

TOWN OF BAILEYS HARBOR
ORDINANCE NO. 01 - 2015
Public Nuisance Ordinance

The Town Board of Supervisors of the Town of Baileys Harbor (“Town Board”), Door County, Wisconsin, does ordain as follows:

Section 1 - Authority

This ordinance is adopted under the general authority of Wis. Stats. Chapter 823 and Wis. Stats. §60.22.

Section 2 - Purpose

The purpose of this ordinance is to regulate the condition and maintenance of properties in the Town of Baileys Harbor for the public health, safety, and welfare of the citizens of Baileys Harbor.

Section 3 – Public Nuisance Prohibited

No person shall create, cause, maintain or permit to exist any public nuisance within the Town of Baileys Harbor.

Section 4 – Definitions

1. **Public Nuisance.** “Public nuisance” is defined as a condition or situation which annoys, injures or endangers the safety, health, comfort or welfare of others. A public nuisance includes, but is not limited to, the following acts, conditions, conduct or omissions:
 - a. The accumulation or storage of inoperable vehicles or vehicle parts, tractors, home appliances, furnaces, water heaters, plumbing materials, wood, brick, cement blocks and other unsightly debris.
 - b. Any structure that is in a state of dilapidation, deterioration or decay, or is in such a condition as to endanger the health, safety and welfare of the public.
 - c. The emission or causing of any foul, offensive or noxious odor which offends the physical senses of ordinary persons.
 - d. The keeping of any animal in unsanitary, unsafe or unhealthy conditions or surroundings, or maintaining animals which persistently bark, howl, or make excessive noise.
 - e. Any sign, awning or similar structure over or near roads, streets or sidewalks which endanger the safety, health and welfare of the public.
 - f. Any obstruction located as to prevent persons operating vehicles approaching an intersection of roads from having a clear safe view of traffic approaching such intersection.

2. **Person.** “Person” is any individual, firm, partnership, LLC, corporation, association, agency or government entity.

Section 5 – Exceptions

The following shall be exceptions to this ordinance:

1. Forestry operations which conform to generally accepted forestry management practices.
2. Agricultural uses or practices which do not present a substantial threat to public health or safety.
3. Solid waste facilities operating in substantial compliance with licensing under Wis. Stats. §289.31 and regulations of the Department of Natural Resources.

Section 6 – Enforcement

1. **Notice.** The Town may cause written notice identifying the person and/or property, providing notice of the existence of a nuisance and demand for abatement or removal within a specified time period, to be issued to the owner and/or occupant of the property where the nuisance exists or the person causing or maintaining such nuisance. In the absence of delivering a notice to such person, a copy of the notice may be posted upon the property where the nuisance exists. If the owner and/or occupant fails to comply within the required time, the Town may enter the property and abate or remove the nuisance.
2. **Summary Abatement.** If a nuisance creates a hazard to public health or safety such that immediate abatement is required, the Town may proceed to abate or remove the nuisance without judicial intervention.
3. **Costs.** The person causing, permitting or maintaining such nuisance shall be liable for all costs of abatement or removal.
4. **Citation.** The Town may issue a citation to the person causing, permitting or maintaining the nuisance.
5. **Injunction or Court Order.** The town may proceed to obtain an injunction or other court order to prohibit, prevent, terminate, abate, or remove a public nuisance. In such event, the person creating, causing, permitting or maintaining the public nuisance shall be responsible for all court costs, expert fees, abatement or cleanup fees, and actual attorney fees incurred by the Town.

Section 7 – Penalties, Forfeitures

1. **First Offense.** Any person who shall violate this ordinance or any part shall, upon conviction, forfeit not less than \$100 nor more than \$500 for each such offense, together with the costs of prosecution, costs of abatement and actual attorney fees incurred by the Town.
2. **Second and Subsequent Offenses.** Any person who shall violate this ordinance as a second or subsequent offense shall forfeit not less than \$500 nor more than \$1,000 for each such offense, together with the costs of prosecution, abatement and actual attorney fees incurred by the Town.

Section 8 – Private Action

Any person damaged or inconvenienced by a violation of this ordinance may commence an action in his/her/its own name seeking to enjoin or abate violations of this ordinance, without acquiring authority or permission of the Town Board to do so.

Section 9 – Severability

If any portion of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 10 – Effective Date

This ordinance shall take effect on the day following its publication.

Submitted by:

Donald Sitte, Chairman

Board Members	Aye	Nay	Exc.
Donald Sitte			
Peter Jacobs			
Roberta Thelen			
Robert L. Schultz			
Barbara Anschutz			

I, Douglas Smith, Clerk of the Town of Baileys Harbor, hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 16th day of March 2015, by the Board of Supervisors.

Douglas Smith

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