

ORDINANCE N<sup>o</sup> 4.1

AN ORDINANCE PROHIBITING PUBLIC NUISANCES AND ABANDONED VEHICLES

The Town Board of Pepin Township, Wisconsin does ordain as follows:

1. PUBLIC NUISANCE PROHIBITED
  - a. No person in charge or control of any property within the Township, whether as owner, tenant, occupant, lessee or otherwise shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance in the Township.
  - b. No person, after notification to remove any public nuisance from any private property within the Township, shall move the same to any other private property upon which such storage is prohibited or onto any public highway or other public property for purposes of storage.
2. PUBLIC NUISANCE DEFINED A public nuisance shall be defined as any thing, act, use or condition of a building or land that interferes substantially with the comfortable enjoyment of life, health or safety of another person or the public. Public nuisances shall include, but not be limited to:
  - a. Any use that causes the air or environment to become noxious or offensive.
  - b. Any use that unduly promotes the breeding of flies, mosquitoes, or other insects.
  - c. Any use that unduly promotes a harborage or breeding place for rodents or other animals.
  - d. The accumulation or deposit of refuse, trash, wood products, furniture, metal items, junk, construction materials or other materials unless it is out of ordinary public view. However, nothing in this chapter shall prohibit reasonable storage of construction materials during the construction of any structure.
  - e. Any licenced or unlicenced partially dismantled, non-operating, wrecked, junked, discarded vehicle, trailer, semitrailer or mobile home or parts thereof remaining on private property longer than ten (10) days unless it is out of ordinary public view and it is not visible from any building located on the property of another.
3. ABANDONED VEHICLES
  - a. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.

Except as otherwise provided in this section, whenever any vehicle has been left unattended without the permission of the property owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view.

- b. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of in accordance with Section 342.40(3), Wis. Stats. except that if it is deemed by the Town Board that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the Township prior to expiration of the impoundment period upon determination by the Pepin County Sheriff that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with Section 342.40(3)(c).
- c. The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the Township against the owner in addition to any forfeiture assessed under this ordinance.
4. **PENALTIES:** Any person who shall violate any provision of this Ordinance shall upon conviction thereof be subject to a forfeiture not to exceed \$ 100 — , together with the costs of prosecution. Every day a violation continues shall constitute a separate offense.
5. **FUTURE STATUTORY AMENDMENTS, REVISIONS AND MODIFICATIONS** Any future amendments, revisions or modifications of Section 342.40, Wis. Stats. are incorporated herein and made part of this Ordinance.
6. **SEVERABILITY.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provision, sections, subsections, paragraphs, clauses or phrases of this ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Duly adopted at a regular meeting of the Town Board of the Township of Pepin this 20 day of Dec, 2004.

  
Town Clerk

ATTEST:

  
Town Chairman