**CODE OF GENERAL ORDINANCES**

**OF THE**

**TOWN OF DOTY**

**OCONTO COUNTY, WISCONSIN**

**Chapter 4: Public Welfare**

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# Public Welfare

## RESERVED

## Reserved

## Control and Care of Dogs, Cats and Pets

### Purpose

The purpose of this ordinance is to regulate, by tag (when applicable) and penalty, the care, treatment, and control of dogs, cats and pets in the town.

### Authority

The town board has the authority under its village powers under Wis. Stats. § 60.22, and the specific authority under Wis. Stats. § 60.23 (30), and Wis. Stats. chs. 173, 174, and 951, to adopt this ordinance.

### Definitions

#### “Abandoned” means that a known owner has failed to pay the impoundment and care costs incurred by the town, as specified in Section 4.0307, within 7 days after receipt by a pet owner of written notice from the town clerk-treasurer that the pet is under the possession and care of the town or its designated agents.

#### “Legal premises” means the real property owned or occupied by the owner of a dog, cat or pet.

#### “Owner” means a person who owns, harbors, or keeps a dog, cat or pet.

#### “Running at large” means off the owner’s legal premises and not under the control of the owner or some other person.

#### “Stray” means a dog, cat or pet running at large whose owner is unknown.

#### “Untagged” means a valid license tag is not attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner’s legal premises.

#### “Pet” means an animal primarily for a person’s company or protection, opposed to working animals, sports animals, livestock and laboratory animals.

#### “Principal place of residence” means the entire property of the owner or possessor

### Restrictions

Except as provided in Section 4.0305 of this ordinance, no person may do any of the following:

#### Allow any dog, cat or pet owned by that person to run at large in the town.

#### Allow any dog owned by that person to be untagged in the town.

#### Allow any dog, cat or pet owned by that person to be abandoned in the town.

#### Allow a dog, cat or pet on the legal premises of its owner to continue to frequently or habitually howl, yelp, bark, cry or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the neighborhood. Such dogs, cats or pets are hereby declared to be a public nuisance.

### Exemptions from Section 4.0304 Coverage

#### A dog that is actively engaged in the town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land in the town that is open to hunting or on land for which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog-related outdoor events occurring in the town when these events have been approved by the town board, or its designees.

#### A dog that is untagged and used by a law enforcement agency as defined in Wis. Stats. §165.83(1)(b), in the town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.

#### A dog that is untagged and kept in the town for educational or scientific purposes as determined by the town board shall not be considered untagged for purposes of this ordinance.

#### A dog that is untagged and is kept in the town for the blind, deaf, or mobility impaired as determined by the town board shall not be considered untagged for purposes of this ordinance.

### Dog License Tax

#### The owner of a dog or dogs more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except as follows:

##### Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.

##### Dogs that are kept only for educational or scientific purposes are not required to be licenses and are exempt from the dog license tax.

#### The license tax shall be reviewed from time to time by the town board in accordance with Wis. Stats. §174.05 (2).

#### The license year commences on January 1 and ends on the following December 31.

#### A late fee as provided in the town fee schedule may be collected from every owner of a dog or dogs 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the date of the dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

#### All dogs must be vaccinated against rabies. No license shall be issued unless a dog or dogs are vaccinated, and sufficient proof of vaccination is presented with license request.

#### The town may deny a permit if it is in the best interest of the town. Examples include, but are not limited to: Aggressive or violent animal(s), previous excessive noise or other complaints to the sheriff’s department/town residents, failure to provide water, nourishment or other support to animals. This denial may be based on a specific animal, owner or property.

### Town Authority – Taking Custody of Animals

#### A town official or designated employee of the town shall attempt to capture and restrain any dog, cat, or pet running at large or any untagged dog.

#### Any town official or designated employee, or a law enforcement officer, on behalf of the town, may take custody of any dog, cat or pet if the town official, designated employee or law enforcement officer has reasonable grounds to believe that the animal is one of the following per Wis. Stats. §173.13:

##### An abandoned or stray animal.

##### A dog is not tagged as required by Wis. Stats. ch. 174.

##### An animal not confined as required by a quarantine order under any statute, rule or ordinance relating to the control of any animal disease.

##### An animal that has caused damage to persons or property.

##### A participant in an animal fight intentionally instigated by any person.

##### An animal mistreated in violation of Wis. Stats. ch. 951.

#### If the identity of the owner of a dog, cat or pet taken into custody under this ordinance is known or can be determined, the town clerk-treasurer shall provide written notice to the owner that the dog, cat or pet is in the town’s custody and shall inform the owner that if the owner fails to claim the dog, cat or pet, have the dog properly tagged, if applicable, and pay the costs of impoundment and care incurred by the town, the dog, cat or pet will be considered abandoned. The owner may claim the dog, cat or pet upon providing reasonable evidence of ownership, the dog is properly tagged, if applicable, and all charges for custody, care, vaccination and treatment are paid per Wis. Stats. §173.23.

#### If the identity of the owner of a dog, cat, or pet taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog, cat, or pet shall be considered a stray.

#### Unclaimed stray or abandoned dog, cats, or pet remaining in the custody of the town will remain in the custody of the town for no more than 7 days after issuance of the notice to the owner under Section 4.0307(C) may be released to a person other than the owner, in accordance with Wis. Stats. § 173.23(1m)(a), if all of the following apply:

##### The person provides his or her name and address.

##### If licensure is required by statute or ordinance, the animal is licensed, or assurance of licensure is given by evidence of prepayment.

