

STATE OF WISCONSIN
Town of Saint Germain, Vilas County

Code of Ordinances

Chapter 13: Public Nuisance

Re-adopted without revisions August 19, 2019

13.01 TITLE: The title of this ordinance is the Town of Saint Germain Public Nuisance Ordinance. The purpose of this ordinance is to regulate for public health and safety, the storage, treatment, disposal, and discharge of certain junk and of other items, uses, and activities in the town.

13.02 AUTHORITY: The town board has the general authority under its village powers under §60.22, Wis. stats., and the specific authority under §§29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25, and chapter 823, Wis. stats., to adopt this ordinance.

13.03 DEFINITIONS: In this ordinance,
Appliance means any household or office device, instrument, utensil, apparatus, or machine that utilizes power, including, but not limited to, any stove, clothes washer or dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, computer or peripheral device, or other home or office electronic device.

County means County of Vilas, Wisconsin

Debris means any junk, 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, or create a public nuisance or a 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 housed out of public view and are treated and maintained so as not to be a public nuisance.

Equipment means goods used or bought for use primarily in a business, including farming and a profession.

Junk means scrap metal, metal alloy, wood, concrete, or synthetic or organic material or any junked, inoperative, unlicensed, or unregistered vehicle, structure, equipment, furniture, appliances, or machinery, or any part thereof. "Junk" includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material.

Junkyard means any place that is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling junk. "Junkyard" includes sanitary landfills, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards, and places for temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. "Junkyard" does not include places where litter, trash, and other debris are scattered along or upon a highway or temporary operations and outdoor storage of limited duration.

Local zoning and land use regulation means any applicable Town, County or State zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.

Machinery means a structure or assemblage of parts that transmits forces, motion, or energy from one part to another in a predetermined way by electrical, mechanical, or chemical means. "Machinery" does not include a building.

Motor vehicle dealer has the meaning given in §218.0101(23), Wis. stats.

Motor vehicle salvage dealer has the meaning given in §218.20(1r), Wis. stats.

Not registered in reference to "all-terrain vehicles" as defined in §340.01(2g), Wis. stats., "snowmobiles" as defined in §340.01(58a), Wis. stats., or "boats" as defined in §29.001(16), Wis. stats., means those that are required to, but do not have nor bear, required current and valid State of Wisconsin licenses or registrations.

Public nuisance means a thing, act, occupation, condition, or use of property that continues in the town for such time as to do any of the following:

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 attempt 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.

Scrap metal processor means a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for re-melting purposes.

State means the State of Wisconsin

Town means the Town of Saint Germain, Vilas County, Wisconsin.

Town board means the board of supervisors for the Town of Saint Germain, Vilas County, Wisconsin, and includes designees of the board authorized to act for the board, specifically including the town clerk and town chair.

Town chair means the chairperson of the Town of Saint Germain, Vilas County, Wisconsin.

Town clerk means the clerk of the Town of Saint Germain, Vilas County, Wisconsin.

Town committee means a committee established by the town board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the town.

Unlicensed or unregistered in reference to vehicles, mobile homes, or manufactured homes means those that are required to be licensed or registered for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.

Vehicle means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:

