



MINUTES

Health and Human Services Board
 Government Center, County Board Room
 Balsam Lake, WI 54810
 10:00 a.m. Tuesday, September 10, 2019

Members present

Attendee Name	Title	Status
John Bonneprise	Chair	Present
Joe Demulling	Vice Chair	Present
Jim Edgell	Supervisor	Present
Michael Larsen	Supervisor	Present
Mike Prichard	Supervisor	Present
William Alleva	Citizen	Present
Pete Raye	Citizen	Present
Sabrina Meddaugh	Citizen	Absent
Dr. Arne Lagus	Citizen	Present

Also present: Lisa Ross, Deputy County Clerk, Tonya Eichelt, Community Services Director; Kathy Gingras, Community Services Business Operations Manager; Lisa Lavoisier, Behavioral Health Director; Diana Peterson, Economic Support Supervisor; Chad Hoag, Child Support Director; Don Wortham, Educator Polk County UW-Extension; Kristen Bruder, Area 5 Director UW-Extension; Nick Osborne, County Administrator; Malia Malone, Corporate Council; Chris Nelson, County Board Supervisor.

Chairman Bonneprise called the Health and Human Services Board meeting to order at 10:00 a.m.

Approval of Agenda- Chair Bonneprise called for a motion to approve agendas published. **Motion** (Raye/Demulling) to approve agenda with added closed session. Motion carried by unanimous voice vote.

Approval of Minutes- Chair Bonneprise called for a motion to approve the minutes of the August 13, 2019 minutes. **Motion** (Alleva/Raye) to approve the August 13, 2019 minutes. **Motion carried** by unanimous voice vote.

Public Comment – None.

Receipt of Information from Supervisors Not Seated as Committee Members – County Board Supervisor Chris Nelson provided information to the board regarding the development of a public nuisance ordinance. Corporate Council Malone will draft a Public Nuisance Ordinance for discussion at the next Health & Human Services Board Meeting.

Announcements and Committee Information – Dr. Arne Lagus provided information and handout to the board regarding flu vaccinations.

The Board received an update regarding the 2020 Budget from Administrator Osborne & Community Services Director Eichelt.

The Board received an update and review of the Annual Budget from Administrator Osborne.

Chad Hoag, Child Support Director, gave an update to the board regarding the Child Support Program.

Update on the Community Services Division Strategic Plan was given to the board by Don Wortham, Educator of Polk County UW-Extension Office.

Items for the next Agenda – Annual Budget Amendments, Tobacco-Free Campus discussion, Report on new Local Data Trend Tracker from Brittany Fry, Public Health Consortium Director, Discussion and possible action regarding Public Nuisance Ordinance.

Next Meeting – 10:00 a.m. Tuesday, October 8, 2019

Chairman Bonneprise called to the floor for a motion to convene in closed session.

Motion (Larsen/Demulling) to convene in closed session pursuant to Wisconsin Statute § 19.85(1)(f). Chairman Bonneprise called for a voice vote on said motion. **Motion** to convene in closed session carried by unanimous voice vote.

**** Closed Session 11:12 a.m. ** (Minutes separate and under seal)**

Members present for the closed session included Board Members: John Bonneprise, Joe Demulling, Jim Edgell, Michael Larsen, Mike Prichard, William Alleva, Pete Raye and Arne Lagus. Also present: Deputy County Clerk, Lisa Ross; County Administrator, Nick Osborne; Corporation Council, Malia Malone.

*Reconvened in Open session: 11:42 a.m.

Chair Bonneprise called for a motion to adjourn. **Motion** (Larsen/Demulling) to adjourn.

Motion carried by unanimous voice vote. Chair Bonneprise declared meeting adjourned at 11:43 a.m.

Respectfully submitted,

Lisa Ross,
Deputy County Clerk



POLK COUNTY, WISCONSIN

WWW.CO.POLK.WI.US

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AGENDA AND NOTICE OF MEETING

HEALTH & HUMAN SERVICES BOARD

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Tuesday, September 10, 2019 at 10:00 a.m.

A quorum of the County Board may be present

Packet: Agenda/Notice of Meeting; Minutes of August 13, 2019 Meeting; 2019 Workplan

1. Call to Order-Chairman Bonneprise
2. Approval of Agenda
3. Approval of Minutes for the August 13, 2019 Meeting
4. Public Comment
5. Receipt of Information from Supervisors Not Seated as Committee Members
6. Announcements and Committee information
7. Budget Update from Administrator Osborne
8. Annual Budget Review
9. Overview of the Child Support Program
10. Community Services Division Strategic Plan Update-Don Wortham UWEX
11. Report on Status of Staffing for the Department of Children and Family Services

Closed Session:

The Board may convene in closed session on matters noticed under #11, for the limited purpose of considering personal histories of specific persons, and/or the preliminary consideration of personnel problems, which if discussed in public would likely have a substantial adverse effect upon the reputation of any specific person referred to in such histories or data pursuant to Wisconsin Statute § 19.85(1)(f).

12. Identify Subject Matters for October 8, 2019 Meeting
13. Adjourn

Items on the agenda not necessarily presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

Community Services Division

2020 Budget Summary

Department of Children and Families

The Department of Children and Families will receive additional funding from the state in 2020. The amount is likely to be \$238,000 per year as part of the 25 million statewide increase in child welfare funding. Additional increases continue to be advocated for through WCSHA. We are working with DCF staff to determine the best use of the additional funding. Once we have completed our analysis, we will present the recommendation to the County Administrator. There is no levy impact with the additional positions.

In Economic Support we are reclassifying a position from a line staff to a lead worker upon the recommendation and support of the Great Rivers Consortium. There is no levy impact on this request.