##### If vaccination is required by statute or ordinance, the animal is vaccinated, or assurance of vaccination is given by evidence of prepayment.

##### Any charges imposed by the town for custody, care, vaccination and treatment are paid or waived.

#### The town and its officials and agents shall comply with Wis. Stats. chs. 173-174.

#### All persons in the town shall fully cooperate with the town regarding dogs, cats and pets in the town and shall answer frankly, fully, and truthfully all questions of the town relative to dog, cat and pet ownership, possession, and keeping all dogs, cats and pets within the town.

### Running at Large

#### No owner or possessor of any dog, cat or pet shall permit the same to run at large in the town. For dogs, cats or pet running at large includes all situations in which a dog, cat or pet is:

##### Not within the principal place of residence of the owner or possessor, and,

##### Not tied up, not securely penned, or not securely held by a chain, rope or leash.

#### All chains, ropes and leashes shall be so placed or attached that they cannot become entangled with another animal or object and shall be sufficient length to allow animal proper exercise and convenient access to food, water and shelter. Such chain, rope or leash shall be located so as to prohibit such animal from trespassing on private property belonging to others and from causing harm or danger to person or other animals.

#### When a dog, cat, or pet is outside the principal residence of its owner or possessor, it shall be within the control of its owner or possessor and shall be attached to a leash; which the leash, owner, or possessor shall hold or be attached to, as well as the animal.

#### No owner or person harboring or keeping a fierce or vicious dog or dogs in heat or cat or cats in heat shall allow the same to run at large any anytime.

### Wild, Exotic, or Vicious Animals as Pets

#### Purpose

The purpose of this ordinance is for the town to regulate by permit and penalty the possession, display, sale, purchase, and exhibition of certain harmful wild animals and exotic or wild animals in the town.

#### Authority

#### The town board has the specific authority under Wis. Stats. § 169.43, and general authority under its village powers under Wis. Stats. § 60.22, to adopt this ordinance.

#### Definitions

In this ordinance:

##### "Bovine animal" means domestic cattle and American bison of any age or sex.

##### "Cattle" means any of the various animals of the domesticated genus Bos.

##### "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer, and the subfamily musk deer. "Cervid" includes all farm-raised deer.

##### "Circus" means a scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, or trained animals is the primary attraction or principal business.

##### "Domestic animal" means any of the following:

######  Domesticated cats of the subspecies Felis silvestris catus.

###### Domesticated dogs of the subspecies Canis lupus familiaris.

###### Rodents kept in cages, aquariums, or similar containers, including gerbils, hamsters, guinea pigs, and white mice.

###### Fish kept in aquariums or self-contained bodies of water and farm-raised fish, except fish that have been released to waters of the state.

###### Farm-raised deer that are kept by a person registered under Wis. Stas. §95.55.

###### Livestock.

###### Poultry.

###### Farm-raised game birds, except farm-raised game birds that have been released to the wild.

###### Ratites.

###### Foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit, or caraculs that are born, bred, and raised in captivity and are not endangered or threatened species.

###### Pet birds.

###### Any other animal listed as a domestic animal by rule by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

##### "Equine animal" means a horse, mule, zebra, donkey, or ass.

##### "Exotic or wild animal" means any animal that is not a domestic animal and specifically includes all of the following:

###### Nonhuman primates and prosimians, including chimpanzees and monkeys.

###### Felids, except domesticated cats of the subspecies Felis silvestris catus, including lions, tigers, and other felids generally referred to as big cats.

###### Canids, except domesticated dogs of the subspecies Canis lupus familiars, including foxes not born, bred, and raised in captivity, and all wolves, coyotes, and wolf hybrids.

###### Ursids, including all bears.

###### Elephants.

###### Crocodilians, including alligators and crocodiles.

###### Marsupials, including kangaroos, wallabies, and opossums.

###### Hippopotami.

###### Rhinoceroses.

###### Hyenas.

###### Mustelids, except domestic ferrets, including skunks, otters, and badgers.

###### Procyonids, including raccoons and coatis.

###### Dasypodidae, including anteaters, sloth, and armadillos.

###### Viverrids, including mongooses, civets, and genets.

###### Reptilia over 10 feet in length, including boa constrictors, pythons, and any other snakes.

###### Venomous reptilia.

###### Cervids, except farm-raised deer that are kept by a person registered under Wis. Stats. § 95.55.

###### Camelids, except South American camelids.

##### "Farm-raised deer" means a captive cervid but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. "Farm-raised deer" does not include a cervid kept by an institution accredited by the American association of zoological parks and aquariums.

##### "Farm-raised game bird" means a captive bird of a wild nature that is not native. "Farm-raised game bird" does not include poultry or ratites, or birds kept pursuant to a license issued under Wis. Stats. §§ 169.15, 169.19, 169.20, or 169.21.

##### "Harmful wild animal" means members of the family ursidae commonly known as bears, the species Felis concolor commonly known as cougars, and any other animal designated as a harmful wild animal under Wisconsin Statutes, or by rule of the Wisconsin Department of Natural Resources.

##### "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, farm-raised game birds, South American camelids, and ratites.

##### "Pet bird" means a psittacine or softbill that is not native, is not identified on the federal list of endangered and threatened species and is not a migratory bird.

##### "Poultry" means domesticated fowl, including chickens, turkeys, and waterfowl, that are bred for the primary purpose of exhibition or producing eggs or meat. "Poultry" does not include ratites.

