

# CHAPTER 10

## PUBLIC NUISANCES

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**10.01 PUBLIC NUISANCES PROHIBITED.** No person shall erect, contrive, cause, continue, maintain, or permit to exist, any public nuisance within the Town.

**10.02 PUBLIC NUISANCE DEFINED.** A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- (2) In any way render the public insecure in life or in the use of property.
- (3) Greatly offend the public morals or decency.
- (4) 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.
- (5) Result in a blighted building or premises.

**10.03 PUBLIC NUISANCES AFFECTING HEALTH.** The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 10.02 of the General Code:

- (1) **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) **ANIMALS, LOOSE.** Any animals running at large in the Town.
- (3) **CARCASSES, UNBURIED.** Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (4) **INSECTS OR VERMIN, BREEDING PLACES FOR.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, other disease carrying insects, rats or other vermin can breed. Properly maintained compost piles are exempt.
- (5) **ODORS, NOXIOUS.** Any use of property, substances or things within the Town emitting or causing any foul, offensive, 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 a person or persons within the Town.
- (6) **POLLUTION AIR.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town or

within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Town.

- (7) **POLLUTION, STREET.** Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- (8) **POLLUTION, WATER.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery, industrial wastes or other substances.
- (9) **PRIVY VAULTS AND GARBAGE CANS.** Privy vaults and garbage cans which are not sealed to prevent flies from entering.
- (10) **WATER, STAGNANT.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (11) **WEEDS, NOXIOUS.** Canada thistle, leafy spurge, field bindweed, any weed designated as a noxious weed by the Department of Natural Resources by rule, and any other weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries, per Wis. Stat. §66.0407.

**10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.** The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 10.02 of the General Code:

- (1) **DISORDERLY HOUSES.** All disorderly houses, bawdy houses, houses of ill repute, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, illegal drug activity or gambling.
- (2) **GAMBLING DEVICES.** All illegal gambling devices and slot machines.
- (3) **UNLICENSED SALE OF LIQUOR AND BEER.** All places where intoxicating liquor or fermented malt beverages are possessed, stored, brewed, bottled, manufactured or rectified for sale without a permit or license as provided for by the ordinances of the Town.
- (4) **CONTINUOUS VIOLATION OF TOWN ORDINANCES.** Any place or premises within the Town where Town ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously and repeatedly violated.

- (5) **ILLEGAL DRINKING.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.

**10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.** The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 10.02 of the General Code:

- (1) **DANGEROUS SIGNS, BILLBOARDS, ETC.** All signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (2) **ILLEGAL BUILDINGS.** All buildings sited, erected, repaired or altered in violation of Town ordinances.
- (3) **UNAUTHORIZED TRAFFIC SIGNS.** All unauthorized signs, signals, markings or devices placed or maintained in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices, railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign or signal.
- (4) **OBSTRUCTION OF INTERSECTIONS.** 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.
- (5) **LOW HANGING TREE LIMBS.** All limbs of trees which project over and are less than 10 feet above any public walkway, and 15 feet above any public roadway.
- (6) **DANGEROUS TREES.** All trees which are a menace to public safety.
- (7) **FIREWORKS.** All use or display of fireworks, except as provided by State laws and Town ordinances.
- (8) **LOW HANGING WIRES AND CABLES.** All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (9) **NOISY ANIMALS OR FOWL.** The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises which annoy or disturb a person or persons within the Town.

- (10) **OBSTRUCTIONS OF STREETS; EXCAVATIONS.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this General Code. This includes those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.
- (11) **UNLAWFUL ASSEMBLIES.** Any unauthorized or prohibited use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (12) **DILAPIDATED and BLIGHTED BUILDINGS AND PREMISES.**
- (a) Impact on public welfare and application of this section. Blighted premises contribute to conditions that are dangerous or are contrary to the public health, safety, morals and general welfare of the people; the conditions necessitate excessive and disproportionate expenditure of public funds for public health and safety, crime prevention, fire protection and other public services; such conditions cause a drain upon exercise of governmental functions in such areas. Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and shall be fostered and encouraged by this section. It is essential to the public interest that this section be liberally construed to accomplish such purposes.
- (b) Prohibited by this section are:
1. Dilapidated buildings. All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
  2. Blighted buildings and premises. All buildings and premises that are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate any neighboring property value or jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Town.
- (13) **BLIGHTED PROPERTY:** Any property on which there exists any one or more of the following conditions or activities is a blighted property for the purposes of this chapter:
- (a) Abandoned Building or Structure.