Behavioral Health Department

Behavioral Health did some adjustment with positions to maximize revenues in the clinic and CCS, CSP, Case Management and APS. Going into 2019 budget, we were approved for four additional service facilitator positions of which two have been filled. The other two vacant positions were adjusted to reduce the working capital payment due to Chippewa County for the support of Polk County CCS participants. The working capital issue came to light late 2019 and we have been working diligently to increase billable case management hours as well as develop our provider network locally in order to reduce the amount of working capital obligation to Chippewa County. In 2020 we are requesting 2 additional .5 FTE positions in Behavioral Health to continue to expand our local provider network as well as work with Burnett County to utilize the positions as a revenue producer. There is no levy impact with the additional positions.

Public Health

Public Health has some opportunities with the state funding an additional FTE position in Preparedness for the WWPRC. We also applied for a Drug Free Communities Grant that if awarded, we will hire a full time coordinator position. Neither of these positions will have an impact on levy.

THE CORRELATION BETWEEN INFLUENZA AND ITS EFFECT ON CHRONIC CONDITIONS HAS BEEN EXTENSIVELY STUDIED

IN STUDIES OF ADULTS, INFLUENZA VIRUS WAS SHOWN TO HAVE A MARKED TRIGGERING EFFECT ON CARDIOVASCULAR EVENTS

ADULTS WERE SHOWN TO BE

~6-10X more likely to suffer a first **HEART ATTACK** in the first week

after laboratory-confirmed influenza virus infection

Kwong 2018: N = 364, IR = 6.05 (95% CI: 3.86-9.50), Age ≥35
Warren-Gash 2018: N = 1989, IR = 9.80 (95% CI 2.37-40.5), Age ≥40

ADULTS WERE SHOWN TO BE

~8X more likely to suffer a first **STROKE** in the first 3 days

after laboratory-confirmed influenza virus infection

Warren-Gash 2018: N = 1989, IR = 7.82 (95% CI: 1.07-56.9), Age ≥40

References:

Kwong JC, Schwartz KL, Campitelli MA, et al. Acute myocardial infarction after laboratory-confirmed influenza infection. *N Engl J Med.* 2018;378:345-353.
Warren-Gash C, Blackburn R, Whitaker H, McMenamin J, Hayward AC. Laboratory-confirmed respiratory infections as triggers for acute myocardial infarction and stroke: a self-controlled case series analysis of national linked datasets from Scotland. *Eur Respir J.* 2018;51. doi:10.1183/13993003.01794-2017

IN A STUDY OF PEOPLE WITH DIABETES, INFLUENZA INFECTION MAY BE ASSOCIATED WITH

3X the risk of **HOSPITALIZATION**

4X the risk of **ICU ADMISSION**

2X the risk of **DEATH**

Meta-analysis

Reference: Hulme KD, Gallo LA, Short KR. Influenza virus and glycemic variability in diabetes: a killer combination? *Front Microbiol.* 2017;8:861.

ESTIMATES OF THE EFFICACY OF INFLUENZA VACCINE IN HELPING TO PREVENT ACUTE MYOCARDIAL INFARCTION (AMI) RANGE FROM 15% TO 45%

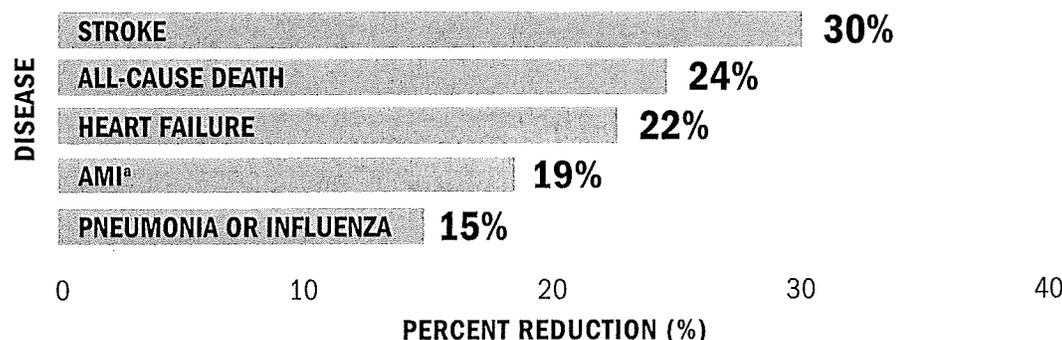
EFFICACY OF ACCEPTED CORONARY INTERVENTIONS AND INFLUENZA VACCINE IN SECONDARY PREVENTION OF MYOCARDIAL INFARCTION

Coronary intervention	Intervention efficacy/effectiveness against AMI
Smoking cessation	32%-43%
Statins	19%-30%
Antihypertensive drugs	17%-25%
Influenza vaccines	15%-45%

Meta-analysis

Reference: MacIntyre CR, Mahimbo A, Moa AM, Barnes M. Influenza vaccine as a coronary intervention for prevention of myocardial infarction. *Heart.* 2016;102:1953-1956.

IN A STUDY OF INFLUENZA VACCINE EFFECTIVENESS AGAINST HOSPITALIZATION AND DEATH IN PEOPLE WITH TYPE 2 DIABETES, VACCINE RECIPIENTS WERE SHOWN TO HAVE SIGNIFICANT REDUCTIONS IN



^a Not statistically significant (95% CI: 0.62-1.04).

Reference: Vamos EP, Pape UJ, Curcin V, et al. Effectiveness of the influenza vaccine in preventing admission to hospital and death in people with type 2 diabetes. *CMAJ.* 2016;188:E342-E351.

PERCENT REDUCTION (%)

Brought to you as an educational service by Sanofi Pasteur Inc.

