

TOWN OF METOMEN

Ordinance NO. 3-2001

The Board of the Town of Metomen, Fond du Lac County, Wisconsin, does hereby ordain as follows:

1. Pursuant to Town of Metomen Board action of November 5, 2001, **Town of Metomen Public Nuisances Ordinance** is hereby adopted and shall become effective December 5, 2001.
2. The notice of the ordinance shall be published and the full ordinance will be posted as required by law.

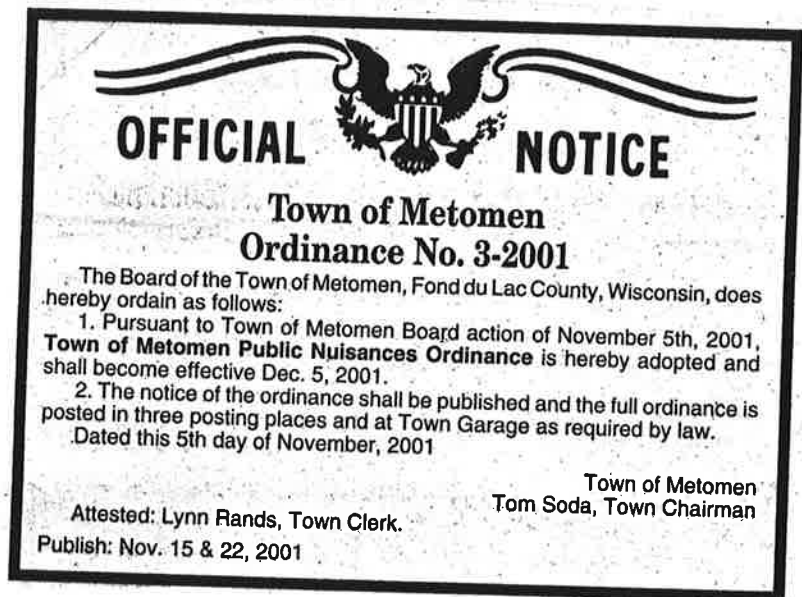
Dated this 5th day of November, 2001.

Town of Metomen

By Tom Soda
Tom Soda, Town Chairman

ATTESTED:

Lynn Rands
Lynn Rands, Town Clerk



TOWN OF METOMEN
PUBLIC NUISANCES ORDINANCE

1. **TITLE, PURPOSE, AND JURISDICTION**

A. **TITLE**

This ordinance shall be known, cited and referred to as The Town of Metomen Public Nuisances Ordinance.

B. **STATUTORY AUTHORIZATION**

The Town Board of the Town of Metomen has the specific authority, powers and duties enumerated in sec. 60.61, 60.02, 60.22(3) and 62.23 WI Statutes and, has been granted village powers pursuant to sec. 60.10, WI Statutes.

C. **PURPOSE**

The purpose of this ordinance is to regulate and control Public Nuisances in the Town of Metoman in order to promote the public safety, convenience, general welfare and economic viability of and to protect the public interest in the township. No person shall erect, contrive, cause, continue, maintain, or permit to exist, any Public Nuisance within the Town of Metomen.

2. **GENERAL**

A. The present tense includes the future tense and the singular tense includes the plural.

B. The word "shall" is mandatory; the word "may" is permissive.

C. The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.

D. The word "person" includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, and other representative thereof.

SECTION 1: DEFINITIONS

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, (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; or (3) unlawfully or substantially interfere with, or obstruct, or tend to obstruct or render dangerous for passage any street, road, highway, navigable body of water or other public way or the use of public property.

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 section:

1. Carcasses of animals, which are not buried or otherwise disposed of in an appropriate sanitary manner within 24 hours after the death of such animal.

2. Accumulation 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.

3. All noxious weeds or other rank growth of vegetation.
4. All animals running at large.
5. All abandoned wells not securely covered or secured from public use.
6. All use of property, which cause any nauseous or unwholesome liquid or substance to flow into or upon any road, gutter, alley, sidewalk or public place within the township.

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 provisions of subsection (A.) of this section.

