

TOWN OF TRENTON
Public Health and Safety
Ordinance Number 20

§ 1. Purpose and intent

General Provisions. The purpose and intent of this Ordinance is to protect the public health, safety, and general welfare and to maintain and protect the environment for the people and communities of Trenton Township and to:

- 1) Provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.
- 2) Prevent ground water contamination.
- 3) Prevent the continuance of public nuisances
- 4) Assure that insects and rodents do not create a public nuisance and/or health hazard.
- 5) Prevent communicable disease.

§ 2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

- 1) Health Hazard - A situation or condition which exists or has the potential to exist which is adversely affecting or has the potential to adversely affect the health of a person and/or the general public.
- 2) Immediate Health Hazard - A condition which exists or has the potential to exist which should be abated or corrected immediately or at least within a 24 hour period, to prevent possible severe damage to human health and/or environment.
- 3) Public Nuisance - A thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
 - b) In any way render the public insecure in life or in the use of property.
 - c) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
 - d) Render the soil, air, water, ground-water in the Town impure, contaminated, or unsafe.
 - e) Substantially depreciate the value of adjoining or neighboring property.

§3. Public nuisances affecting health.

The following act, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 2: .

- 1) Accumulations of decayed animal or vegetable matter, garbage, 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.
- 2) All animals running at large. Any animal which damages property, plantings or structures or which deposits fecal matter on public or private property of others or any animal that at any time has attacked or bitten a person outside the owner's premises or any animal that is vicious, molests pedestrians or bicyclists or that habitually chases automobiles on the public highways or streets or any animal that is kept on the premises of the owner or person harboring said animal under such unsanitary conditions that the maintenance or keeping of said animal creates odors to the annoyance of the public in the vicinity shall contribute to a public nuisance.
- 3) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Town.
- 4) The pollution of any public well or cistern, stream, lake, canal or other body of water, or the groundwater, by sewage, creamery or industrial wastes, sludge, materials dredged from rivers or other bodies of water, or other substances.
- 5) Any use of property, substances or other things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
- 6) All abandoned wells not securely covered or secured from public use.

§ 4. Public nuisances affecting health and safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting health and safety, but such enumeration shall not be construed to exclude other nuisances affecting public health or safety coming within the provisions of § 2:

- 1) Any unauthorized sign in view of any public highway or railway crossing which interferes with the effectiveness of any public sign or signal.
- 2) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from

obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

- 3) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.
- 4) The keeping or harboring of any animal or fowl which by howling, yelping, barking, biting, clawing, crowing or making of other noises shall annoy or disturb a neighborhood or any considerable number of persons within the Town.
- 5) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- 6) 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.
- 7) Any accumulation of garbage or rubbish not placed in approved containers and not set out on scheduled garbage or rubbish pickup days, or the proceeding day, which creates an unsightly appearance or which has a negative impact upon the property values of neighboring properties.
- 8) The piling, storing or keeping of old machinery, wrecked tires, junked or inoperative vehicles, inoperative appliances and other junk and debris for a period greater than one week.

§ 5. Abatement.

- 1) Duties of officers. The Town Chair or other Town Supervisor delegated by the Town Chair or Town Board, Animal Control Officer, Building Inspector, or appointed Health Professional, if any, shall be authorized to enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall be authorized to make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist. Whenever practicable, the inspecting officer shall take photographs of the nuisance condition and shall file them with the Town Clerk.
- 2) Summary abatement.
 - (a) Notice to owner. If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health and safety, the Town Chair may direct the appropriate officer to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy

of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that, unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be. Such charge shall be considered a special charge under Wis. Stat. §66.0627 and, if not paid, shall be certified to Pierce County Treasurer for collection along with property taxes.

- (b) 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 Town Chair, or other appropriate Town official shall cause the abatement or removal of such public nuisance and the charge therefore shall be considered special charges benefitting the property under Wis. Stat. §66.0627 and certified to Pierce County Treasurer and collected along with property taxes.
- (c) Abatement by court action. If the inspecting 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 and peace, they shall file a written report of his findings with the Town Board. The Town Board may authorize commencement of action in Pierce County Circuit Court in the name of the Town to abate such nuisance in accordance with the provisions of W.S.A. Ch. 823, or other applicable Wisconsin Statute.
- (d) Other methods not excluded. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the state, including, but not limited to issuing citations for violation of this ordinance.
- (e) Court order. Except when necessary under Subsection b, an officer hereunder shall not use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property, if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

§ 6. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or

person causing, permitting or maintaining the nuisance, and, if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge under Wis. Stat. 66.0627. 7

§ 7. Violations and penalties.

Any person who shall violate any provision of this chapter or who shall cause or maintain or permit to be maintained a public nuisance shall be subject to forfeiture in the amount of not less than \$100.00 nor more than \$500.00 for each offense. Each day of violation constitutes a separate offense. In default of payment of such forfeiture the person shall be imprisoned in the County jail for such time the court deems fit, unless the judgment is sooner paid.

§8. Severability and repeal.

Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable, and if any provision shall be held unconstitutional or invalid for any reason, such holding shall not affect the remainder of the ordinance nor any part thereof other than the part held invalid.

All other ordinances or parts of ordinances of the Town of Trenton inconsistent or conflicting with this ordinance are hereby repealed to the extent of the inconsistency only.

§9. Effective Date.

This ordinance shall be effective upon adoption by the Town Board and publication as required by law.

Adopted by the Trenton Town Board this 13 day of September, 2011.

TOWN OF TRENTON

By: Richard Bunce
Richard Bunce, Town Chair

Attest: Steve Thoms
Steve Thoms, Town Clerk

Date Adopted 9/13/2011
Date Published 9/22/2011