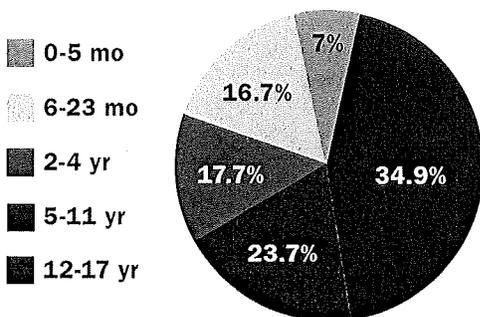
INFLUENZA CAUSES SUBSTANTIAL MORBIDITY AND MORTALITY IN AMERICA'S CHILDREN EVERY YEAR

Arm yourself with facts to help prevent influenza

The CDC estimates that, on average,
5 CHILDREN DIED
EVERY WEEK FROM THE FLU^{1,2}

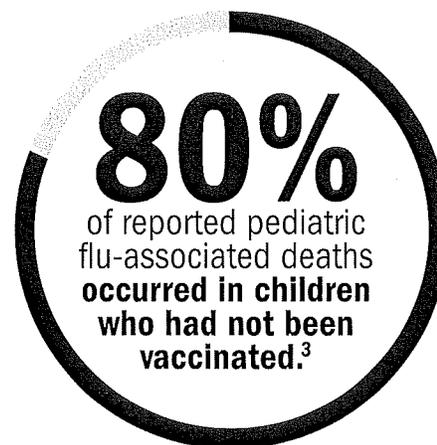
As reported to the CDC,^a 187 children died from the flu or flu-related complications during the 2017-2018 flu season.^{1,2}

Despite perceptions,
OLDER CHILDREN
ARE ALSO AT RISK
OF FLU-RELATED DEATH¹

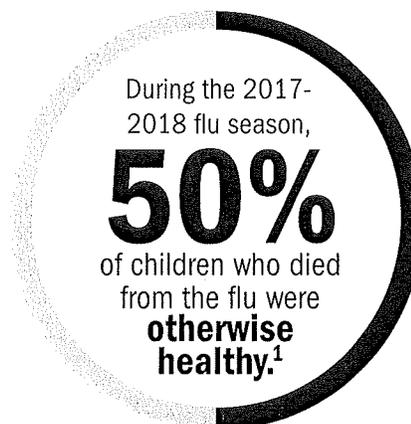


DURING THE 2017-2018 FLU SEASON,
59% OF CHILDREN WHO DIED WERE
5 YEARS OF AGE OR OLDER.¹

Data From the CDC Show Most
Flu-Related Deaths Impact
Unvaccinated Children³



Healthy Children Aren't
Safe From the Flu¹



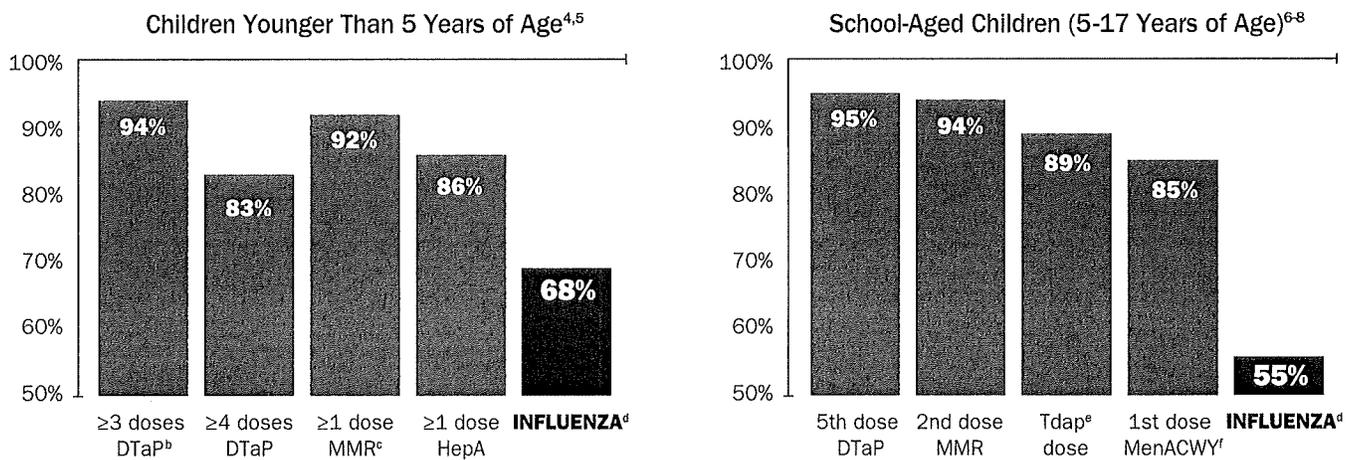
^a CDC = Centers for Disease Control and Prevention.

VACCINATION CAN HELP SAVE CHILDREN'S LIVES³

Flu vaccination helps reduce the risk of contracting influenza, therefore it may reduce the risk of death and hospitalization³

Despite the severity of influenza in children, immunization rates are lower than those for other vaccine-preventable diseases, and the immunization rates decrease as children get older.

Comparison of Select Vaccine-Preventable Disease Immunization Rates in 2017



^b DTaP = Diphtheria, tetanus, and acellular pertussis. Includes children who might have been vaccinated with diphtheria and tetanus toxoids vaccine or diphtheria, tetanus toxoids, and pertussis vaccine. ^c MMR = Measles, mumps, and rubella. ^d At least 1 dose of influenza vaccine (2 doses may be required per Advisory Committee on Immunization Practices guidance to be fully vaccinated). ^e Tdap = Tetanus, diphtheria, and acellular pertussis. ^f MenACWY = Meningococcal conjugate for serogroups A, C, W, and Y.

