



TOWN OF MENTOR, CLARK COUNTY, WISCONSIN ORDINANCE NO. 106

AN ORDINANCE DEFINING AND PROHIBITING PUBLIC NUISANCES

The Town Board of the Town of Mentor, Clark County, Wisconsin do 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 Mentor, Clark County, Wisconsin.

SECTION 2. Public Nuisance Defined. A public nuisance is a thing, 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 render 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, 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.

SECTION 3. Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 2., above.

- (A) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (B) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

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- (C) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (D) **Garbage Cans.** Garbage cans without lids.
- (E) **Noxious Odors, Etc.** Any use of property, substances or things within the Township thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Township excluding agricultural practices.
- (F) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Township.
- (G) **Animals at Large.** All animals running at large.

SECTION 4. Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 2., above:

- (A) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (B) **Continuous Violation of Township Ordinances.** Any place or premises within the Township where Township ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

SECTION 5. Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of

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Section 2, above:

- (A) **Signs, Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (B) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- (C) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (D) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (E) **Dangerous Trees.** All trees which are a menace to public safety.
- (F) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Township.
- (G) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (H) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (I) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Township.
- (J) **Obstructions of Streets; Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Township or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (K) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.

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- (L) **Refrigerators.** All refrigerators or iceboxes that are no longer in use from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (M) **Unoccupied Mobile Homes.** Any mobile home or trailer house that is not occupied for 60 consecutive days, unless it is maintained as a seasonal home or for recreation purposes. Prior to placing any trailer or mobile home on any property within the Town limits of the Town of Mentor, the owner is required to secure a permit from the Town Board. The cost for issuing the permit shall be thirty-five dollars (\$35.00) for each permit issued by the Town Board. All of the existing trailers and mobile homes that are in the town as of the date of this ordinance are grand fathered in and will not be required to secure such a permit.

SECTION 6. Abatement of Public Nuisances.

(A) Summary Abatement.

(1) Notice to Owner. If the inspecting officer determines that a public nuisance exists within the Township and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days and shall state that unless such nuisance is so abated, the Township will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.

(2) Abatement by Township. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

- (B) Abatement by Court Action.** If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Township

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Chairperson who, upon direction of the Township Board, shall cause an action to abate such nuisance to be commenced in the name of the Township in Clark County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.

- (C) **Court Order.** Except where necessary under Subsection (A), 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 the abatement of the public nuisance.
- (D) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Township or its officials in accordance with the laws of the State of Wisconsin.

SECTION 7. Authorization for use of Citations.

- (A) Pursuant to the authority of Wisconsin Statute Section 66.119, as amended, the Town of Mentor hereby elects to adopt and authorize the use of a citation to be issued for violations of this ordinance.
- (B) The form of the citation is hereby prescribed as found in Wis. Stat. §66.119(1)(b), (1999-2000), as amended, which is incorporated herein by reference.
- (C) A schedule of cash deposits is established by Exhibit A, which is incorporated herein by reference.

SECTION 8. Cost of Abatement. In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Township shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

SECTION 9. Enforcement; Penalty.

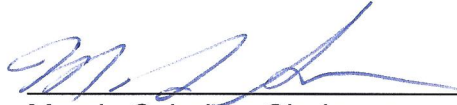
- (A) **Enforcement.** The County Sheriff's Department and Fire Inspector shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under Section 6, above, to abate a public nuisance unless a Township official has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- (B) **Penalty.** Any person or other entity who shall violate any provision of this Ordinance shall, upon conviction thereof forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof, but not exceeding ninety (90) days. Each day a violation exists or continues shall constitute a separate offense.

SECTION 10. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be effected thereby.

SECTION 11. Conflicting Ordinances. Ordinances or parts of ordinances in conflict with the above Ordinance are hereby repealed.

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SECTION 12. Effective Date. Upon passage and publication, this Ordinance shall take effect and be in force as provided by law.



Marvin Scholze, Chairman
Town of Mentor, Clark County, Wisconsin

ATTEST:



Chris Collins, Clerk

DATED: 12/08/01

PASSED: 12/08/01

PUBLISHED: 12/17/01

EXHIBIT A

TOWN OF MENTOR, CLARK COUNTY, WISCONSIN ORDINANCE NO. 106

AN ORDINANCE DEFINING AND PROHIBITING PUBLIC NUISANCES

The Bond schedule for a violation of Town of Mentor, Clark County, Wisconsin, Ordinance No. 106 shall be as follows:

Two Hundred Dollars (\$200.00).

Amendment #1 of Ordinance #106
Defining And Prohibiting Public Nuisances

Whereas, the Town of Mentor, at its Regular Monthly Board meeting held on Sept. 11, 2007, passed the following Amendment of Ordinance #106.


Section 3- Line G- Needs to include All Dogs running at large whether licensed or not.

At large means any dog off the premises of its owner and not under the control of its owner or some other person.


All dogs at large are subject to impoundment. An officer or employee for the Town of Mentor will attempt to capture any dog running at large.



Town Chairman
Brian Krumholz



Clerk-Treas.
Chris Collins



Date