

NUISANCE ORDINANCE 84-6

AN ORDINANCE DEFINING NUISANCES, PROHIBITING THEIR CREATION OR MAINTENANCE AND PROVIDING FOR ABATEMENT AND PENALTIES FOR VIOLATION THEREOF.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF PRICE ORDAIN AS FOLLOWS:

10.00 Public Nuisance

Whoever by his act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a nuisance:

- (1) maintains or permits a condition which unreasonably injures, or endangers the safety or health of the public;
- or
- (2) is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

10.01 Public Nuisance Affecting Health

The following are hereby declared to be public nuisances affecting health:

- (1) failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed container designed for such purposes;
- (2) failure to maintain a structure so as to avoid health hazards;
- (3) allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health;
- (4) causing or allowing the effluent from any cesspool, septic tank, drainfield or sewage disposal system to discharge upon the surface of the ground;
- (5) causing or allowing the contamination of any well, cistern, stream, lake or other body of water by sewage, waste or other materials or substances;
- (6) carcasses of animals, birds or fowl not intended for human consumption which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death or as required by Chapter 95, Wisconsin Statutes;
- (7) accumulations of manure from domestic animals and fowl that are handled, stored or disposed of in a manner that creates a health hazard;
- (8) accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, packing material, scrap metal or any substance in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed, live, nest or seek shelter;
- (9) any chemical and/or biological material that is stored, used or disposed of in such quantity or manner that creates a public health hazard;
- (10) any condition or situation which renders a structure or any part thereof unsanitary, unhealthy or unfit for human habitation, occupancy or use, or renders any property unsanitary or unhealthy
- (11) failure to comply with any law or rule regarding sanitation and health including but not limited to:

- (a) plumbing,
- (b) water supplies, including wells and surface waters,
- (c) waste disposal,
- (d) storage of chemical pesticides or herbicides,
- (e) public buildings

10.02 Enforcement

It shall be the duty of the County Board of Supervisors by and through its Health Committee to enforce the provisions of this ordinance and the Health Committee is hereby delegated authority to enforce the provisions of this ordinance, including the power to hire a Registered Sanitarian to inspect private premises, issue orders for abatement, issue citations for violations, and abate nuisances. The officers charged with the enforcement of this ordinance shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

10.03 Enforcement Procedure

Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the County, such officer shall notify in writing the person committing or maintaining such nuisance and require him to terminate and abate said nuisance and to remove such conditions or remedy such defects. Said written notice shall be served upon the person committing or maintaining said nuisance in person or by registered mail. If the premises are not occupied, and the address of the owner is unknown, service on said owner may be had by posting a copy of the notice on the premises. Said notice shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable time to abate and remove said nuisance. The maximum time for the removal of said nuisance after service of said notice shall not in any event exceed thirty (30) days. Service of notice may be proved by filing an affidavit of service with the County Clerk setting forth the manner and time thereof.

When the order to abate, as contained in the notice, has not been complied with, such noncompliance shall be reported to the Health Committee for such action as may be necessary and deemed advisable in the name of the County Board to abate and enjoin the further continuation of said nuisance.

10.04 Abatement of Nuisance

If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the order of the Health Committee, the Committee may cause such nuisance to be abated at the expense of the Board and recover such expenditure by civil action against the person or persons served; or, if service has been had upon the owner or occupant, by ordering the Clerk to extend such sum as a special tax against the property upon which the nuisance existed and to certify the same to the County Treasurer for collection in the same manner as taxes and special assessments are certified and collected.

10.05 Penalties

Any person who causes or creates a nuisance or permits any nuisance to be created or placed upon, or to remain upon any premises owned or occupied by him, and any person who fails to comply with any order made under the provisions of this ordinance, upon conviction thereof, shall forfeit not more than \$200.00 plus all court costs and assessments.

10.06 Separability

Every section, provision, or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

10.07 Conflicting Ordinance Repealed

All ordinances and parts of ordinances that conflict herewith are hereby repealed.

10.08 Effective Date

The County Clerk shall cause this ordinance to be published once in the official County newspaper. This ordinance shall take effect and be in the force on the date after its publication.

Motion made by R. Peterson
Seconded by A. Tenut
For 16
Against 3
Abstentions 1 (absent)
Date Adopted Aug. 28, 1984

Signed by Edgar Granberg, Chairman
Price County Board of Supervisors

Signed by Clarence Cvengros, County Clerk
Price County