In the 2017-2018 flu season, the CDC estimates that **the flu vaccine prevented** approximately³:

7.1 MILLION
CASES OF THE FLU

8,000
FLU-RELATED DEATHS

109,000
FLU-RELATED HOSPITALIZATIONS

FACT: Parents are more likely to vaccinate their children against the flu when their physicians say it is important.⁹

HAVE THE CONVERSATION TO HELP DRIVE VACCINATION

References: 1. Centers for Disease Control and Prevention (CDC). FluView: influenza-associated pediatric mortality. <https://gis.cdc.gov/GRASP/Fluview/PedFluDeath.html>. Accessed May 14, 2019. 2. CDC. Influenza (flu): the flu season. <https://www.cdc.gov/flu/about/season/flu-season.htm>. Accessed May 14, 2019. 3. CDC. Interim estimates of 2018-19 seasonal influenza vaccine effectiveness—United States, February 2019. *MMWR*. 2019;68(6):135-139. 4. CDC. Vaccination coverage among children aged 19-35 months—United States, 2017. *MMWR*. 2018;67(40):1123-1128. 5. CDC. Influenza (flu): estimates of flu vaccination coverage among children—United States, 2017-2018 flu season. <https://www.cdc.gov/flu/fluview/coverage-1718estimates-children.htm>. Accessed May 14, 2019. 6. CDC. Vaccination coverage for selected vaccines and exemption rates among children in kindergarten—United States, 2017-18 school year. *MMWR*. 2018;67(40):1115-1122. 7. CDC. National, regional, state, and selected local area vaccination coverage among adolescents aged 13-17 years—United States, 2017. *MMWR*. 2018;67(33):909-917. 8. CDC. Flu vaccination coverage by age group, United States, 2017-18 season. <https://www.cdc.gov/flu/excel/fluview/2018/children/children-coverage-age.xlsx>. Accessed May 14, 2019. 9. Nichol KL. Improving influenza vaccination rates among adults. *Cleve Clin J Med*. 2006;73:1009-1015.

EXAMPLE ORDINANCE ONLY

ORDINANCE NO. _____

The County Board of Polk County, State of Wisconsin, do hereby ordain as follows:

PUBLIC NUISANCE & HUMAN HEALTH HAZARD ORDINANCE

SECTION 1. Ordinance No.01-00 and 16-02 are hereby repealed and recreated as follows:

16.1 PURPOSE. The purpose of this ordinance shall be to protect public health, safety and welfare, and prevent the depreciation of property values due to a person's actions or property constituting a violation of the conditions of this ordinance.

16.2 JURISDICTION. This ordinance applies in all cities, villages, and towns, provided, however, that any section of the ordinance that has a counterpart in an ordinance of a city, village or town shall not be enforced by the County in said city, village or town, or in a city, village or town with a local health department.

16.3 DEFINITIONS. As used in this ordinance:

(1) "Human Health Hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated, and also includes the term "Health Hazard".

(2) "Immediate Health Hazard" means a condition that exists or has the potential to exist which should, in the opinion of the Health Officer, be abated or corrected immediately, or at least within a 24-hour period, to prevent possible severe damage to human health and/or the environment.

(3) "Pollution" means the contaminating or rendering unclean or impure the air, land, or waters of the County, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

(4) "Person" means any individual, firm, corporation, society, association, institution, public body or other entity.

(5) "Public" 1) means affecting or having the potential to affect the people and/or environment outside the limits of one's personally owned and personally occupied structure; 2) means all persons outside of one's personally owned and personally occupied structure.

(6) "Public Nuisance" means a thing, act, condition or use of property which is dangerous or has the potential to be dangerous, to human life or health, safety, or welfare, or cause the depreciation of property values; and whatever renders or has the potential to render, the soil, air, water or any article of food or drink unwholesome or impure, is a public nuisance.

(7) "Solid Waste" means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and domestic use and material in waste water effluent or other common water pollutants.

(8) "Toxic and Hazardous Materials" means any chemical and/or biological material that is or has the potential to create a health hazard.

(9) "Health Officer" means the Polk County Public Health Department Director or Designee.

16.4 HUMAN HEALTH HAZARD PROHIBITED. No person shall erect, construct, cause, continue, maintain, or permit any public nuisance within the County. Any person who shall cause, create, or maintain a nuisance or who shall in any way aid or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this

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ordinance and shall be liable for all costs and expenses attendant upon the removal and correction of such a nuisance and to the penalty provided in Section 10 of this ordinance.

16.5 RESPONSIBILITY FOR NUISANCE. It shall be the responsibility of tenants and property owners to maintain their property in a nuisance free manner and also to be responsible for the abatement and/or correction of any public nuisance that has been determined to exist on their property.

16.6 PUBLIC NUISANCES ENUMERATED. Public nuisance is defined in Section 03 (6) of this ordinance. More specifically, but not limited by enumeration, the following are public nuisances within the definition of public nuisance in section 03(6) of this ordinance and a violation of this ordinance:

(1) Unburied Carcasses - Carcasses of animals, birds, or fowl not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(2) Household Pet Waste - Accumulations of the bodily waste from all household domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard.

(3) Air Pollution - The escape of smoke, soot, cinders, noxious acids, fumes, gasses, fly ash, industrial dust, or any other atmospheric pollutants within the County that creates non-compliance with Chapter NR429 of the Wisconsin Administrative Code. (Note: NR429 allows exemptions for open burning.)

(4) Solid Waste - Any solid waste which is stored or disposed of in non-compliance to Chapter NR500 of the Wisconsin Administrative Code.

(5) Food or Breeding Places for Vermin, Insects, Etc. - Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitos, or disease carrying insects, rats or other vermin can breed, live, nest or seek shelter.