##### "Possess" means to own, control, restrain, transport, or keep.

##### "Public zoo or aquarium" means a zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association.

##### "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi, and rhea.

##### "Self-contained body of water" means a body of water that has no inlet from or outlet to a natural body of water, except that it may have pipes or similar conduits to put in or withdraw water that are equipped with barriers that prevent the passage of fish between the body of water and the other waters of the State of Wisconsin.

##### "South American camelid" means a llama, alpaca, vicuñ a, or guanaco.

##### "Veterinarian" means a person who is licensed in the State of Wisconsin to practice veterinary medicine under Wis. Stats. ch. 453, and who is certified under rules promulgated by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

####  Authorized Possession

##### The following persons may possess exotic or wild animals in the town:

###### A person licensed by the Wisconsin Department of Natural Resources under Wis. Stats. ch. 169.

###### A veterinarian, for the purpose of providing medical treatment to the animal.

###### A public zoo or aquarium, with a permit issued by the town.

###### A circus, with a permit issued by the town.

###### A person authorized by the Wisconsin Department of Natural Resources for the possession of the specific type of harmful wild animal or exotic or wild animal in the town.

##### Except as provided in Section 4.0309(D)(3) , any person not included in Section 4.0309(D)(1) may possess in the town an exotic or wild animal only with a permit issued by the town board under the specific conditions established by the town board.

##### A person is exempt from holding a license or other approval under Wis. Stats. § 169.04(4), or any permit from the town, to possess live native wild animals, if these wild animals are not endangered or threatened species and are any of the following:

###### Arthropods.

###### Chipmunks.

###### Pocket gophers.

###### Mice.

###### Moles.

###### Mollusks.

###### Opossums.

###### Pigeons.

###### Porcupines.

###### Rats.

###### Shrews.

###### English sparrows.

###### Starlings.

###### Ground squirrels.

###### Red squirrels.

###### Voles.

###### Weasels.

#### Exhibition of Certain Animals

##### No person may without a permit issued under Section 4.0309(F) display in the town for the purpose of public viewing any exotic or wild animals or harmful wild animals.

##### This section shall not apply to any of the following:

###### Persons that have received a license or authorization from the Wisconsin Department of Natural Resources under Wis. Stats. ch. 169.

###### A public zoo or aquarium, with a permit issued by the town board.

###### A veterinarian, for the purposes of providing medical treatment to the animal.

###### A circus with permits issued by the town board.

####  Permits

##### No person may exhibit, possess, sell, or purchase an exotic or wild animal or harmful wild animal in the town without a written permit from the town board.

##### The applicant for a permit shall submit an application that contains all of the following:

###### The name of the applicant, any agent of the applicant, and the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.

###### The address of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.

###### The business and residential telephone number of the applicant, the business and residential telephone number of any agent of the applicant, and the business and residential telephone number of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.

###### The age of the applicant and of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.

###### The legal description of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.

###### The manner, if any, of keeping the exotic or wild animal or harmful wild animal.

###### The type and number of wild animals or harmful wild animals, if more than one, that will be exhibited, possessed, sold, or purchased.

###### Any other items requested by the town board in writing.

##### No permit for the display, possession, sale, or purchase in the town of an exotic or wild animal or a harmful wild animal shall be issued by the town board until a public hearing is held by the town board on the application for a permit. The town clerk-treasurer shall publish a notice of hearing as a class 2 notice under Wis. Stats. ch. 985, the cost of which shall be paid by the permit applicant. The town board may, after the public hearing, issue a permit in writing only if it determines that the exhibition, possession, sale, or purchase in the town proposed by the applicant will not constitute a public nuisance or a threat to health and safety of the residents of the town. The town board may include in the permit specific conditions to protect public health and safety and to prevent a public nuisance. A permit shall be for a fixed period determined by the town board and is subject to revocation in the event of the violation of the conditions of the permit or this ordinance after an applicable public hearing and notice and determination, as provided in this subsection for an initial permit application. Upon a determined emergency condition in the town, the town board may suspend the permit without a hearing.

#### Prohibition

No person may permit an exotic or wild animal or a harmful wild animal to run at large or to be released from captivity within the town. Any exotic or wild animal or harmful wild animal running at large shall be subject to seizure, detention, and disposal.

#### Penalty Provision

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than $20.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

### Animal Waste

It is unlawful for any owner, keeper or possessor including the walker of any dog, cat or pet to permit the animal to discharge animal excreta upon any public or private property other than the property of its owner.

### Inhumane Treatment

No person shall be cruel or inhumane to any animal by beating, torturing, mutilating or failing to provide it with adequate food, drink or shelter. No person shall abandon any animal within the town.

### Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture established by the town board (refer to the town bond schedule), plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

 **4.0400 PUBLIC NUISANCE**

1. 4.0401- TITLE AND PURPOSE

The title of this ordinance is the Town of Doty Public Nuisance Ordinance. The purpose of this ordinance is to regulate for public health and safety reasons public nuisances and certain uses and activities in the town.

1. 4.0402 - AUTHORITY

The town board has the specific authority under ss. 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25, and chapter 823, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats. to adopt this ordinance.

1. 4.0403 - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the storage, treatment, disposal, and discharge of certain junk and of other items, uses, and activities in the town.