1. Aircraft as defined in §29.001 (16), Wis. stats.
2. All-terrain vehicles as defined in §340.01(2g), Wis. stats.
3. Antique vehicles as described in §341.265, Wis. stats.
4. Automobiles as defined in §340.01(4), Wis. stats.
5. Boats as defined in §29.001(16), Wis. stats.
6. Camping trailers as defined in §340.01(6m), Wis. stats.
7. Farm equipment as defined in §100.47(1), Wis. stats.
8. Junk vehicles as defined in §340.01(25j), Wis. stats.
9. Manufactured homes as defined in §101.91(2), Wis. stats.
10. Mobile homes as defined in §340.01(29), Wis. stats.
11. Mopeds as defined in §340.01(29m), Wis. stats.
12. Motor bicycles as defined in §340.01(30), Wis. stats.
13. Motor buses as defined in §340.01(31), Wis. stats.
14. Motor homes as defined in §340.01(33m), Wis. stats.
15. Motor trucks as defined in §340.01(34), Wis. stats.
16. Motorcycles as defined in §340.01(32), Wis. stats.
17. Recreational vehicles as defined in §340.01(48r), Wis. stats.
18. Road machinery as defined in §340.01(52), Wis. stats.
19. Road tractors as defined in §340.01(53), Wis. stats.
20. Salvage vehicles as defined in §340.01(55g), Wis. stats.
21. School buses as defined in §340.01(56), Wis. stats.
22. Semi-trailers as defined in §340.01(57), Wis. stats.
23. Snowmobiles as defined in §340.01(58), Wis. stats.
24. Special interest vehicles as defined in §341.266, Wis. stats.
25. Trailers as defined in §340.01(71), Wis. stats.
26. Truck tractors as defined in §340.01(73), Wis. stats.
27. Unlicensed demolition vehicles and unlicensed racing vehicles
28. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.

Wis. stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

13.04 PUBLIC HEALTH OR SAFETY: No person may create, contrive, erect, maintain, cause, continue, 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) Unauthorized human burial area: Any place in the town where the body of a deceased person or parts of a deceased person are located and buried on private or public land in the town without written approval of the town board and are not timely removed within 30 days after receipt of written notice to remove from the town board. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with chapter 157, Wis. stats. Cremation ashes are exempt from this provision.
- (B) Dangerous or dilapidated building area: Any place in the town where a building or structure, the contents of a building or structure, or any associated electrical, heat, water, or septic 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 30 days of receipt of written notice to remove from the town board.
- (C) Improper encroachment or discharge area: Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any town roadway or on other town public lands without written permission from the town board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within 30 days of the receipt of written notice to remove from the town board.
- (D) Junkyard and junked vehicle, appliance, and machinery area: Any place in the town where junked or abandoned vehicles, not otherwise subject to subsection F, or junked or abandoned appliances, equipment, or machinery are accumulated or stored for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, and any place otherwise within the definition of junkyard under this ordinance that is not timely removed or discontinued within 30 days of receipt of written notice to remove from the town board, unless exempt under §13.06 of this chapter.
- (E) Unlicensed unregistered vehicle area: Any place in the town where for a period exceeding 30 days upon private property a not registered, unlicensed, or unregistered vehicle is parked, stored, or otherwise kept outside a building without the written permission of the town board and is not timely removed or discontinued within 15 days of receipt of written notice to remove from the town board, unless exempt under §13.08 of this chapter.

13.05 ABANDONED VEHICLES, MACHINERY, EQUIPMENT, AND APPLIANCES ON PUBLIC LANDS: No person shall leave unattended or stored any vehicle, regardless of the vehicle's physical condition, registration, or license held, any appliance, equipment, or machinery, or parts thereof, on any public street, public road, public highway, or other public property in the town, including the road right-of-way, for such time and under such circumstances as to cause the vehicle, appliance, equipment, or machinery to reasonably appear to have been abandoned. When any vehicle, machinery, appliances, or equipment has been left unattended, parked, or stored on any public street, road, highway, or other public property, including a road right-of-way, within the town for a period of more than 72 hours, the vehicle, structure, machinery, appliances, or

equipment is presumed by the town to be abandoned and a public nuisance and may be removed in accordance with s. 342.40, Wis. stats., and the owner of the vehicle is subject to the imposition of forfeitures under Section XIII of this ordinance.