1. A building or structure which is not being inhabited, occupied or used and which is unsecured. For purposes of this chapter, a building or structure is unsecured when the public can gain entry without the consent of the owner.
  2. A partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for a period of six (6) months or more.
- (b) Attractive Nuisance. Property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.
- (c) A building or structure which is in a state of disrepair:
1. Exterior wall and/or roof coverings which have become deteriorated and do not provide adequate weather protections, resulting in carpenter ant infestation and/or dry rot.
  2. Broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers.
  3. Building exteriors, walls, fences, signs, retaining walls, driveways, walkways, sidewalks or other structures on the property which are broken, deteriorated, or substantially defaced, to the extent that the disrepair is visible from any public right of way or visually impacts neighboring public or private property or presents an endangerment to public safety.
  4. Building exteriors, walls, fences, signs, retaining walls, driveways, walkways, sidewalks or other structures on the property which have been repainted in such a manner that the appearance may be further deteriorated or substantially defaced.
- (d) Property Inadequately Maintained.
1. Overgrown, diseased, dead, or decayed trees, weeds or vegetation that:
    - a. Are likely to harbor rats, pigeons, vermin, and other nuisances; or
    - b. Detract from the aesthetic and property values of neighboring properties; or
    - c. Constitute a fire hazard or other condition that is dangerous to the public health, safety, or welfare; or

2. Solid waste, which includes "garbage," "refuse" and "rubbish" as those terms are defined in Section 11.02 of this General Code, constitutes blight and blighted property in the following situations:
  - a. The accumulation of solid waste is visible from a street or public right-of-way, is not enclosed in an approved container, and is present for more than seventy-two (72) consecutive hours; or
  - b. The accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any public street, public right-of-way, or neighboring property, unless the method of storage or disposal is specifically allowed by this General Code.
3. Any swimming pool, pond or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. Polluted water is defined for the purpose of this chapter, as water which contains organic growth, including algae, remains of rubbish, refuse, debris, papers, and any other foreign matter or materials, which, because of its nature or locations, constitutes an unhealthy or unsafe condition.

## **10.07 ABANDONED AND JUNKED VEHICLES.**

### **(1) DEFINITIONS**

- (a) **ABANDONED VEHICLE** means any vehicle which has been 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 including, but not limited to, a junked vehicle or any partially dismantled, damaged, inoperable, unlicensed, unregistered, or wrecked vehicle which is stored outside of a fully enclosed building on private property; or any vehicle or part of a vehicle, including but not limited to tires, which are in a condition that renders it favorable to harboring rodents or insect pests and is stored outside a fully enclosed building on private property; or any vehicle or part of a vehicle that is in such condition or parked in such a way to render such vehicle a health or safety hazard.
- (b) **JUNKED VEHICLE** means any vehicle which is inoperable, ruined, dismantled, or wrecked, in whole or in part, including any vehicle in the possession of a motor vehicle salvage dealer for wrecking, processing, scrapping, recycling or dismantling purposes; or, any vehicle that is without current license plates and registration; or, any vehicle that is disabled or inoperable in such a manner and to an extent that it cannot legally be driven on the public roads of this State. Unless and until demonstrated otherwise, it shall be presumed that a vehicle is inoperable if it is not moved for a period of

five (5) consecutive days. The word "moved" refers to movement of a vehicle which serves a useful purpose and is consistent with the use of the vehicle on a regular basis for the purpose for which the vehicle was intended as manufactured, not for the mere purpose of moving same so as to claim or assert compliance with this Section.

- (c) JUNKED VEHICLE PARTS means parts recovered from a junked or abandoned vehicle.
- (d) MOTOR VEHICLE means a vehicle that was, at the time of its manufacture, self-propelled.
- (e) MOTOR VEHICLE SALVAGE DEALER means a legally licensed person who purchases and resells vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who carries on or conducts the business of wrecking, processing, scrapping, or dismantling motor vehicles or selling parts of motor vehicles so processed. A legally licensed motor vehicle salvage dealer also includes a person who sells no vehicles or vehicle parts and whose business is limited to a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.
- (f) PERSON means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.
- (g) PREMISES means a parcel of one or more contiguous parcels of land with common ownership by one or more persons.
- (h) VEHICLE means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:
  1. "Aircraft" means any contrivance invented, used or designed for navigation of or flight in the air, per Wis. Stat. §29.001(16).
  2. "All-terrain vehicle" means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires on non-pneumatic tires, per Wis. Stat. §340.01(2g).
  3. "Antique vehicle" means a motor vehicle which has a model year of 1945 or earlier and which has not been altered or modified from the original manufacturer's specifications. The vehicle shall only be used for special

occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes. A motorcycle may be registered as an antique vehicle, per Wis. Stat. §341.265.