1. All signs and billboards, awnings and other structures over or near roads, sidewalks, public grounds, or places frequented by the public, so situated or constructed as to endanger the public safety.
2. 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 their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.
3. The use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
4. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
5. All wires over roads, alleys, highways or public grounds that are strung less than fifteen (15) feet above the surface thereof.
6. All loud, discordant, or unnecessary noise or vibrations of any kinds, which greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
7. The keeping or harboring of any animal or fowl which is frequently or habitually howling, yelping, barking, crowing, or making other noises which greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
8. All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public road, alley, highway, or sidewalk.
9. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

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 Metomen; but such enumeration shall not be construed or exclude either nuisances within the definition of subsection (A.) of the section:

1. All owners of property located within a residential district of the Town of Metomen who fail to keep their premises free of litter, debris, trash, or rubbish shall be in violation of the subsection.

2. All property owners within the Town of Metomen who allow their property to accumulate trash, litter or rubbish shall be considered to be in violation of the subsection.
3. "Litter" as used in the ordinance includes, but is not limited to, trash and wastepaper lying scattered about; and an untidy accumulation of objects of any kind.
4. "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.
5. "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.

SECTION 2: JUNKED AND ABANDONED VEHICLES. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words or phrases used in this section shall be interpreted as having the same meaning as they have in common law, the state statutes or Wis. Admin. Code, to give this section its most reasonable application.

Junk means scrap metal, metal alloy, wood, concrete, synthetic or organic material or waste, 20 or more tires, or any junked, ruined, dismantled, wrecked, unlicensed, unregistered, or inoperative motor vehicle or machinery, or any part thereof. This definition of junk includes used tires, parts or dismantled buildings, farm equipment not in use and parts of farm equipment as well as parts of buildings or other structures.

Junkyard means any place maintained, owned, operated or used for the storage, keeping, processing, buying or selling of junk, refuse or solid waste of any kind.

Solid waste means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food wastes and other organics, boxes, barrels and other containers, tires and other like materials.

No person, group of persons, company, firm, corporation or any other entity shall within the Town of Metomen:

1. Operate an unlicensed junkyard.
2. Store abandoned, unlicensed or inoperative automobiles, trucks, vans, motorcycles, buses, trailers, mobile homes or other motor vehicles or motor vehicles parts of equipment, or inoperative or abandoned farm equipment, construction equipment and such like equipment for a period in excess of three days outside of a building.
3. Storing scrap metal, junk, 20 or more tires, or solid waste materials outside of a building for more than three days.
4. Store parts of or entire dismantled buildings, fixtures, appliances, fences, for more than three days outside of buildings.
5. Store or dispose of any solid waste or other junk except in accordance with all applicable state and local regulations.
6. Leave unattended any motor vehicle, trailer, semitrailer, mobile home, or any other motor vehicle on any public highway or private or public property for more than three days under such circumstances so as to cause the vehicle to reasonably appear to have been abandoned.

- a. If such vehicle is left unattended on the property without permission of the property owner for more than 48 hours, the Fond du Lac County Sheriff shall be notified and the vehicle may be declared abandoned by any deputy sheriff: and such shall constitute a public nuisance.
- b. The sheriff's department shall declare any vehicle so abandoned, and that abandoned vehicle may be junked or sold by the county or impounded and the owner or lienholder notified by certified mail, following the dictates of Wis. Stats. & 342.40(3).
- c. If the vehicle is not claimed, the county shall sell the same at auction to the highest bidder unless the county deems such bid inadequate, in which event all bids may be rejected. Such sale shall occur after ten days from the date of notice to the owner and lienholders.

This article is not intended to regulate or place limitations on any legally licensed junkyard, salvage dealer, sanitary landfill or other junk, waste disposal or storage activity for which a valid license from the state and/or other necessary municipal issuing authority is required and has been issued and all such licenses are in full force and effect.