1. 4.0404 - DEFINITIONS
2. "Agricultural use" means any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint, and seed crops, raising of fruits, nuts, and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836, participating in the milk production termination program under 7 USC 1446 (d), and vegetable raising.
3. "Appliance" means any household or office device, instrument, utensil, apparatus, or machine that utilizes power, including, but not limited to, any stove, clothes washer or dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, computer or peripheral device, or other home or office electronic device.
4. "Building" includes any building or structure or any portion of a building or structure.
5. "Debris" means any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a substantial threat to public health or safety, or create a public nuisance or a public safety or health hazard, except when such items are determined by the town board or town committee or other agent of the town to be stored or housed out of public view and are treated and maintained so as not to be a public nuisance.
6. "Equipment" means goods used or bought for use primarily in a business, including fanning and a profession.
7. "Hazardous waste" means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under s. 291.05 (2), Wis. stats.

G. "Junk" means scrap metal, metal alloy, wood, concrete, or synthetic or organic material or any junked, inoperative, unlicensed, or unregistered vehicle, structure, equipment, furniture, appliances, or machinery, or any part thereof. "Junk" includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, pmts of agricultural use equipment, and contaminated recyclable material.

H. "Junked" means dismantled for parts or scrapped.

1. "Junked vehicle parts" means parts from a junked vehicle.
2. "Junkyard" means any place that is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling junk. "Junkyard" includes sanitary landfills, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards, and places for temporary storage of automobile bodies or parts awaiting disposal as a nonanal part of a business operation when the business will continually have like materials located on the premises. "Junkyard" does not include places where litter, trash, and other debris are scattered along or upon a highway or temporary operations and outdoor storage of limited duration.
3. "Local zoning and land use regulation" means any applicable county, town, or extraterritorial zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.
4. "Machinery" means a structure or assemblage of parts that transmits forces, motion, or energy from one pan to another in a predetermined way by electrical, mechanical, or chemical means. "Machinery" does not include a building.
5. "Motor vehicle dealer" has the meaning given in s. 218.0101 (23), Wis. stats.
6. "Motor vehicle salvage dealer" has the meaning given in s. 218.20 (Ir), Wis. stats.
7. "Not registered," in reference to "all-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats., "snowmobiles" as defined in s. 340.01 (58a), Wis. stats., or "boats" as defined in s. 29.001 (16), Wis. stats., means those that are required to, but do not have nor bear, required current and valid State of Wisconsin licenses or registrations.
8. "Public nuisance" means a thing, act, occupation, condition, or use of property that continues in the town for such time as to do any of the following:
	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.

* 1. Greatly offend the public morals or decency.
	2. Unlawfully and substantially interfere with, obstruct, or attempt 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.
1. "Recyclable material" means material that is suitable for recycling.
2. "Scrap metal processor" means 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 nonfe1Tous metal scrap for sale for remelting purposes.
3. "Solid waste" means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste and other organics, boxes, barrels and other containers, tires and other like materials, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and any other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, agricultural, and community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under chapter 283, Wis. stats., source material as defined in s. 254.31 (1), Wis. stats. , special nuclear material as defined in s. 254.31 (11), Wis. stats. , or byproduct material as defined in s. 254.31 (1), Wis. stats.
4. "Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing, treatment, and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:
	1. A facility for the processing of scrap iron, steel, or nonferrous metal using machinery to produce a principal product of scrap metal for sale or use for remelting purposes.
	2. A facility that uses machinery to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
	3. An auto junkyard or scrap metal salvage yard.
5. "Town" means the Town of Doty, Oconto County, Wisconsin.
6. "Town board" means the board of supervisors for the Town of Doty, Oconto County, Wisconsin, and includes designees of the board authorized to act for the board, specifically including the town clerk and town chair.
7. "Town chair" means the chairperson of the Town of Doty, Oconto County, Wisconsin.
8. "Town clerk" means the clerk of the Town of Doty, Oconto County, Wisconsin.
9. "Town committee" means a committee established by the town board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the town.
10. "Unlicensed" or "unregistered" in reference to vehicles, mobile homes, or manufactured homes means those that are required to be licensed or registered for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.
11. "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" as defined in s. 29.001 (16), Wis. stats.
		2. "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats.
		3. "Antique vehicles" as described in s. 341.265, Wis. stats.
		4. "Automobiles" as defined in s. 340.01 (4), Wis. stats.
		5. "Boats" as defined in s. 29.001 (1 6), Wis. stats.
		6. "Camping trailers" as defined in s. 340.01 (6m), Wis. stats.
		7. "Farm equipment" as defined in s. 100.47 (1), Wis. stats.
		8. "Farm tractors" as defined in s. 340.01 (16), Wis. stats.
		9. "Hobbyist or homemade vehicles" as defined in s. 341.268, Wis. stats.
		10. "Junk vehicles" as defined in s. 340.01 (25j), Wis. stats.
		11. "Implements of husbandry" as defined in s. 340.01 (24), Wis. stats.
		12. "Manufactured homes" as defined in s. 101.91 (2), Wis. stats.
		13. "Mobile homes" as defined in s. 340.01 (29), Wis. stats.
		14. "Mopeds" as defined in s. 340.01 (29m), Wis. stats.
		15. "Motor bicycles" as defined in s. 340.01 (30), Wis. stats. 
		16. "Motor buses" as defined in s. 340.01 (31), Wis. stats.
		17. "Motor homes" as defined in s. 340.01 (33m), Wis. stats.
		18. "Motor trucks" as defined in s. 340.01 (34), Wis. stats.
		19. "Motorcycles" as defined in s. 340.01 (32), Wis. stats.
		20. "Railroad trains" as defined in s. 340.01 (48), Wis. stats.
		21. "Recreational vehicles" as defined in s. 340.01 (48r), Wis. stats.
		22. "Road machinery" as defined in s. 340.01 (52), Wis. stats.
		23. "Road tractors" as defined in s. 340.01 (53), Wis. stats.
		24. "Salvage vehicles• as defined in s. 340.01 (55g), Wis. stats.
		25. "School buses" as defined in s. 340.01 (56), Wis. stats.
		26. "Semi-trailers" as defined in s. 340.01 (57), Wis. stats.
		27. "Snowmobiles" as defined in s. 340.01 (58), Wis. stats.
		28. "Special interest vehicles" as defined in s. 341.266, Wis. stats.
		29. "Trailers" as defined in s. 340.01 (71), Wis. stats.
		30. "Truck tractors" as defined in s. 340.01 (73), Wis. stats.
		31. Unlicensed demolition vehicles and unlicensed racing vehicles.
		32. Golf carts, garden tractors, riding lawn mowers, and other mot01ized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.
1. "Wild animal" means any animal of a wild nature that is normally found in the wild and that is not a farm raised deer, a pet bird, a fain-raised game bird, or an animal that is listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection.
2. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