4. "Automobile" means any of the following, per Wis. Stat. §340.01(4):
  - a. Type 1 is a motor vehicle designed and used primarily for carrying persons but which does not come within the definition of a motor bus, motorcycle, moped or motor bicycle.
  - b. Type 2 is a motor vehicle capable of speeds in excess of 30 miles per hour on a dry, level, hard surface with no wind, designed and built to have at least 3 wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.
5. "Boat" means any device capable of being used as a means of transportation on water, per Wis. Stat. §29.001(16).
6. "Camping trailer" means a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle, per Wis. Stat. §340.01(6m).
7. "Farm equipment" means a tractor or other machinery used in the business of farming, per Wis. Stat. §100.47(1).
8. "Farm tractor" means a motor vehicle designed and used primarily as an implement of husbandry for drawing, or having attached to it, other implements of husbandry, per Wis. Stat. §340.01(16).
9. "Homemade vehicle" means any of the following, per Wis. Stat. §341.268:
  - a. A motor vehicle that has been constructed or assembled from new or used parts or both using a body and frame not originating from and not resembling any previously manufactured motor vehicle.
  - b. A motorcycle that is a reproduction of a vehicle originally made by another manufacturer and that consists of a reproduction body that is combined with a new, used, or replica frame and drivetrain.
10. "Junk vehicle" means any of the following, per Wis. Stat. §340.01(25j):
  - a. A vehicle which is incapable of operation or use upon a highway and which has no resale value except as a source of parts or scrap.

- b. A vehicle for which an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.

11. "Implement of husbandry" means all of the following, per Wis. Stat. §340.01(24):

- a. A self-propelled or towed vehicle that is manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. An "implement of husbandry" may include any of the following:
  - i. A farm tractor.
  - ii. A self-propelled combine; a self-propelled forage harvester; self-propelled fertilizer or pesticide application equipment but not including manure application equipment; towed or attached tillage, planting harvesting, and cultivation equipment and its towing farm tractor or other power unit to which it is attached; or another self-propelled vehicle that directly engages in harvesting farm products, directly applies fertilizer, spray, or seeds but not manure, or distributes feed to livestock.
  - iii. A farm wagon, grain cart, farm trailer, manure trailer, or trailer adapted to be towed by, or to tow or pull, another implement of husbandry.
- b. A combination of vehicles in which each vehicle in the vehicle combination is an implement of husbandry as described in Section 10.08(1)(h)11a of this General Code or in which an implement of husbandry described in that section is towed by a farm truck, farm truck tractor, motor truck, or agricultural commercial motor vehicle.

12. "Manufactured home" means any of the following, per Wis. Stat. §101.91(2):

- a. A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.
- b. A mobile home, unless a mobile home is specifically excluded under the applicable statute.

13. "Mobile home" means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty, per Wis. Stat. §101.91(10).
14. "Moped" means any of the following motor vehicles capable of speeds of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator, per Wis. Stat. §340.01(29m):
  - a. A bicycle-type vehicle with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than 130 cubic centimeters or an equivalent power unit.
  - b. A Type 1 motorcycle with an automatic transmission and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.
15. "Motor bicycle" means any of the following, per Wis. Stat. §340.01(30):
  - a. A bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator.
  - b. A 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power and an electric motor of less than 750 watts and that is capable, when powered solely by the motor, of a maximum speed of less than 20 miles per hour with a 170-pound rider on a dry, level, hard surface with no wind.
16. "Motor bus" means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 16 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches, per Wis. Stat. §340.01(31).
17. "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home, per Wis. Stat. §340.01(33m).

