

Resolution No. 64

AMENDMENT TO THE NUISANCE ORDINANCE

The Town of Minong Board Ordains as Follows:

WHEREAS, the Town of Minong Board has determined that the Town of Minong's Public Nuisance Ordinance needs strengthening in its available remedies in court:

THEREFORE, BE IT RESOLVED, that Ordinance # 20, of the Town of Minong Public Nuisances Ordinance, Section I – Penalty for Violation of Ordinance be strengthened by the Town Board vote at a properly noticed Town Board Meeting held September 14th at 7:00 PM at the Town Hall that the Town Board voted 5 yes 0 no to adopt the Amendment to the Washburn County Health Nuisance Abatement Ordinance as follows:

WHEREAS, the human services board has determined that the health nuisance abatement ordinance needs strengthening in its available remedies in court:

NOW, THEREFORE, BE IT ORDAINED, that Section 30-4 of the Washburn County ordinance be amended as follows:

Sec. 30-4. Enforcement procedure.

- (a) This chapter may be enforced by the county health officer or his or her deputies.
- (b) If entry of suspect premises is refused to the enforcing officer, a special inspection warrant may be obtained with the assistance of corporation counsel.
- (c) Whenever in the judgment of the officer charged with enforcement it is determined that an unlawful public nuisance is being maintained or exists such officer:
 - (1) Shall in writing notify the person committing or maintaining such nuisance and shall order the person to abate the nuisance. Said order shall be served upon the person committing or maintaining such nuisance by certified mail return receipt requested or by personal service or by posting a copy of the notice in two conspicuous places on the subject premises. The order shall require the owner or occupant of such premises, or both to take reasonable steps within a reasonable time set forth to abate and remove the nuisance.
 - (d) When an order to abate as set forth herein has not been complied with, such noncompliance shall be reported to the board of health for such action as may be deemed necessary by said board. Pursuant hereto the board may:
 - (1) Seek a court order requiring the violator to abate the nuisance.
 - (2) Seek court authority for the county to take action necessary to abate the nuisance and recoup its costs by requiring the county treasurer to, after payment of such costs, require the county clerk to enter the amount chargeable to the property in the next tax roll in a column headed "For Abatement of a Human Health Hazard" as a special tax on the lands upon which the human health hazard was abated. Such tax shall be collected as any other real estate tax.

- (3) Seek a permanent injunction against future violations of this ordinance enforceable by means of civil contempt of court.
- (4) Seek a per diem forfeiture in the amount of \$100.00 plus statutory courts costs.

BE IT FURTHER ORDAINED, that Section 30-5 – Penalty = is hereby repealed.

BE IT FURTHER ORDAINED, that this Ordinance shall be effective upon its adoption and publication and that publication of this ordinance may occur through posting in accordance with Section 985.02 of the Wisconsin Statutes.

This Amendment was adopted by the County Board on August 18th 2009 and is
 HEREBY MOVED FOR ADOPTION by the Town of Minong Town Board on September 14th
 2009

_____	_____
Chairman	Date
_____	_____
Supervisor # 1	Date
_____	_____
Supervisor # 2	Date
_____	_____
Supervisor # 3	Date
_____	_____
Supervisor # 4	Date

CERTIFICATION OF CLERK

I Jo A. Denninger, Clerk of the Town of Minong, Washburn County, WI, do hereby certify that this decision was approved by the Town Board at a meeting held on September 14, 2009. There being 5 Ayes and 0 Nays.

Adopted this 14 day of September 2009

_____	_____
Jo Anne Denninger, Clerk/Treasurer Town of Minong	Date