(6) Toxic and Hazardous Materials - Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that is, or has the potential to create a health hazard.

(7) Groundwater Pollution - Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to the chemical and/or biological substances listed in Chapter NR809 of the Administrative Code titled "safe drinking water".

(8) Private Water Supply - Any private well that is constructed, abandoned or used and/or any pump installed in non-compliance with Chapter NR812 of the Wisconsin Administrative Code.

(9) Holes and Openings - Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, etc.; or any improperly abandoned, barricaded or covered up excavation.

(10) Inoperable Vehicles and Vehicle Parts - Outdoor storage of more than two abandoned, unlicensed or inoperable vehicles per lot or outdoor storage of motor vehicle parts for a period of 72 hours or more. Exceptions are commercial sellers of motor vehicle parts and/or entities holding a valid conditional use permit.

(11) Other - Any other situation determined to meet the definition of a public nuisance contained in this ordinance.

16.7 DESIGNATION OF UNFIT DWELLING. (1) Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and marked as unfit with a placard by the Health Officer:

(a) One which is so abandoned, damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

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(b) One which lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(c) One which because of its condition, is the source of a confirmed case of lead poisoning or asbestosis.

(d) Indoor air quality will be maintained at a comfortable level. Air contaminants will be eliminated when they are identified. Contaminants may include but are not limited to molds, ammonia, carbon dioxide, formaldehyde, and any other pollutant(s) causing a health hazard.

(2) No person shall continue to occupy, rent, or lease quarters for human habitation which are declared unfit for human habitation by the Health Officer. For the purpose of this ordinance, "unfit for human habitation" includes lacking potable water or a properly functioning septic system, or an adequate and functioning heating system.

(3) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and marked by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.

(4) No dwelling or dwelling unit which has been condemned and marked as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

(5) No person shall deface or remove the Health Officer's placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.

(6) The owner or occupant of any dwelling affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a prompt hearing before the Health Officer.

(7) Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, he/she shall give or cause to be given, notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall be in writing and include a description of the real estate involved, a statement of violations and corrective actions required, and shall allow a reasonable time for the performance of any act required. Such notice shall be served upon the owner, property or occupant as the case may require, and may be served by ordinary mail or in the manner provided by Chapter 801, Wisconsin Statutes.

16.8 INVESTIGATION OF POSSIBLE PUBLIC NUISANCES. The Health Officer or a designated representative shall investigate all potential public nuisances and shall determine whether or not a public nuisance exists.

16.9 ABATEMENT, CORRECTION AND ENFORCEMENT. Abatement and correction of, or enforcement against public nuisances will be as follows:

(1) If the existence of a public nuisance is confirmed a written cleanup and/or abatement order will be issued specifying the action needed to abate and/or correct the nuisance; the time period allowed to abate and/or correct the nuisance, (24 hours, 5, 10, 30, or more days depending on the nature of the nuisance); and the possible penalty (citation and/or possible court action) if the nuisance is not abated and/or corrected.

(2) To expedite the abatement and/or correction of the public nuisance the Health Officer may issue citations pursuant to the County Citation Ordinance and Section 66.119, Stats. The issuance of a citation does not exempt a violator from further legal action against the violator as described in subsection (3) below.

(3) In cases where the use of a citation alone is inadequate or inappropriate to fully cause the abatement and/or correction of a public nuisance, legal action seeking a higher forfeiture and penalties or injunctive action to cause

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Abatement of a nuisance, and also to rectify any damage created by the nuisance can be initiated against the violator at the discretion of the Health Officer and the Corporation Counsel.

(4) In the case of an immediate health hazard or in extreme cases where the person responsible for a nuisance refuses to abate and/or correct it within the time period specified in the written order, the County may abate the nuisance and/or correct the violation with the cost of such abatement and/or correction to be recovered directly from the responsible person or as otherwise authorized by law.

16.10 PENALTIES. All violations of this ordinance shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per offense, together with applicable surcharges and penalty assessment and the taxable costs of prosecution. The Court may also grant injunctive relief. Failure to comply with an order of abatement issued under this ordinance shall constitute a violation of this ordinance, and each day of continued violation shall constitute a separate offense. Failure to pay any penalties imposed by the court in accordance with this ordinance may result in imprisonment in as a result of civil contempt of court.

16.11 SEVERABILITY. Each section, paragraph, sentence, clause, word, and provision of this ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance nor any part thereof other than the portion affected by such decision.

Adopted by the Polk County Board of Supervisors this _____ day of _____.

Public Nuisance Ordinance No. 14-01

STATE OF WISCONSIN

Town of St. Croix Falls

Polk County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of St. Croix Falls 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 ss. 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25, and chapter 823, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the storage, treatment, disposal, and discharge of certain junk and of other items, uses, and activities in the town.

SECTION IV – DEFINITIONS

- A. "Agricultural use" means any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint, and seed crops, raising of fruits, nuts, and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836, participating in the milk production termination program under 7 USC 1446 (d), and vegetable raising.
- B. "Appliance" means any household or office device, instrument, utensil, apparatus, or machine that utilizes power, including, but not limited to, any stove, clothes washer or dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, computer or peripheral device, or other home or office electronic device.
- C. "Building" includes any building or structure or any portion of a building or structure.
- D. "Debris" means any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a substantial threat to public health or safety, or create a public nuisance or a public safety or health hazard, except when such items are determined by the town board or town committee or other agent of the town to be stored or housed out of public view and are treated and maintained so as not to be a public nuisance.
- E. "Equipment" means goods used or bought for use primarily in a business, including farming and a profession.
- F. "Hazardous waste" means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under s. 291.05 (2), Wis. stats.
- G. "Junk" means scrap metal, metal alloy, wood, concrete, or synthetic or organic material or any junked, inoperative, unlicensed, or unregistered vehicle, structure, equipment, furniture,

appliances, or machinery, or any part thereof. "Junk" includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material.