13.06 EXEMPTIONS:

- (A) Any operation of a junkyard on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the operation of the junkyard have obtained all the proper and necessary federal, state, county, town, and extraterritorial municipal approvals, permits, or licenses for the operation or have obtained licenses for operation of a junkyard on that privately owned premise under §84.31, Wis. stats., is exempt from the §13.04(E) of this chapter, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the approvals, permits, or licenses.
- (B) Any commercial motor vehicle salvage or motor vehicle retail sales business on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current motor vehicle salvage dealer license under §218.205, Wis. stats., authorizing storage uses, operations, and activities at property locations in the town or hold a current motor vehicle dealer license under §218.0114, Wis. stats., for salvage, sale, or storage operation and activities at a property location in the town, and are actively engaged in the town, as determined in writing by the town board, in the commercial motor vehicle salvage or motor vehicle retail sales business on property in the town is exempt from the provisions of §13.04(E) of this chapter, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.
- (C) Any business engaged in the retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current and valid manufactured home dealers license under §101.951, Wis. stats., or a current and valid recreational vehicle dealers license under §218.12, Wis. stats., issued by the State of Wisconsin, and are actively engaged in the town, as determined in writing by the town board, in the business of commercial retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on property in the town is exempt from the provisions of §13.04(E) of this chapter, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.
- (D) Any parking, storage, or other keeping outside of buildings in the town of 3 or fewer unlicensed or unregistered vehicles or 2 or fewer boats, snowmobiles, or all-terrain vehicles, not registered with the State of Wisconsin, on private lands owned or leased by the owner or leaseholder of the vehicles that is in conformity with local zoning and land use regulation, even if the vehicles are not stored for purposes of

sale or repair, is exempt from the provisions §13.04(F) of this chapter, relating to the keeping and storage of unlicensed or unregistered vehicles.

- (E) Any parking, storage, or other keeping of any agricultural use vehicles in the open on private lands in the town that is in conformity with local zoning and land use regulation by the owner or leaseholder of the land, if the vehicles are and can be used by the owner or leaseholder, without repair, for normal agricultural use in the town is exempt from the provisions of §13.04(E) of this chapter, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. Notwithstanding anything contained in this paragraph, storage of inoperable junk or other unrepaired agricultural use vehicles on private property of any person for more than 30 days in the open shall be deemed a violation of §13.04(E) of this chapter, unless the storage is at a commercial implement repair location where the equipment or implements can and will be timely repaired and removed from the premise.

13.07 PERMITS:

- (A) Upon proper and timely application by an owner or occupant of the premises in the town to the town clerk for a permit, and after a public hearing held by the town board, the town board may permit on public or private lands in the town, with or without conditions and restrictions, any of the following:
 - (1) The storage in the open on private premises of vehicles, structures, machinery, appliances, or equipment in the town that are subject to §13.04 of this chapter.
 - (2) The maintenance of buildings, structures, or dwellings in the town that are subject to §13.04 of this chapter.
 - (3) The storage, disposal, treatment, or discharge of items, waste, and materials in the town that are subject to §13.04 of this chapter.
- (B) A permit may be issued by the town board regardless of the ownership or possession rights to the vehicles, implements, machinery, structures, equipment, appliances, buildings, structures, dwellings, items, waste, or materials to be stored, maintained, disposed, treated, or discharged.
- (C) The applicant shall be notified of the public hearing required under paragraph (A) at least 20 days before the public hearing by the mailing by U.S. mail of a First-class notice letter to the last known address of the applicant noted on the application.
- (D) The permit shall be for a specific location, may be established for a term of months or years, and may be reissued upon application by the permit holder if the permit holder is in full compliance with this ordinance and with the permit conditions and restrictions as issued.
- (E) The conditions and restrictions, if any, in the permit established by the town board for any permitted storage, maintenance, disposal, treatment, or discharge shall be reasonable restrictions and conditions to protect the public health, safety, and welfare of persons within the town and to limit or negate potential public nuisances caused by the permitted storage, maintenance, disposal, treatment, or discharge. The conditions and restrictions shall be stated in writing and attached to the written permit upon issuance by the town board.

- (F) The owner or occupant of the permitted premises is responsible for compliance with the conditions and restrictions in the permit issued regardless of whether the owner or occupant of the premises has any legal or equitable interest in the vehicles, structures, machinery, appliances, or equipment subject to the permit.