4.0405 - PUBLIC HEALTH OR SAFETY

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after written notice to remove from the town board to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred, or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be a public nuisance:

1. Noxious weed areas. Any place in the town where noxious weeds are over one foot high, are located on private or public land, and the noxious weeds are not timely cut or removed within 14 Days after posting or publication of a notice to destroy noxious weeds under s. 66.0407, Wis. stats., or within 14 hours after receipt of written notice to remove from the town board.
2. Unburied animal carcass areas. Any place in the town where unburied animal carcasses are located on private or public land and the animal carcasses are not timely removed or discarded, including by timely burial in a sanitary manner, within 48 hours after receipt of written notice to remove from the town board. This paragraph does not apply to any animal or pet cemetery approved in writing by the town.
3. Noxious or polluted or waste areas. Any place in the town where noxious, nauseous, unwholesome, or polluted water and waste are located on private or public land, including town roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the town, and those conditions are not timely removed within 48 hours after receipt of written notice from the town board.
4. Noxious emission odor areas. Any place in the town where noxious odor, stench, or gas escapes or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within 48 hours after receipt of written notice to remove from the town board. In this subsection, "noxious odor" means an odor that is extremely repulsive to the senses of ordinary persons in the town and that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the town, as determined by the town board.
5. Rat or vermin areas. Any place in the town where rats or other vermin are located or frequent on public or private land, and those conditions are not removed or destroyed within 48 hours after receipt of written notice to remove from the town board
6. Unauthorized human burial areas. Any place in the town where the body of a deceased person or parts of a deceased person are located and buried on private or public land in the town without written approval of the town board and are not timely removed within 7 Days after receipt of written notice to remove from the town board. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with chapter 157, Wis. stats.
7. Hazardous, toxic, or solid waste facility or site areas. Any place or solid waste facility in the town where the discharge, disposal, storage, or treatment of hazardous, toxic, or solid waste occurs on private or public lands without approval and licensing or permitting of the discharge, disposal, storage, or treatment by all proper federal, state, county, and town governing authorities and full compliance with all applicable laws, rules, regulations, or ordinances of the federal, state, county, or town, and the activity or condition is not timely removed or discontinued within 24 hours after receipt of written notice to remove from the town board. To constitute a public nuisance under this paragraph, an area, facility, or site must threaten or cause serious discomfort or serious injury to the health or cause serious inconvenience to the health or safety of a significant number of persons within the town, as determined by the town board.
8. Dangerous wild animal areas. Any place in the town where live dangerous wild animals are kept, sold, or in any manner controlled or possessed on private or public land without written approval of the town board and the animals are not removed or destroyed within 48 hours after receipt of written notice to remove from the town board unless written approval of the town board is obtained within said time. To constitute a dangerous wild animal, under this paragraph, the species of animal must pose a threat to the safety of persons within the town, including a keeper of the animal, as determined by the town board. It is not necessary that the town board find that a specific animal is dangerous in order to find a nuisance under this paragraph. For purposes of this ordinance, dangerous wild animals include, but are not limited to, all of the following species of animals defined in Ordinance 4.03 section 4.0309.
9. Dangerous or dilapidated building areas. Any place in the town where a building or structure, the contents of a building or structure, or any associated electrical, heat, water, or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, and the conditions that are dangerous, unsafe, unsanitary or otherwise render the building unfit for human habitation are not timely removed or discontinued within 30 Days of receipt of written notice to remove from the town board.
10. Dangerous tree areas. Any place in the town where any trees or tree limbs located on private or public lands constitute a dangerous or unsafe condition and these dangerous or unsafe conditions have not been timely removed within 14 Days after receipt of written notice to remove from the town board.
11. Fire hazard areas. Any place in the town where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within 48 hours after receipt of written notice from the town board.
12. Improper encroachment or discharge areas. Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any town roadway or on other town public lands without written permission from the town board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within 48 hours of the receipt of written notice to remove from the town board.
13. Junked vehicle and junked part areas. Any place in the town 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 trunk, state trunk, or federal highway where junked vehicles or junked vehicle parts are accumulated or stored or any place in the town where junked vehicles or junked vehicle parts are accumulated or stored outside of a building for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, without obtaining a Junked Vehicle Permit from the town in accordance with the Town Junked Vehicle Ordinance adopted under s. 175.25, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., except when exempt under the terms of the Town Junked Vehicle Ordinance. \*\*
14. Junkyard and junked vehicle, appliance, and machine areas. Any place in the town where junked or abandoned vehicles, not otherwise subject to subsections N or O, or junked or abandoned appliances, equipment, or machinery are accumulated or stored for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, and any place otherwise within the definition of junkyard under this ordinance that is not timely removed or discontinued within 48 hours of receipt of written notice to remove from the town board, unless exempt under Section 4.0409 of this ordinance.
15. Unlicensed or unregistered vehicle area. Any place in the town where for a period exceeding 30 days upon private property a not registered, unlicensed, or unregistered vehicle is parked, stored, or otherwise kept outside a building without the written permission of the town board and is not timely removed or discontinued within 48 hours of receipt of written notice to remove from the town board, unless exempt under Section 4.0409 of this ordinance.

