

## ORDINANCE #2015-2 RELATING TO PUBLIC NUISANCES

The Town of Greenfield, La Crosse County, Wisconsin, hereby adopts the following Public Nuisance Ordinance:

Section I. Title and Purpose: The title of this ordinance is the Town of Greenfield Public Nuisance Ordinance. The purpose of this ordinance is to regulate for public health and safety reasons public nuisances and certain uses and activities in the town.

Section II. Authority: The town board has the specific authority under §66.0413 and Chapter 823, Wis. Stats., and general authority under its village powers under §60.22, Wis. Stats., to adopt this ordinance.

Section III. Definitions:

A. "Building" includes any building, dwelling or structure or any portion of a building, dwelling or structure.

B. "Dwelling" includes any home, apartment, manufactured home as defined in §101.91(2), Wis. Stats., mobile home as defined in §340.01(29), Wis. Stats., or other inhabitable building or structure.

C. "Public nuisance" means a thing, act, occupation, condition, or use of property that continues in the town for such a 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.

Section IV. Dangerous or Dilapidated Building Areas: No person may create, maintain, cause, continue, construct, or permit to exist in the town a public nuisance associated with any place in the town where a building, dwelling or structure, the contents of a building, dwelling or structure, or any associated electrical, heat, water, or sewer 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, dwelling or structure unfit for human habitation are not timely removed or discontinued within thirty (30) days of receipt of written notice to remove from the town's building inspector shall be subject to the penalties and remedies provided for in this ordinance.

Section V. Abatement of Public Nuisance/Permit Revocation:

A. Inspection of Premises. 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 chair or building inspector of the town shall promptly inspect or cause



to be inspected the premises complained of and shall make a written report of its findings to the town board, which report shall thereafter be filed with the town clerk and kept of record in the office of the town clerk. Whenever practicable, the town chair or building inspector shall cause photographs to be made of the premises for inclusion in the written report to the town board.

B. Owner of Premises Responsibility.

1. 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 a responsibility for the uses, activities, or things located on the land that are subject to this ordinance.

2. The owner of the premises including the owner of Mobile Home Parks shall be responsible to remove any structure, building or dwelling that has been determined to be a public nuisance at the owner's cost. Such removal for abatement of said nuisance shall be performed during the time frame provided for in any such Order as issued by the Town. If the aforesaid owner fails to perform the removal, the Town of Greenfield may remove the structure and bill the land owner the cost of said removal. If the cost of such removal is not paid for within 30 days, the costs of removal by the Town will be added to the Real Estate tax bill as provided for in Section VI and in accordance to §66.0627, Wis. Stats.

3. The cost of removal or demolition or other abatement costs with respect to mobile homes shall be the responsibility of the mobile home park owner. If said removal, demolition or abatement costs are not paid within 30 days, said costs shall be added to the Real Estate Tax bill for the mobile home park.

C. Summary Abatement.

1. Notice to Owner. If the town chair, town board, or building inspector 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 building inspector 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 building inspector of the town, 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.

Section VI. 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 s. 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 s. 66.0627, Wis. Stats., unless paid earlier. If any structure, dwelling, or building is abandoned or remains unclaimed in violation of this ordinance, the town board may proceed to declare the building, dwelling or structure along with the personal property contained therein abandoned and proceed to dispose of this same and the personal property under s. 66.0139, Wis. Stats., by public auction or other means as determined in writing by the town board.

#### Section VII. Enforcement Provisions.

##### A. Penalties.

1. 1st Offense. Any person who violates this ordinance shall, upon conviction, forfeit not less than \$100 nor more than \$1,000 together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding 90 days.

2. Second and Subsequent Offenses; Penalty. Any person guilty of violating this ordinance or any person who has previously been convicted of a violation

of this ordinance shall, upon conviction, forfeit not less than \$200 nor more than \$2,000 for each offense, together with the costs of prosecution.

B. Separate Violations. Each day of violation of this ordinance constitutes a separate offense.

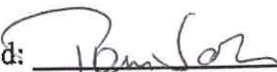
Section VIII. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the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

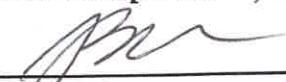
Section IX. Effective Date: Adopted this 12<sup>th</sup> day of May, 2021.

Date of Passage:

Vote For: 3    Vote Against: 0    Not Voting: 0

Effective date after posting and publishing.

Signed:     Date: 5-15-2021  
Town Chairperson    Thomas Jacobs

Attest:     Date: 5/12/2021  
Town Clerk    Stacy Burns