13.08 ABATEMENT OF PUBLIC NUISANCES/PERMIT REVOCATION:

(A) Inspection of premises:

- (1) 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, or a violation of a permit issued under this ordinance, exists within the town, the Town Board shall place the issue on a meeting agenda and shall, in accordance with the Town's policy for ordinance enforcement, consider contacting the property owner in writing regarding the alleged ordinance violation.
- (2) If the person subject to complaint holds a current permit under this ordinance, or any Town Building Permit or Junked Vehicle Permit issued under §175.25, Wis. stats., and the town's village powers under §60.22, Wis. stats., the town chair, the town committee or other agents of the town board may immediately request the town board to hold a public hearing to consider suspension or revocation of the permit for refusal to comply with the permit conditions and this ordinance. The town board shall hold a public hearing prior to taking any action to revoke or suspend a permit. The permit holder shall be notified of the public hearing at least 20 days before the public hearing by the mailing by U.S. mail of a First-class notice letter to the last known address of the permit holder noted on the permit or permit application.
- (3) The town board may, in the alternative to revocation, suspend any issued permit for a period up to 6 months. Any revocation shall be for a period in excess of 6 months and no reapplication can be received or acted upon by the town board for the premises or for the owner or occupant of the premises for any activity, use, or item prohibited by or requiring a permit under this ordinance during the revocation period.
- (4) For any decision regarding the revocation or suspension of any permit, the town board shall determine and state the reason or reasons for any revocation, non-revocation, or suspension of the permit based on the lack of compliance with the permit conditions and this ordinance by the permit holder or by any employees or agents of the permit holder. The reason or reasons for the decision shall be stated in writing and sent to the permit holder in advance of the revocation or suspension becoming effective. The permit holder shall be given a reasonable opportunity to appear before the Town Board and resolve the issue. If resolution cannot be achieved, the Town shall notify the permit holder of the revocation or suspension within 10 days after the decision by the town board by mailing by U.S. mail of a First-class letter to the last known address of the permit holder noted on the permit or permit application.

- (B) Owner of Premises Responsibility: Any owner or occupant of land in the town is responsible for compliance with this ordinance on the owner's or occupant's land

regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this ordinance.

(C) 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 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 or 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 conditions, 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 that allows for the immediate enjoinder and abatement of the public nuisance.

(D) Abatement By Court Action: If the town board determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the town board shall file a written report or its resolution of its findings with the town clerk who shall, after approval and filing of the report or resolution by the town board, take one or more of the following actions, as directed by the town board:

(1) Issue and serve a written order to cease and desist the public nuisance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.

(2) Issue and serve a citation for violation of this ordinance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.

(3) Cause the town attorney to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of this ordinance or the conditions of any permit as issued or have drafted by the town attorney to be filed and served a formal complaint for abatement of the public nuisance under chapter 823, Wis. stats.

(E) Other Methods Not Excluded: Nothing in this ordinance may be construed as prohibiting the injunction and abatement of public nuisances against any person, including against a permit holder that holds a current and valid permit issued by the town under this ordinance, by the town or its officials in accordance with the laws of the State of Wisconsin or this ordinance.

13.09 COSTS OF ABATEMENT OR DISPOSAL: In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the town may be collected under this ordinance or §823.06, Wis. stats., as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the town to enjoin or abate the public nuisance as a special charge under §66.0627, Wis. stats., unless paid earlier. If any vehicle, structure, equipment, implement, or appliance is abandoned or remains unclaimed in violation of this ordinance, the town board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under §66.0139, Wis. stats., by public auction or other means as determined in writing by the town board.

13.10 FORFEITURE: Any person who violates any provisions of this ordinance shall be subject to a forfeiture of \$100.00 plus court costs for the first violation, \$200.00 plus court costs for the second violation and \$300.00 plus court costs for all subsequent violations. Each day of violation shall constitute a distinct and separate violation and forfeitures shall apply accordingly.

13.11 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.

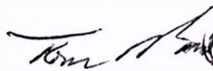
13.12 EFFECTIVE DATE: This ordinance is effective on publication or posting as required under §60.80, Wis. Stats.

Adopted this 19th day of August 2019



Tom Christensen
Town Chairman

Attest:



Tom Martens
Town Clerk