Town Clerk, Town Board, building inspector, appropriate law enforcement official, or any other person at the direction of the Town Board, shall enforce the provisions of this ordinance and they shall make inspections upon complaint and periodic inspections to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the premises where the nuisance is alleged to exist is inspected and the nuisance is found to exist in fact.

B. SUMMARY ABATEMENT: If the determination of an inspection finds that a public nuisance exists within the Town and that there is a great and immediate danger to the public health or safety, the

Town Board, Town Chair, or Town Clerk may direct the proper officer with authority to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance.

C. **ABATEMENT AFTER NOTICE:** If the determination of the inspection finds 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, or peace, a violation notice shall be issued to the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within ten days, the Town Board may direct the proper officer with authority to cause the nuisance to be removed as provided in Sub. Sect. B.

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

E. **COURT ORDER:** Except when necessary under Sub. Sect. B, no officer hereunder shall 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 abatement of the public nuisance.

F. **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 10 - Penalty Provisions: Any person who violates any of the provisions of this ordinance shall be subject to a forfeiture of no less than \$50.00 not more than \$500.00, or as may be found in the current Town of Sumner fee schedule. Each day the violation exists shall be considered a separate violation, subject to a separate penalty, as set forth herein.

Section 11 - Collection of Penalties and Costs: The Town of Sumner will employ Town of Sumner Ordinance # 2017-1014, *Forfeitures and Citations for Violations of Town Ordinances* to assess and recover forfeitures, penalties, costs, and damages from persons who violate this ordinance; and may pursue any other appropriate legal or collection actions.

Section 12 - Severability: If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 13 - Nonexclusivity: Adoption of this ordinance in no way precludes the adoption of any other ordinance providing for enforcement of any law or ordinance relating to the same or other subject matter.

Effective Date: This ordinance shall take effect after passage and adoption by the Town Board and publication and posting as required under s. 60.80, Wis. Stats.

Adopted this 14th day of October, 2017.

_____ John Dohner, Jr., Chairman

_____ Randall Burdick, Supervisor I

_____ Rosemary Olson, Supervisor II

Attest: _____ Glendan Rewoldt, Clerk

Ayes: _____ Noes: _____ Absent: _____

Published: _____

Posted: _____