SECTION 3: DOG AND CAT CONTROL:

1. Chapter 174, WI Statutes, is Adopted by reference and made a part of this section.
 2. No dog or cat shall run at large within the Town of Metomen. A dog or cat shall be deemed at large unless under the control of a person by means of a chain, rope, or cord of sufficient strength to control the dog or cat, unless the dog or cat is kept within a substantial enclosure.
 3. The Town Animal Control person shall apprehend any dog or cat running at large contrary to this chapter, and confine the same at a suitable place. Every dog or cat so confined may be reclaimed by the owner upon payment of all costs and charges incurred by the Town in apprehending and keeping said animal. Every dog or cat so apprehended shall be kept by the Town for seven (7) days, and if not reclaimed within that time, the animal shall be disposed of in a summary manner as provided in this section.
 4. No person shall cause dogs or cats to fight or aid or abet any dog or catfight within the Township of Metomen.
 5. The Town Chairman or other persons who may be appointed by the Board for that purpose, is authorized and empowered to kill or destroy in a summary manner all dogs not licensed as required by state law, or running at large in the Town in violation of the ordinances in force at that time.
 6. Any animal impounded or held by the Town of Metomen shall be subject to a \$6.00 per day charge. This charge is to be paid to the Town of Metomen at the time the animal is reclaimed by the owner or a representative of the owner.
 7. Anyone violating this ordinance shall forfeit not less than \$45.00 or more than \$500.00 for each offense, with increased penalties for repeat offenses.
- A. **ANIMAL BITES & RABIES CONTROL.** The Town of Metomen shall document all animal bite incidents reported in the interests of the victim of an animal bite, as well as, the owner(s) of the animal involved. This ordinance establishes guidelines in conformity with SS 95.21 for the purpose of implementing a Rabies Control Program.

Definitions:

1. **Bite:** Any abrasion, puncture, mark, or redness on a human body, which has been caused by the mouth of an animal.
 2. **Isolation Facility:** A humane society shelter, veterinary hospital, municipal pound, or other place specified by the department, which is equipped with a pen or cage which isolates the animal from contact with other animals.
 3. **Proof of Rabies Vaccination:** A certificate of vaccination completed by the veterinarian and furnished to the owner at the time a specific animal is immunized, or verification by the veterinarian who immunized the animal.
- B. RABIES VACCINATION REQUIRED FOR DOGS.** Requirement for vaccination. Except as provided in S. 174.054, the owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccinations. If the owner obtains a dog or brings a dog into this state after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought in the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccinations from this state or another state. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 2 years after the previous vaccination.
- C. VETERINARIAN RESPONSIBILITIES.**
1. Each veterinarian shall inoculate the pets described in section 3.09.02 with appropriate rabies vaccine, and shall, at the time of such inoculation, complete a certificate of rabies vaccination, which shall include the owner's name and address, description of pet, date of vaccination, and manufacturer's name and serial number of the vaccine administered and shall present such certificate to the owner of such pet, forward a copy of such certificate to the Town Board and retain a copy of such certificate.
 2. Each veterinarian shall, at the time of such inoculation, present a tag of durable material to the owner of such pet. Such tags shall be numbered serially, contain the year of issuance, and shall be attached to the collar of such pet as evidence of rabies vaccination.
- D. OWNER RESPONSIBILITIES.**
1. The owners of such pets must present the veterinarian's rabies certificate required in Section 3 paragraph B to the Town Board before such official shall issue an annual dog license, as required.
 2. No person shall own, keep, or harbor any pet described in this section which does not carry the rabies vaccination tag required by Section 3 paragraph B.
- E. ANIMAL BITE – NOTIFICATION.**
1. Any person having knowledge that a pet regulated in this section has bitten any person shall within twenty-four hours, notify the police department, giving, if possible, the name and address of the owner and circumstances under which the bite occurred.
- F. IMPOUNDMENT – QUARANTINE**
1. Any pet described in this section determined to be a fierce or vicious animal may be seized and impounded under the supervision of a licensed veterinarian for not less than fourteen days.

2. Any pet described in this chapter found not wearing a valid vaccination tag shall be impounded under the supervision of a licensed veterinarian for not less than three days, and may be reclaimed by the owner thereof upon compliance with the rabies vaccination requirement of this section.
3. Any pet described in this chapter suspected of being afflicted with rabies which has bitten any person, causing an abrasion of the skin of that person, shall be seized and impounded under the supervision of a licensed veterinarian for not less than fourteen days. If, upon examination by such veterinarian, the animal has no sign of rabies at the end of such impoundment, it may be released to the owner, or, in the case of a stray, it shall be disposed of according to law. If such animal has not been vaccinated as required in the section, it must be inoculated prior to the release to its owner.
4. Any pet described in this section not vaccinated as required in this section, and which is known to have been bitten by a rabid animal, shall be seized, and upon consent of the owner of such pet, immediately destroyed. If the owner does not consent to the disposal of the affected pet, such animal shall be impounded in strict isolation and quarantined in suitable impoundment facilities under the supervision of a licensed veterinarian for a minimum of six months. If such animal had been vaccinated as required in this section it shall be revaccinated immediately and impounded for a period of thirty days following such revaccination. If the owner of a pet, which is known to have been bitten by a rabid animal, refused to comply with the regulations in this section, such animal shall be immediately destroyed.
5. The owner of any impounded animal shall bear and be responsible for the payment of all impoundment fees and all expenses incurred during such impoundment.
6. Nothing contained in this section shall in any way be construed to be contrary to or affect the operation of Section 95.21, Wisconsin Statutes.