H. "Junked" means dismantled for parts or scrapped.

I. "Junked vehicle parts" means parts from a junked vehicle.

J. "Junkyard" means any place that is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling junk. "Junkyard" includes sanitary landfills, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards, and places for temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. "Junkyard" does not include places where litter, trash, and other debris are scattered along or upon a highway or temporary operations and outdoor storage of limited duration.

K. "Local zoning and land use regulation" means any applicable county, town, or extraterritorial zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.

L. "Machinery" means a structure or assemblage of parts that transmits forces, motion, or energy from one part to another in a predetermined way by electrical, mechanical, or chemical means. "Machinery" does not include a building.

M. "Motor vehicle dealer" has the meaning given in s. 218.0101 (23), Wis. stats.

N. "Motor vehicle salvage dealer" has the meaning given in s. 218.20 (1r), Wis. stats.

O. "Not registered," in reference to "all-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats., "snowmobiles" as defined in s. 340.01 (58a), Wis. stats., or "boats" as defined in s. 29.001 (16), Wis. stats., means those that are required to, but do not have nor bear, required current and valid State of Wisconsin licenses or registrations.

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

Q. "Recyclable material" means material that is suitable for recycling.

R. "Scrap metal processor" means a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.

S. "Solid waste" means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste and other organics, boxes, barrels and other containers, tires and other like materials, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and any other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, agricultural, and community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial

discharges that are point sources subject to permits under chapter 283, Wis. stats., source material as defined in s. 254.31 (1), Wis. stats., special nuclear material as defined in s. 254.31 (11), Wis. stats., or by-product material as defined in s. 254.31 (1), Wis. stats.

- T. "Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing, treatment, and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:
1. A facility for the processing of scrap iron, steel, or nonferrous metal using machinery to produce a principal product of scrap metal for sale or use for remelting purposes.
 2. A facility that uses machinery to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
 3. An auto junkyard or scrap metal salvage yard.
- S. "Town" means the Town of St. Croix Falls, Polk County, Wisconsin.
- T. "Town board" means the board of supervisors for the Town of St. Croix Falls, Polk County, Wisconsin, and includes designees of the board authorized to act for the board, specifically including the town clerk and town chair.
- U. "Town chair" means the chairperson of the Town of St. Croix Falls, Polk County, Wisconsin.
- V. "Town clerk" means the clerk of the Town of St. Croix Falls, Polk County, Wisconsin.
- W. "Town committee" means a committee established by the town board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the town.
- X. "Unlicensed" or "unregistered" in reference to vehicles, mobile homes, or manufactured homes means those that are required to be licensed or registered for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.
- Y. "Vehicle" means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:
1. "Aircraft" as defined in s. 29.001 (16), Wis. stats.
 2. "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats.
 3. "Antique vehicles" as described in s. 341.265, Wis. stats.
 4. "Automobiles" as defined in s. 340.01 (4), Wis. stats.
 5. "Boats" as defined in s. 29.001 (16), Wis. stats.
 6. "Camping trailers" as defined in s. 340.01 (6m), Wis. stats.
 7. "Farm equipment" as defined in s. 100.47 (1), Wis. stats.
 8. "Farm tractors" as defined in s. 340.01 (16), Wis. stats.
 9. "Hobbyist or homemade vehicles" as defined in s. 341.268, Wis. stats.
 10. "Junk vehicles" as defined in s. 340.01 (25j), Wis. stats.
 11. "Implements of husbandry" as defined in s. 340.01 (24), Wis. stats.
 12. "Manufactured homes" as defined in s. 101.91 (2), Wis. stats.
 13. "Mobile homes" as defined in s. 340.01 (29), Wis. stats.
 14. "Mopeds" as defined in s. 340.01 (29m), Wis. stats.
 15. "Motor bicycles" as defined in s. 340.01 (30), Wis. stats.
 16. "Motor buses" as defined in s. 340.01 (31), Wis. stats.
 17. "Motor homes" as defined in s. 340.01 (33m), Wis. stats.
 18. "Motor trucks" as defined in s. 340.01 (34), Wis. stats.

19. "Motorcycles" as defined in s. 340.01 (32), Wis. stats.
20. "Railroad trains" as defined in s. 340.01 (48), Wis. stats.
21. "Recreational vehicles" as defined in s. 340.01 (48r), Wis. stats.
22. "Road machinery" as defined in s. 340.01 (52), Wis. stats.
23. "Road tractors" as defined in s. 340.01 (53), Wis. stats.
24. "Salvage vehicles" as defined in s. 340.01 (55g), Wis. stats.
25. "School buses" as defined in s. 340.01 (56), Wis. stats.
26. "Semi trailers" as defined in s. 340.01 (57), Wis. stats.
27. "Snowmobiles" as defined in s. 340.01 (58), Wis. stats.
28. "Special interest vehicles" as defined in s. 341.266, Wis. stats.
29. "Trailers" as defined in s. 340.01 (71), Wis. stats.
30. "Truck tractors" as defined in s. 340.01 (73), Wis. stats.
31. Unlicensed demolition vehicles and unlicensed racing vehicles.
32. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.
- Z. "Wild animal" means any animal of a wild nature that is normally found in the wild and that is not a farm-raised deer, a pet bird, a farm-raised game bird, or an animal that is listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection.
- ZA. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI – PUBLIC HEALTH OR SAFETY

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after written notice to remove from the town board to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred, or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be a public nuisance:

- A. Unburied animal carcass areas. Any place in the town where unburied animal carcasses are located on private or public land and the animal carcasses are not timely removed or discarded, including by timely burial in a sanitary manner, within a reasonable time after receipt of written notice to remove from the town board. This paragraph does not apply to any animal or pet cemetery approved in writing by the town.
- B. Noxious or polluted or waste areas. Any place in the town where noxious, nauseous, unwholesome, or polluted water and waste are located on private or public land, including town

roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the town, and those conditions are not timely removed within 14 days after receipt of written notice from the town board.