4.0406 - PUBLIC PEACE AND ORDER

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause potential danger, disturbance, or injury to the public peace and order. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after written notice to remove from the town board to the owner or occupant of the land where the public nuisance occurred or is maintained in the town, or to any persons responsible for the creation, maintenance, or permitting of such nuisance in the town, are specifically declared to be a public nuisance:

1. Loud noise areas. Any place in the town where any unreasonably loud, discordant, and unnecessary sound conditions, including sounds from vehicles, equipment, machinery, guns, fireworks, or enclosed domestic or other animals, or from any human-created or -aided sounds, including alleged music, is located on private or public land without written approval of the town board and is not timely removed or discontinued upon notice from Sheriff’s officer
2. Disorderly conduct area. Any place in the town where unpermitted, abusive, indecent, profane, or boisterous sounds, unpermitted fighting, brawling, or rioting, or other unpermitted disorderly conduct conditions, are located or occur on private or public lands and these disorderly conditions are not timely removed or discontinued upon notice from Sheriff’s officer.

4.0407 - PUBLIC MORALS OR DECENCY

No person may create, continue, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to public morals or decency. The following acts, uses, activities, things, occupations, places, or physical conditions not properly and timely removed by the owner or occupant of the land after written notice to remove from the town board to the owner or occupant of the land where the public nuisance occurs, or to any person responsible for the creation, maintenance, or permitting of such nuisance in the town, are specifically declared to be a public nuisance as follows:

1. Bawdyhouses. Pursuant to s. 823.09, Wis. stats., whoever erects, establishes, continues, maintains, uses, occupies, or leases any building or part of a building, erection, or place to be used for the purpose of lewdness, assignation, or prostitution, or permits the same to be so used, in the town, is guilty of a nuisance and the building, erection, or place in or upon which such lewdness, assignation, or prostitution is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and contents used therewith for the same purpose, are declared a nuisance, and shall be enjoined and abated.
2. Illegal drug houses. Pursuant to s. 823.113 (1), Wis. stats., any building or structure that is used to facilitate the delivery, distribution, or manufacture, as defined in s. 961.01 (6), (9), and (13), Wis. stats. , respectively, of a controlled substance as defined in s. 961.01 (4), Wis. stats., or a controlled substance analog as defined ins. 961.01 (4m), Wis. stats., and any building or structure where those acts take place, is a public nuisance and may be proceeded against under s. 823.113, Wis. stats.
3. Criminal gang houses. Pursuant to s. 823.113 (1), Wis. stats., any building or structure that is used as a meeting place of a criminal gang, as defined in s. 939.22 (9), Wis. stats., or that is used to facilitate the activities of a criminal gang, is a public nuisance and may be proceeded against under s. 823.113, Wis. stats.
4. Gambling houses. Pursuant to s. 823.20, Wis. stats. any gambling place, as defined in s. 945.01 (4) (a), Wis. stats. is a public nuisance and may be proceeded against under chapter 823, Wis. stats.

E. Illegal alcohol houses. Pursuant to s. 125.14 (5), Wis. stats., any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under chapter 125 or 1 39, Wis. stats., or where persons are permitted to drink alcohol beverages in violation of chapter 125, Wis. stats., is a public nuisance and may be closed until the activity in violation of chapter 125, Wis. stats., is abated. When the activity is abated, the building or place may be used for any lawful purpose.

4.0408 - ABANDONED VEHICLES. MACHINERY. EOIJIPMENT. AND APPLIANCES ON PUBLIC LANDS

No person shall leave unattended or stored any vehicle, regardless of the vehicle's physical condition, registration, or license held, any appliance, equipment, or machinery, or parts thereof, on any public street, public road, public highway, or other public property in the town, including the road right-of-way, for such time and under such circumstances as to cause the vehicle, appliance, equipment, or machinery to reasonably appear to have been abandoned. When any vehicle, machinery, appliances, or equipment has been left unattended, parked, or stored on any public street, road, highway, or other public property, including a road right-of-way, within the town for a period of more than 72 hours, the vehicle, structure, machinery, appliances, or equipment is presumed by the town to be abandoned and a public nuisance and may be removed in accordance with s. 342.40, Wis. stats. , and the owner of the vehicle is subject to the imposition of forfeitures under Section 4.0407 of this ordinance. This section does not apply to a railroad train stopped at a railway crossing as defined in s. 340.01 (47), Wis. stats.

