

## Town of Menominee Ordinance No. 30 – Public Nuisance

(as amended)

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#### 1.1 Introduction.

- (A) Purpose. The purpose of this ordinance is to promote the health, safety, aesthetics, and general welfare of the people and communities and environment within the Town of Menominee and Menominee County. The general intent of this chapter is to regulate the timely disposal and cleanup of junked and nuisance vehicles, mobile homes, and trash and other debris. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.
- (B) Scope. This ordinance shall apply to all public and private lands within the Town and County of Menominee that are not held in Federal Trust for the Menominee Indian Tribe of Wisconsin (MITW).
- (C) Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a local, state, or federal court, the remainder of this ordinance, if severable therefrom, shall not be affected thereby.

#### 1.2 Definitions.

- (A) Public nuisance: An act of omission that obstructs, damages, or inconveniences the health, safety, comfort, convenience, or welfare of the community.
- (B) Motor vehicle: as defined in Section 340.01(35) of the Wisconsin Statutes.
- (C) Unlicensed motor vehicles: Motor vehicles, truck bodies, tractors, or trailers which do not bear lawful current license plates or registration.
- (D) Junk vehicle: Motor vehicles, truck bodies, tractors, or trailers or portions thereof in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.
- (E) Appliance: any stove, washer, refrigerator, or other household machine which is no longer operable in the sense for which it was manufactured.
- (F) Garbage: unwanted material of any kind that is typically hauled to a solid waste facility or landfill.

- (G) Recyclables: items including, but not limited to, vehicles, appliances, and other metal, paper, plastic, batteries, used motor oil, and other such items and materials that must be disposed of through an approved recycling facility.
- (H) Vegetation: including, but not limited to, grass clippings, brush, tree slash, and other such natural items and materials that must be composted either on the property of the owner or at an approved composting site.

### 1.3 Provisions.

(A) Public nuisance includes the following:

- (1) No junk vehicles or unlicensed motor vehicles shall be stored or allowed to remain in the open upon public or private property within the Town of Menominee for a period exceeding five (5) days if upon public property, or for a period exceeding thirty (30) days if upon private property.
- (2) Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed six (6) months, after which such vehicles must be enclosed by screening or live planting to be approved by the Town Board, or be removed from the property.
- (3) No owner of residential, business, commercial, or industrial property in the Town of Menominee may dispose of unwanted garbage, recyclables, or vegetation except as provided in this ordinance. All such materials shall be disposed of at licensed facilities or composted onsite if considered vegetation. In no case may any of the above-named materials or any other materials be removed to, or otherwise deposited upon any land or property that is not specifically approved for such deposit.

### 1.4 Enforcement.

- (A) It shall be the duty of the Sheriff's Department and the Conservation/Forestry/Zoning Department (acting on behalf of the Town of Menominee) to enforce the provisions of this chapter through periodic inspections and inspections upon complaints. No action shall be taken unless an officer shall have inspected or caused to be inspected the premises where the violations of this ordinance are alleged to exist and is satisfied that the violations do in fact exist.
- (B) The Sheriff's Department and the Conservation/Forestry/Zoning Department are hereby authorized to cause the towing away and/or removal of public nuisance vehicles in violation of this ordinance. The owner of said vehicle shall be liable for all costs of towing, removal and/or storage associated with removal. This liability begins once the tow truck has been dispatched, whether or not the vehicle is actually towed or removed.

1.5 Violations and penalties.

- (A) When violations of this ordinance are determined to exist, the Town shall deliver an order to correct the violation to the owner, firm, or corporation involved in the violation. Orders shall be delivered either in person by an officer or by mail to an address of record. The order shall require the violation to be corrected within a timeframe that may be as short as five (5) days, but no more than thirty (30) days.
- (B) Any person, firm, or corporation who shall be adjudicated to have violated any of the provisions of this ordinance, and have not complied to a delivered order to correct, shall be subject to a forfeiture not to exceed \$100.00 plus the costs of said prosecution, and upon default of payment of such forfeiture and costs are paid, but not to exceed 10 20 days. Each day that a violation of the above ordinance continues shall be deemed a separate offense.

1.6 Appeals.

Any person, firm, or corporation feeling aggrieved by an order of the Town may appeal such an order within thirty (30) days of delivery of the order. Appeal procedures are explained in Wisconsin Statutes Chapter 68.

1.7 Effective date.

(A) This ordinance shall take effect upon passage and publication as provided by law.

Amended by the Menominee Town Board on the 18<sup>th</sup> day of March, 2021.

Published on this 22nd day of March, 2021.