18. "Motor truck" means every motor vehicle designed, used or maintained primarily for the transportation of property, per Wis. Stat. §340.01(34).
19. "Motorcycle" means a motor vehicle, excluding a tractor, an all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in excess of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, with a power source as an integral part of the vehicle, and which meets the conditions under par. a or b below, per Wis. Stat. §340.01 (32):
  - a. Type 1 is a motor vehicle which meets either of the following conditions:
    - i. Is designed and built with 2 wheels in tandem and a seat for the operator, and may be modified to have no more than 3 wheels by attaching a sidecar to one side of the wheels in tandem without changing the location of the power source.
    - ii. Is designed and built to have no more than 3 wheels, seating for the operator and nor more than 3 passengers, and does not have the operator area enclosed.
  - b. Type 2 is a motor vehicle designed and built to have at least 3 wheels in contact with the ground, a curb weight of less than 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.
20. "Railroad train" means every device with or without engine or motor and whether or not coupled to other similar devices, operated upon rails for the transporting of persons or property, per Wis. Stat. §340.01(48).
21. "Recreational vehicle" means a vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, and that does not exceed 45 feet in length, per Wis. Stat. §340.01(48r).
22. "Road machinery" means a piece of mobile machinery or equipment, such as ditch digging apparatus, power shovels, drag lines and earth-moving equipment, or a piece of road construction or maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, gravel crushers, screening plants, scrapers, tractors, earth movers, front- or rear-end loaders, conveyors, road pavers, or construction shacks. The foregoing enumeration is intended to be illustrative and does not exclude other similar vehicles which are within

the general terms of this subsection, whether used for road construction and maintenance or not, which are not designed or used primarily for transportation of persons or property and only incidentally operated or moved upon a highway, per Wis. Stat. §340.01(52).

23. "Road tractor" means a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load so drawn, per Wis. Stat. §340.01(53).
24. "Salvage vehicle" means a vehicle less than 7 years old that is not precluded for subsequent registration and titling and that is damaged by collision or other occurrence to the extent that the estimated or actual cost, which is greater, of repairing the vehicle exceeds 70% of its fair market value. The term does not include a hail-damaged vehicle unless the vehicle is repaired with any replacement part, as defined in §632.38(1)(3), per Wis. Stat. §340.01(55g).
25. "School bus", per Wis. Stat. §340.01(56):
  - a. Means a motor vehicle which carries 10 or more passengers in addition to the operator or a motor vehicle painted in accordance with §347.44(1) for the purpose of transporting:
    - i. Pupils to or from a public school as defined in §115.01(1) or a private school as defined in §115.001(3r) or pupils to or from a technical college when required under §118.15(1).
    - ii. Pupils to or from curricular or extracurricular activities.
    - iii. Pupils to or from religious instruction on days when school is in session.
    - iv. Children with disabilities, as defined under §115.76(5), to or from an educational program approved by the department of public instruction.
  - b. Means a motor vehicle which is painted in accordance with §347.44(1) and is used for the purpose of transporting individuals with disabilities as defined in §85.22(2)(bm) or seniors as defined in §85.22(2)(d) in connection with any transportation assistance program for seniors or individuals with disabilities.
26. "Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not

include a mobile home. A vehicle used with a ready-mix motor truck to spread the load is considered a semitrailer, per Wis. Stat. §340.01(57).

27. "Snowmobile" means an engine-driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow but does not include such a vehicle that is any of the following, per Wis. Stat. §340.01(58):
  - a. A vehicle that has inflatable tires.
  - b. A vehicle that is driven by a motor of 4 horsepower or less and that is operated in sanctioned races, derbies, competitions or exhibitions or only on private property.
28. "Special interest vehicle" means any of the following, per Wis. Stat. §341.266:
  - a. A former military vehicle.
  - b. A motor vehicle of any age, of which the body has not been altered from the original and, because of its historic interest, is being preserved by a collector.
29. "Trailer" means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home, per Wis. Stat. §340.01(71).
30. "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, per Wis. Stat. §340.01(73).
31. Unlicensed demolition motor vehicles and unlicensed racing motor vehicles.
32. "Utility Terrain Vehicle (UTV)" means any of the following, per Wis. Stat. §23.33(1):
  - a. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- i. A weight, without fluids, of 2,000 pounds or less.
  - ii. Four or more low-pressure tires or non-pneumatic tires.
  - iii. A steering wheel.
  - iv. A tail light.
  - v. A brake light.
  - vi. Two headlights.
  - vii. A width of not more than 65 inches.
  - viii. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
  - ix. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
- b. A commercially designed and manufactured motor driven device to which all of the following applies:
- i. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
  - ii. It has a width of 50 inches or less.
  - iii. It is equipped with a seat designed to be straddled by the operator.
  - iv. It travels on 3 or more low-pressure tires or non-pneumatic tires.
33. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.