4.0409 - EXEMPTIONS AND PERMIT

 A. Exemptions. 

1. Any storage of junked vehicles or junked vehicle pans on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the storage of the vehicles or parts have been issued a permit and met the Junked Vehicle Permit requirements established by the town board in the Town Junked Vehicle Ordinance adopted under

s. 175.25, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., is exempt from the provisions of Section 4.0405, subsection N, applicable to storage of junked vehicles and junked vehicle parts. The exemption granted under this paragraph is strictly limited to the extent allowed by the permit.

1. Any operation of a junkyard on Private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the operation of the junkyard have obtained all the proper and necessary federal, state, county, town, and extraterritorial municipal approvals, permits, or licenses for the operation or have obtained licenses for operation of a junkyard on that privately owned premise under s. 84.31, Wis. stats., is exempt from the provisions of Section 4.0405, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the approvals, permits, or licenses.
2. Any commercial motor vehicle salvage or motor vehicle retail sales business on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current motor vehicle salvage dealer license under s. 218.205, Wis. stats., authorizing storage uses, operations, and activities at property locations in the town or hold a current motor vehicle dealer license under s. 218.0114, Wis. stats., for salvage, sale, or storage operation and activities at a property location in the town, and are actively engaged in the town, as determined in writing by the town board, in the commercial motor vehicle salvage or motor vehicle retail sales business on property in the town is exempt from the provisions of Section 4.0405, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and pans thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.
3. Any business engaged in the retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current and valid manufactured home dealers license under s. 101.951, Wis. stats., or a current and valid recreational vehicle dealers license under s. 218.12, Wis. stats. , issued by the State of Wisconsin, and are actively engaged in the town, as determined in writing by the town board, in the business of commercial retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on property in the town is exempt from Section 4.0405, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.
4. Any parking, storage, or other keeping outside of buildings in the town of 2 or fewer unlicensed or unregistered vehicles or 2 or fewer boats, snowmobiles, or all-terrain vehicles, not registered with the State of Wisconsin, on private lands owned or leased by the owner or leaseholder of the vehicles that is in conformity with local zoning and land use regulation, even if the vehicles are not stored for purposes of sale or repair, is exempt from the provisions of Section 4.0405, subsection N, relating to the keeping and storage of unlicensed or unregistered vehicles.
5. Any parking, storage, or other keeping of any agricultural use vehicles in the open on private lands in the town that is in conformity with local zoning and land use regulation by the owner or leaseholder of the land, if the vehicles are and can be used by the owner or leaseholder, without repair, for normal agricultural use in the town is exempt from the provisions of Section 4.0405, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. Notwithstanding anything contained in this paragraph, storage of inoperable junk or other unrepaired agricultural use vehicles on private property of any person for more than 24 hours in the open shall be deemed a violation of Section 4.0405, subsection O, unless the storage is at a commercial implement repair location where the equipment or implements can and will be timely repaired and removed from the premise.

B. Permits.

1. Upon proper and timely application by an owner or occupant of the premises in the town to the town clerk for a permit, and after a public hearing held by the town board, the town board may permit on public or private lands in the town, with or without conditions and restrictions, any of the following:
	1. The storage in the open on private premises of vehicles, structures, machinery, appliances, or equipment in the town that are subject to Section 4.0405.
	2. The maintenance of buildings, structures, or dwellings in the town that are subject to Section VI.
	3. The storage, disposal, treatment, or discharge of items, waste, and materials in the town that are subject to Section 4.0405VI.
2. A permit under this subsection B may be issued by the town board regardless of the ownership or possession rights to the vehicles, implements, machinery, structures, equipment, appliances, buildings, structures, dwellings, items, waste, or materials to be stored, maintained, disposed, treated, or discharged.
3. The applicant shall be notified of the public hearing required under paragraph 1 at least 20 days before the public hearing by the mailing by U.S. mail of a First-Class notice letter to the last known address of the applicant noted on the application.
4. The permit shall be for a specific location, may be established for a term of months or years, and maybe reissued upon application by the permit holder if the permit holder is in full compliance with this ordinance and with the permit conditions and restrictions as issued.
5. The conditions and restrictions, if any, in the permit established by the town board for any permitted storage, maintenance, disposal, treatment, or discharge shall be reasonable restrictions and conditions to protect the public health, safety, and welfare of persons within the town and to limit or negate potential public nuisances caused by the permitted storage, maintenance, disposal, treatment, or discharge. The conditions and restrictions shall be stated in writing and attached to the written permit upon issuance by the town board.
6. The owner or occupant of the permitted premises is responsible for compliance with the conditions and restrictions in the permit issued regardless of whether the owner or occupant of the premises has any legal or equitable interest in the vehicles, structures, machinery, appliances, or equipment subject to the permit.

4.0410 - ABATEMENT OF PUBLIC NUISANCES (PERMIT REVOCATION)

A. Inspection of Premises.

1. Whenever a complaint is made to the town board, town clerk, town chair, or any appropriate town committee or agent that a public nuisance under this ordinance or a violation of a permit issued under this ordinance exists within the town, the town chair, town committee, or other agents of the town board shall promptly inspect or cause to be inspected the premises complained of and shall make a written report of its findings to the town board, which report shall thereafter be filed with the town clerk and kept of record in the office of the town clerk. Whenever practicable, the town chair, town committee, or other agents of the town board shall cause photographs to be made of the premises for inclusion in the written report to the town board.
2. If the person subject to complaint holds a current permit under this ordinance, or any Town Building Permit or Junked Vehicle Permit issued under s. 175.25, Wis. stats. , and the town's village powers under s. 60.22, Wis. stats. , the town chair, the town committee or other agents of the town board may immediately request the town board to hold a public hearing to consider suspension or revocation of the permit for refusal to comply with the permit conditions and this ordinance. The town board shall hold a public hearing prior to taking any action to revoke or suspend a permit. The permit holder shall be notified of the public hearing at least 20 days before the public hearing by the mailing by U.S. mail of a First-Class notice letter to the last known address of the permit holder noted on the permit or permit application.