G. KENNEL OR PET SHOP – RECORDKEEPING REQUIRED

1. It shall be unlawful for any person to keep more than three (3) domestic dogs over six (6) months of age in any household within the Township unless the Town Board has issued a kennel permit.
2. The Town Board of the Town of Metomen shall grant kennel permits upon approval of the Zoning Board of Appeals, after a public hearing.
3. No person operating a kennel or pet shop, or other persons selling pets described in this section within the Town of Metomen shall place such animals without first preparing accurate and complete records of such sale. Such records shall include the buyer's name and address, the type of animal and breed, and the date of sale and transfer of ownership. Such records are deemed necessary in tracing the location and movement of animals suspected of rabies exposure.

H. PENALTIES

1. Failure to obtain rabies vaccination. An owner who fails to have a dog vaccinated against rabies as required under law may be required to forfeit not less than \$50.00 nor more than \$100.00 plus enforcement costs.
2. Refusal to comply with order or quarantine. An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility, or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100.00 nor more than \$1000.00.

3. **Other violations.** A person who violates any provision of this section not specified under subsection 3.09.09 A. and B. may be required to forfeit up to \$50.00.

SECTION 4

A. ABATEMENT OF PUBLIC NUISANCES

1. **Inspection of premises.** Whenever a complaint is made to the Town Chairman or to the Town Enforcement Officer that a public nuisance exists within the Township, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Town Chairman. Whenever practicable, the Town Enforcement Officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.
2. **Notice to Owner.** If the Enforcement Officer shall determine that a public nuisance exists within the Township and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman may direct the enforcement officer to serve a notice upon the person causing, permitting, or maintaining such nuisance, whether they are the owner or occupant of the premises where such nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant thereof, as well as, direct mail notice to the last known owner of said property. Such notice shall direct the person causing, permitting, or maintaining such nuisance to abate such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town may cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the nuisance.
3. **Abatement by Town.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Enforcement Officer in the case of Health Nuisances and other cases shall cause the abatement or removal of such public nuisance.
4. **Abatement by Court Action.** If the Enforcement Officer shall determine 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, he shall file a written report of his findings, with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town of Metomen in accordance with the provisions of Chapter 823 of the Wisconsin Statutes. In the alternative, the Chairman may direct the Enforcement Officer to issue one or more citations for each day of violation for a said time period, and to report back whether compliance has occurred.
5. **Other Methods not excluded.** Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Metomen, or its officials in accordance with the laws of the State of Wisconsin.
6. **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 abatement of any public nuisance by the Township shall be collected as a debt from the owner, occupant or person causing, permitting, or maintaining the nuisance. If notice to abate the nuisance has been given to the owner previously, such cost shall be assessed against the real property where such violation occurred as a special charge unless paid earlier.
7. **Enforcement Provision – First Offense/Penalty.** Any person who shall violate this section, shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) and no more than one thousand dollars (\$1000.00) together with the cost of prosecution. Any person shall be declared in default of payment of such forfeiture and cost if not paid within 90 days.

8. **Second Offense/Penalty.** Any person guilty of violating this section or any part of the section who shall previously have been convicted of violation of the same ordinance or section shall upon conviction thereof forfeit not less than one hundred dollars (\$100.00) and no more than two thousand dollars (\$2000.00) for each such offense, together with the costs of prosecution. If default of payment of such forfeiture and costs, the guilty person shall be imprisoned, not to exceed six (6) months, in the County Jail until said forfeiture and costs of prosecution are paid.
9. Each day of violation of this ordinance shall constitute a separate offense.