- C. Noxious emission odor areas. Any place in the town where noxious odor, stench, or gas escapes or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within 14 days after receipt of written notice to remove from the town board. In this subsection, "noxious odor" means an odor that is extremely repulsive to the senses of ordinary persons in the town and that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the town, as determined by the town board.
- D. Rat or vermin areas. Any place in the town where rats or other vermin are located or frequent on public or private land, and those conditions are not removed or destroyed within 14 days after receipt of written notice to remove from the town board.
- E. Dangerous or dilapidated building areas. Any place in the town where a building or structure, the contents of a building 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 unfit for human habitation are not timely removed or discontinued within 30 days of receipt of written notice to remove from the town board.
- F. Dangerous tree areas. Any place in the town where any trees or tree limbs located on private or public lands constitute a dangerous or unsafe condition and these dangerous or unsafe conditions have not been timely removed within 30 days after receipt of written notice to remove from the town board.
- G. Fire hazard areas. Any place in the town where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within 30 days after receipt of written notice from the town board.
- H. Improper encroachment or discharge areas. Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any town roadway or on other town public lands without written permission from the town board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within 14 days of the receipt of written notice to remove from the town board.
- I. Junked vehicle and junked part areas. Any place in the town within 500 feet of the center line of any town highway in the town, or within 750 feet of the center line of any county trunk, state trunk, or federal highway where junked vehicles or junked vehicle parts are accumulated or stored or any place in the town where junked vehicles or junked vehicle parts are accumulated or stored outside of a building for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, without obtaining a Junked Vehicle Permit from the town in accordance with the Town Junked Vehicle Ordinance adopted under s. 175.25, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., except when exempt under the terms of the Town Junked Vehicle Ordinance. **
- J. Junkyard and junked vehicle, appliance, and machinery areas. Any place in the town where junked or abandoned vehicles, not otherwise subject to subsections N or P, or junked or abandoned appliances, equipment, or machinery are accumulated or stored for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, and any place otherwise within the definition of junkyard under this ordinance that is

not timely removed or discontinued within 30 days of receipt of written notice to remove from the town board, unless exempt under Section X of this ordinance.

- K. Unlicensed or unregistered vehicle area. Any place in the town where for a period exceeding 30 days upon private property a not registered, unlicensed, or unregistered vehicle is parked, stored, or otherwise kept outside a building without the written permission of the town board and is not timely removed or discontinued within 30 days of receipt of written notice to remove from the town board, unless exempt under Section VIII of this ordinance.

SECTION VII - ABANDONED VEHICLES, MACHINERY, EQUIPMENT, AND APPLIANCES ON PUBLIC LANDS

No person shall leave unattended or stored any vehicle, regardless of the vehicle's physical condition, registration, or license held, any appliance, equipment, or machinery, or parts thereof, on any public street, public road, public highway, or other public property in the town, including the road right-of-way, for such time and under such circumstances as to cause the vehicle, appliance, equipment, or machinery to reasonably appear to have been abandoned. When any vehicle, machinery, appliances, or equipment has been left unattended, parked, or stored on any public street, road, highway, or other public property, including a road right-of-way, within the town for a period of more than 72 hours, the vehicle, structure, machinery, appliances, or equipment is presumed by the town to be abandoned and a public nuisance and may be removed in accordance with s. 342.40, Wis. stats., and the owner of the vehicle is subject to the imposition of forfeitures under Section XIII of this ordinance. This section does not apply to a railroad train stopped at a railway crossing as defined in s. 340.01 (47), Wis. stats.

SECTION VIII - EXEMPTIONS AND PERMITS

A. Exemptions.

1. Any storage of junked vehicles or junked vehicle parts on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the storage of the vehicles or parts have been issued a permit and met the Junked Vehicle Permit requirements established by the town board in the Town Junked Vehicle Ordinance adopted under s. 175.25, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., is exempt from the provisions of Section VI, subsection N, applicable to storage of junked vehicles and junked vehicle parts. The exemption granted under this paragraph is strictly limited to the extent allowed by the permit. **
2. Any operation of a junkyard on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the operation of the junkyard have obtained all the proper and necessary federal, state, county, town, and extraterritorial municipal approvals, permits, or licenses for the operation or have obtained licenses for operation of a junkyard on that privately owned premise under s. 84.31, Wis. stats., is exempt from the provisions of Section VI, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the approvals, permits, or licenses.
3. Any commercial motor vehicle salvage or motor vehicle retail sales business on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current motor vehicle salvage dealer license under s. 218.205, Wis. stats., authorizing storage uses, operations,

and activities at property locations in the town or hold a current motor vehicle dealer license under s. 218.0114, Wis. stats., for salvage, sale, or storage operation and activities at a property location in the town, and are actively engaged in the town, as determined in writing by the town board, in the commercial motor vehicle salvage or motor vehicle retail sales business on property in the town is exempt from the provisions of Section VI, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.