3. The town board may, in the alternative to revocation, suspend any issued permit for a period up to 6 months. Any revocation shall be for a period in excess of 6 months and no reapplication can be received or acted upon by the town board for the premises or for the owner or occupant of the premises for any activity, use, or item prohibited by or requiring a permit under this ordinance during the revocation period.

4. For any decision regarding the revocation or suspension of any permit, the town board shall determine and state the reason or reasons for any revocation, non-revocation, or suspension of the permit based on the lack of compliance with the permit conditions and this ordinance by the permit holder or by any employees or agents of the permit holder. The reason or reasons for the decision shall be stated in writing and sent to the permit holder within 10 days after the decision by the town board by mailing by U.S. mail of a First-Class letter to the last known address of the permit holder noted on the permit or permit application.

B. Owner of Premises Responsibility. Any owner or occupant of land in the town is responsible for compliance with this ordinance on the owner's or occupant's land regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this ordinance.

C. Summary Abatement.

1. Notice to Owner. If the town chair, town committee, or other agents of the town board determine, by written notice to the town board, that a public nuisance exists under this ordinance within the town on private or public land and that there is great, immediate, and substantial danger or threat to the public health or safety, the town board, town chair, town committee, or other agents of the town board shall serve a written order upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises or the person who is causing, permitting, or maintaining the public nuisance, and one copy of the notice shall be served by mailing by U.S. mail of a First-Class letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove the public nuisance within 24 hours and shall state that unless the public nuisance is so timely abated, the town may cause, due to the emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.
2. Abatement by town. If the public nuisance is not abated within the time provided in the notice under paragraph 1 or if the owner, occupant, or person causing the public nuisance, if known, cannot be found, the town chair, the town committee, or other agents of the town board, with approval of the town board, shall cause the abatement or removal of the public nuisance by immediately seeking for the town a court order that allows for the immediate enjoinment and abatement of the public nuisance.
3. Abatement By Court Action. If the town board determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the town board shall file a written report or its resolution of its findings with the town clerk who shall, after approval and filing of the report or resolution by the town board, take one or more of the following actions, as directed by the town board:
	1. Issue and serve a written order to cease and desist the public nuisance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
	2. Issue and save a citation for violation of this ordinance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
	3. Cause the town attorney to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of this ordinance or the conditions of any permit as issued or have drafted by the town attorney to be filed and served a formal complaint for abatement of the public nuisance under chapter 823, Wis. stats.
4. Other Methods Not Excluded. Nothing in this ordinance may be construed as prohibiting the injunction and abatement of public nuisances against any person, including against a permit holder that holds a current and valid permit issued by the town under this ordinance, by the town or its officials in accordance with the laws of the State of Wisconsin or this ordinance.

4.0411 - COSTS OF ABATEMENT OR DISPOSAL

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the town may be collected under this ordinance or s. 823.06, Wis. stats., as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the town to enjoin or abate the public nuisance as a special charge under s. 66.0627, Wis. stats., unless paid earlier. If any vehicle, structure, equipment, implement, or appliance is abandoned or remains unclaimed in violation of this ordinance, the town board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under s. 66.0139, Wis. stats., by public auction or other means as determined in writing by the town board.

4.0412 - ENFORCEMENT PROVISIONS

A. Penalties.

* 1. 1st Offense. Any person who violates this ordinance shall, upon conviction, forfeit not less than $20 nor more than $500 together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding 90 days.
	2. Second and Subsequent Offenses; Penalty. Any person guilty of violating this ordinance or any person who has previously been convicted of a violation of this ordinance shall, upon conviction, forfeit not less than $100 nor more than $1,000 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs of prosecution are paid, but not exceeding 6 months.

B. Separate Violations. Each day of violation of this ordinance constitutes a separate offense.

1. 4.0413 - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

1. 4.0414 - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

## 4.0500

## PROHIBIT DEPOSIT OF RUBBISH ON ROAD/HIGHWAY RIGHT-OF-WAY

### Purpose

Yard waste shall not be placed on the town right-of-way as it can cause problems with drainage and flowage of water and block culverts. Residents and non­residents shall respect the road right-of-way by not using it for dumping of any refuse.

### Authority

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, leaves, yard clippings, cans, glass, gravel, stones, garbage or other waste or rubbish in or on the right-of-way of any road/highway located in the town. No person shall burn any material of any nature in or on the right-of-way of any town road/highway, and particularly the paved portion thereof in the town except as specifically authorized by the town.

### Penalty

Any person violating any provision of this ordinance shall, upon conviction, pay a forfeiture established by the town board (refer to the town bond schedule), besides costs and in default of payment thereof.

4.0600 RESERVED 4-23

4.0700 RESERVED 4-23

4.0800 RESERVED 4-23

4.0900 RESERVED 4-23

4.1000 RESERVED 4-23

4.1100 EFFECTIVE DATE 4-23