

PUBLIC NUISANCES ORDINANCE

TOWN OF MINONG

Washburn County

ORDINANCE # 20

SECTION I Penalty for Violation of Ordinance

Penalties for violations of this Ordinance are as set forth in the schedule of deposits as set by the Town and/or County board.

SECTION II Purpose and Intent.

- (a) The purpose and intent of this chapter is to protect the public health, safety and general welfare and to maintain and protect the environment for the people and communities of the Town, and to:
 - (1) Prevent diseases.
 - (2) Prevent the continuance of public nuisances.
 - (3) Assure that insects and rodents do not create a public nuisance and/or health hazard.
 - (4) Assure that surface water and ground water meet the County and State standards and regulations.
 - (5) Assure that solid waste is handled, stored and disposed of according to state standards and regulations.
 - (6) Assure that citizens are protected from hazardous, unhealthy or unsafe

substances.

- (b) This chapter does not apply to county forest land or state fish and wildlife land. This chapter does apply to land zoned agricultural or used as agricultural, except that this chapter shall not prohibit or penalize commonly accepted farming practices. Such practices are defined as animal husbandry and crop production practices that produce food and fiber adapted to the county.

SECTION III Public Nuisances Affecting Health.

The following are declared to be public nuisances affecting health:

- (1) Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed container designed for such purposes.
- (2) Failure to maintain a structure so as to avoid health and safety hazards.
- (3) Allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health.
- (4) Maintaining excessive numbers of pets (too many animals for the space or food provided, as determined by health officer or his designee) that result in a health hazard to either the animal or human inhabitants.
- (5) Allowing an accumulation of debris such as metal or glass.
- (6) Abandoned vehicles (no more than two).
- (7) Accumulation of unused appliances.
- (8) Holes or excavations not properly posted or barricaded which constitute a safety hazard.
- (9) Abandoned wells not properly sealed.
- (10) Carcasses of animals, birds or fowl reported on private land which are not intended for human consumption or food and which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (11) Accumulations of decayed animal or vegetable matter, trash, rubbish, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-

carrying insects, rats or other vermin can breed, live, nest or seek shelter, exempting private compost piles.

- (12) All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

SECTION IV Enforcement Procedure.

- (a) Whenever in judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the Township, such officer;
- (1) Shall notify in writing the person committing or maintaining such nuisance and shall require him to terminate and abate the nuisance and to remove such conditions or remedy such defects. The written notice shall be served upon the person committing or maintaining such nuisance. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. The notice shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance. The maximum time for removal of the nuisance after service of the notice shall not in any event exceed 30 days.
 - (2) May issue a citation for violation of this article at the time the notice is served, or any time thereafter, until the order to abate has been complied with. The citation shall be in the form prescribed by the district attorney and shall specify a forfeiture according to the schedule of forfeitures adopted by the circuit judge.
- (b) When an order to abate as contained in the notice has not been complied with, such noncompliance shall be reported to the county health committee for such action as may be necessary and deemed advisable.

SECTION V - Abatement of Nuisance.

If entry is refused to the officer charged with enforcement, a warrant may be obtained. If after service of notice the person served fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the order of the health committee, the health committee

may cause such nuisance to be abated at the expense of the County board and recover such expenditure against the person served; or, if service has been had upon the owner or occupant, by ordering the clerk to extend such sum as a special tax against the property upon which the nuisance existed and to certify the tax to the county for collection in the same manner as taxes and special assessments are certified and collected.

SECTION VI - Appeal Process.

If one believes his order of abatement is in error, the appeal process may be followed:

- (1) Discuss the matter with the county health officer (635-4400).
- (2) Bring the matter to the county board of health

SECTION VII Fees for Violations of This Ordinance

Fees for the following violations shall be set by the county board:

- (1) Public nuisances affecting health:
 - a. Failure to keep waste, etc., in building in proper container.
 - b. Failure to maintain a structure.
 - c. Allowing any discharge.
 - d. Maintaining excessive number of pets.
 - e. Allowing an accumulation of debris.
 - f. Abandoned vehicles.
 - g. Accumulation of unused appliances.
 - h. Holes or excavations.

- i. Abandoned wells not properly sealed.
 - j. Carcasses of animals, birds.
 - k. Accumulations of decayed animals of vegetables.
 - l. All decayed, adulterated or unwholesome food.
- (2) Designation of unfit dwellings:
- a. One which is damaged, decayed, dilapidated.
 - b. One which lacks any ventilation or sanitation.
- (3) Public nuisance; animals. See section III

SECTION VIII WHEN EFFECTIVE:

This Ordinance shall be in force after its passage, publication and recording according to law.

Passed and adopted by the Minong Town Board this _____ day of _____ 2006

Town Chairman

Date

Supervisor #1

Date

Supervisor #2

Date

ATTESTED BY TOWN CLERK

Town Clerk

Date