4. Any business engaged in the retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current and valid manufactured home dealers license under s. 101.951, Wis. stats., or a current and valid recreational vehicle dealers license under s. 218.12, Wis. stats., issued by the State of Wisconsin, and are actively engaged in the town, as determined in writing by the town board, in the business of commercial retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on property in the town is exempt from Section VI, subsection K, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.
5. Any parking, storage, or other keeping outside of buildings in the town of two (2) or fewer unlicensed or unregistered vehicles or one (1) or fewer boats, snowmobiles, or all-terrain vehicles, not registered with the State of Wisconsin, on private lands owned or leased by the owner or leaseholder of the vehicles that is in conformity with local zoning and land use regulation, even if the vehicles are not stored for purposes of sale or repair, is exempt from the provisions of Section VI, subsection P, relating to the keeping and storage of unlicensed or unregistered vehicles.
6. Any parking, storage, or other keeping of any agricultural use vehicles in the open on private lands in the town that is in conformity with local zoning and land use regulation by the owner or leaseholder of the land, if the vehicles are and can be used by the owner or leaseholder, without repair, for normal agricultural use in the town is exempt from the provisions of Section VI, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. Notwithstanding anything contained in this paragraph, storage of inoperable junk or other unrepaired agricultural use vehicles on private property of any person for more than 30 days in the open shall be deemed a violation of Section VI, subsection L, unless the storage is at a commercial implement repair location where the equipment or implements can and will be timely repaired and removed from the premise.

B. Permits.

1. Upon proper and timely application by an owner or occupant of the premises in the town to the town clerk for a permit, and after a public hearing held by the town board, the town board may permit on public or private lands in the town, with or without conditions and restrictions, any of the following:
 - a. The storage in the open on private premises of vehicles, structures, machinery, appliances, or equipment in the town that are subject to Section VI.
 - b. The maintenance of buildings, structures, or dwellings in the town that are subject to Section VI.

2. A permit under this subsection B may be issued by the town board regardless of the ownership or possession rights to the vehicles, implements, machinery, structures, equipment, appliances, buildings, structures, dwellings, items, waste, or materials to be stored, maintained, disposed, treated, or discharged.
3. The applicant shall be notified of the public hearing required under paragraph 1 at least 20 days before the public hearing by the mailing by U.S. mail of a First Class notice letter to the last known address of the applicant noted on the application.
4. The permit shall be for a specific location, may be established for a term of months or years, and may be reissued upon application by the permit holder if the permit holder is in full compliance with this ordinance and with the permit conditions and restrictions as issued.
5. The conditions and restrictions, if any, in the permit established by the town board for any permitted storage, maintenance, disposal, treatment, or discharge shall be reasonable restrictions and conditions to protect the public health, safety, and welfare of persons within the town and to limit or negate potential public nuisances caused by the permitted storage, maintenance, disposal, treatment, or discharge. The conditions and restrictions shall be stated in writing and attached to the written permit upon issuance by the town board.
6. The owner or occupant of the permitted premises is responsible for compliance with the conditions and restrictions in the permit issued regardless of whether the owner or occupant of the premises has any legal or equitable interest in the vehicles, structures, machinery, appliances, or equipment subject to the permit.

SECTION IX – ABATEMENT OF PUBLIC NUISANCES/PERMIT REVOCATION

A. Inspection of Premises.

1. 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, town committee, or other agents of the town board 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, town committee, or other agents of the town board shall cause photographs to be made of the premises for inclusion in the written report to the town board.
2. If the person subject to complaint holds a current permit under this ordinance, or any Town Building Permit or Junked Vehicle Permit issued under s. 175.25, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., the town chair, the town committee or other agents of the town board may immediately request the town board to hold a public hearing to consider suspension or revocation of the permit for refusal to comply with the permit conditions and this ordinance. The town board shall hold a public hearing prior to taking any action to revoke or suspend a permit. The permit holder shall be notified of the public hearing at least 20 days before the public hearing by the mailing by U.S. mail of a First Class notice letter to the last known address of the permit holder noted on the permit or permit application.
3. The town board may, in the alternative to revocation, suspend any issued permit for a period up to 6 months. Any revocation shall be for a period in excess of 6 months and no reapplication can be received or acted upon by the town board for the premises or for the owner or occupant of the premises for any activity, use, or item prohibited by or requiring a permit under this ordinance during the revocation period.

4. For any decision regarding the revocation or suspension of any permit, the town board shall determine and state the reason or reasons for any revocation, non-revocation, or suspension of the permit based on the lack of compliance with the permit conditions and this ordinance by the permit holder or by any employees or agents of the permit holder. The reason or reasons for the decision shall be stated in writing and sent to the permit holder within 10 days after the decision by the town board by mailing by U.S. mail of a First Class letter to the last known address of the permit holder noted on the permit or permit application.

B. Owner of Premises Responsibility. 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 and responsibility for the uses, activities, or things located on the land that are subject to this ordinance.

C. Summary Abatement.

1. Notice to Owner. If the town chair, town committee, or other agents 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 other agents 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 other agents of the town board, 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.
- E. Other Methods Not Excluded. Nothing in this ordinance may be construed as prohibiting the injunction and abatement of public nuisances against any person, including against a permit holder that holds a current and valid permit issued by the town under this ordinance, by the town or its officials in accordance with the laws of the State of Wisconsin or this ordinance.

SECTION X – 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 vehicle, structure, equipment, implement, or appliance is abandoned or remains unclaimed in violation of this ordinance, the town board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under s. 66.0139, Wis. stats., by public auction or other means as determined in writing by the town board.

SECTION XI – ENFORCEMENT PROVISIONS

- A. Penalties. Penalties shall be set in the Town Schedule of Fees and Penalties.
- B. Separate Violations. Each day of violation of this ordinance constitutes a separate offense.

SECTION XII – 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 XIII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 17th day of September, 2014, by Resolution 14-30.

/s/Steven Palmer, Town Chairman

Attest: /s/Janet Krueger, Town Clerk

Published in the Inter County Leader on September 24, 2014

Posted on September 22, 2014; at Lamperts, Wayne's Café, and Town Hall.

EXAMPLE