DRAFT 1ST REVIEW

TOWN OF DEXTER PUBLIC NUISANCES' ORDINANCE 2023.3.22

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TOWN OF DEXTER PUBLIC NUISANCES' ORDINANCE 2023.3.22

DEFINING AND PROHIBITING PUBLIC NUISANCES

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 Dexter has power under Village Powers pursuant to the Section 60.22(3) to enact ordinances defining and prohibiting public nuisances,

NOW THEREFORE, Town Board of Supervisors of the Town of Dexter, Wood County, Wisconsin does hereby ordain as follows:

SECTION 1: PUBLIC NUISANCES PROHIBITED

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Dexter, Wood County, Wisconsin.

SECTION 2: DEFINITION

SUBSECTION A: Public Nuisance

A public nuisance is an object, act, occupation, condition, or use of property, which shall continue 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 renders the public insecure in life or in the use of property.
c. Greatly offend the public morals or decency.
d. 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.

SUBSECTION B: Public Nuisance Affecting Health

The following acts, omissions, places, conditions, and objects are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances or hazards coming within the definition of subsection A of this ordinance.

a. All decayed, harmfully adulterated, or unwholesome food offered for sale to the public.
b. Carcasses of animals, birds or fowl not intended for human consumption or food which is not buried or otherwise disposed of in appropriate sanitary manner within 24 hours after the death of such animal, bird, or fowl.
c. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tired, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.
d. All abandoned wells not securely covered or secured from public use.

e. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street or any waterway or public place within the Town of Dexter.
f. Noises emanating from a property that substantially interfere with surrounding landowners' se and enjoyment of their property.

SUBSECTION C: Public nuisances Affecting Peace and Safety

The following acts, omissions, places, conditions, and objects are hereby declared to be public nuisances affecting peace and safety; however, such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provision of subsection A of this ordinance:

a. All wells, excavations, or unused basements freely accessible from any town road.

SUBSECTION D: Public Nuisances – Other

The following acts, omissions, places, conditions, and objects are hereby specifically declared to be public nuisances offending the comfort, health, repose, or safety of the Town of Dexter; but such enumeration shall not be construed or exclude other nuisances within the definition of subsection A of this Ordinance.

a. All owners of property located within the Town of Dexter who fails to keep their premises free of litter, debris, trash, or rubbish shall be in violation of this subsection.
b. All property owners within the Town of Dexter who allow their property to accumulate trash, litter, or rubbish shall be considered in violation of this subsection.
c. "Litter" as used in this ordinance includes, but is not limited to, trash and wastepaper lying scattered about; and an untidy accumulation of objects of any kind.
d. "Trash" as used in this ordinance includes, but is not limited to, something or object(s) worth little or nothing, or something or object(s) in a crumbled, broken, or inoperable condition.
e. "Rubbish" as used in this ordinance includes, but is not limited to, waste materials and refuse of every character and kind collected and/or accumulated.
f. Outdoor Burning – See State and County Regulations
g. Repeated or continuous violation of a municipal ordinance is declared a public nuisance, and an action may be maintained by the Town to abate such nuisance and enjoin such violation.

SECTION 3: JUNK VEHICLES

SUBSECTION A: Junk, Etc., Vehicles Prohibited

Except as otherwise indicated in this ordinance, no person or persons, association, partnership, firm or corporation, who owns or has authority over or authority to control, one or more wrecked, or partially dismantled, or disabled motor vehicles, or parts of such vehicles, or motor vehicle truck bodies, tractors or trailed which do not bear lawful license plates or have current registration shall allow such a vehicle, or such parts, to be stored out of doors in ordinary public view on any real estate located within the town of Dexter, either temporarily, irregularly, or continually for more than 180 days.

SUBSECTION B: Definitions

a. “Wrecked or disabled motor vehicles” are motor vehicles in such physical or mechanical condition as to be incapable of self-propulsion when same is ordered to be moved, or, if capable or self-propulsion when ordered to be moved cannot lawfully be operated in its then existing condition upon public streets.
b. “Motor vehicle” includes motorcycles, cars, vans, trucks, snowmobiles, semi-trailers, motor homes, buses, boats, or any other vehicles customarily operated on a public street and may or may not be required to be licensed by the state.
c. “Unlicensed” refers to motor vehicles, truck bodies, tractors, or trailers, which do not bear lawful license plates or have a current vehicle registration.

SUBSECTION B.1: Control Defined

The right to exercise a directing or governing influence over a thing, place, or object.

SUBSECTION C: Penalties

See Citations and Penalty Ordinance

SUBSECTION D: Exemptions

The following businesses which are authorized to operate in the Town of Dexter are exempt from the qualified exemption permit.

a. Motor vehicles dealer/repair facilities
b. Antique or restoration businesses
c. Property being temporarily used by a person transporting motor vehicles
d. Property being used by collectors for special interest vehicles who purchase or sell parts of said vehicles in compliance with Section 341.266 of the Wisconsin Statutes.
e. Salvage yards
f. Mobile home, Boat, Camper, ATV/UTV or Motorcycle Dealer

SUBSECTION D.1: Other Exemptions

Any other requests for exemption must be3 approved by the town board.

SECTION 4: ABATEMENT OF PUBLIC NUISANCE

See Citation and Penalty Ordinance

SECTION 5: 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 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 6: PENALTIES

See Citation and Penalties Ordinance

SECTION 7: INTERPRETATION AND SEVERABILITY

7.1 Interpretation. The provisions of this ordinance are not intended to supersede or modify provision of existing Zoning Ordinances or other rules, regulations and ordinances adopted by the Town. Where the provisions of this ordinance impose greater restrictions than any statute, ordinance or covenant the provisions of this ordinance shall prevail. W here the provisions of any statute, other regulation, ordinance, or covenant impose greater restrictions than the provisions of this ordinance, the provisions of such statute, other regulation, ordinance, or covenant shall prevail.

7.2 Severability. It is hereby declared to be the legislative intent that should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than that so declared to be invalid.

SECTION 8: ENFORCEMENT PROVISIONS

1. This ordinance may be enforced by the Town of Dexter

See Town of Dexter Citation and Penalties Ordinance

SECTION 9: EFFECTIVE DATE

This ordinance shall take effect upon its publication as provided by law.

Passed, approved, and adopted by the Town Board of the Town of Dexter, Wood County, Wisconsin on the _____ day of _____, _____.

_____
Dan Schooley
Town Chairman

_____
Tom Fox
Town Supervisor

_____
Dennis Palmer
Town Supervisor

_____
Diana Schooley
Clerk