(2) EXEMPTIONS

- (a) Implements of husbandry, such as farm tractors, farm equipment and unlicensed vehicles that are maintained and operable at some time during a calendar year, and used for agricultural purposes such as hauling grain during harvest, are exempt from this Section. Such vehicles shall be allowed to be parked in public view without payment of a State annual license registration fee.

- (b) Vehicles registered quarterly are considered licensed vehicles and in compliance with this Chapter.
  - (c) Vehicles used seasonally for recreation in off-season storage that are legally operable and registered, if so required.
  - (d) Road machinery as defined in General Code 10.07(1)(h)22.
- (3) **VEHICLE ABANDONMENT AND JUNKED VEHICLES PROHIBITED.**
- (a) No person may abandon any vehicle upon any highway or public property. Not more than one abandoned vehicle may be on a privately owned premises.
  - (b) No person may accumulate, store, or otherwise keep, or allow to be accumulated, stored, or otherwise kept on real estate owned or leased by the person, more than one junked vehicle, or any junked vehicle parts, outside of any building on any real estate located within the Town without obtaining a junked vehicle (salvage yard) permit from the Town Board.
  - (c) No person may accumulate, store, or otherwise keep any junked vehicle or junked vehicle parts within 500 feet of the center line of any Town highway in the Town, or within 750 feet of the center line of any County, State, or Federal highway without obtaining a junked vehicle permit from the Town Board.
- (4) **REMOVAL AND IMPOUNDMENT OF ABANDONED VEHICLES.** Any vehicle in violation of this Section shall be impounded until lawfully claimed or disposed of under Section 10.07(5) of the General Code except if determined by the Town Chair or designee that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle. The vehicle may then be disposed of prior to expiration of the impoundment period if the vehicle is not 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 10.07(5) of the General Code.
- (5) **DISPOSAL OF JUNKED, UNREGISTERED MOTOR VEHICLES.**
- (a) The provisions of Wis. Stat. §342.40, unless otherwise provided herein, shall apply to the notice and sale of abandoned vehicles on public roads.
  - (b) Where there is no lienholder of record, and the owner cannot be identified or located, the balance of the proceeds, if any, after deducting the expense of impounding and sale, shall be paid into the Town treasury.
  - (c) A junked vehicle may be disposed of in accordance with the provisions of Wis. Stat. §342.40.
- (6) **OWNER RESPONSIBLE FOR IMPOUNDMENT AND SALE COSTS.**

- (a) The owner of any abandoned vehicle on public streets or public property (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 Town against the owner, or placed on the tax roll as a special charge, per Wis. Stat. §342.40(3).

(7) NOTICE OF SALE OR DISPOSITION.

- (a) Within 5 days after the sale or disposal of a vehicle as provided in Section 10.07(5) of the General Code, the Town Clerk shall advise the Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of the form shall be given to the purchaser and a copy shall be retained on file in the Town.

**10.10 ABATEMENT OF PUBLIC NUISANCES.**

- (1) ENFORCEMENT. The Town Chair, or designee, is authorized to enforce the provisions of this chapter. Where inspections are necessary to confirm existence of a public nuisance, any such person so authorized by the Town Chair shall be deemed an "Inspection Officer."

(2) The Town recognizes that there are two types of abatement:

- (a) IMMEDIATE ABATEMENT. If the Inspection Officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Chair may direct the proper authorities to cause the same to be abated and charge the cost to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

- (b) GENERAL ABATEMENT. If the Inspection Officer determines that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals or decency, the following process will be followed.

1. The Inspection Officer will notify the Town Chair of his/her recommendation concerning the premises.
2. The Town Chair, in consultation with the Town Board, and legal counsel if necessary, shall serve written notice on the person causing or maintaining the nuisance to remove the same within a period of time set by the Town Board. The written notice sent by certified mail will provide the following information:
  - a. A detailed description of the nuisance.

- b. The required action(s) for abatement of the nuisance.
  - c. A written summary of the potential penalties for non-compliance.
3. If such nuisance is not removed within the time period designated by the Town Board in the written notice, the Town Chair shall cause the nuisance to be removed as provided in Section 10.10(2)(a) of the General Code.
- (3) **OTHER METHODS NOT EXCLUDED.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State.
- (4) **COURT ORDER.** Except when necessary under Section 10.10(2)(a) of the General Code, an Inspection 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.

**10.11 COST OF ABATEMENT.** In addition to any other penalty imposed by this chapter for the erection, contrivance, 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.

**10.15 PENALTY.** Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder or permit or cause a public nuisance shall be subject to a penalty as provided in Section 25.04 of the General Code.