

TOWN OF LAFAYETTE

PUBLIC NUISANCE

ORDINANCE 4 – 06

The Town Board of the Town of LaFayette, Walworth County, Wisconsin, does hereby ordain as follows:

This chapter shall be known as the "Town of LaFayette Public Nuisance Ordinance."

SECTION 1.0 Statement of policy

A. It is hereby declared to be the policy of the Town of LaFayette to safeguard the health, safety, welfare, and rights of its residents within the privacy of their homes and property. No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of LaFayette.

B. Problems concerning public nuisances are best resolved by thoughtful discussions and cooperative agreements between affected parties.

C. At least two written complaints by two individuals residing at separate addresses filed at the office of the Town Clerk within 30 days are required to initiate action.

D. However, to resolve remaining public nuisance problems, it is the policy of the Town of LaFayette to provide enforcement procedures and penalties.

SECTION 2.0 Word usage and definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED VEHICLES: An unattended motor vehicle, trailer, semitrailer, or mobile home, on any public street, highway, or public or private property, for such circumstances as to cause the vehicle to reasonably appear to have been abandoned.

APPLIANCE: Any stove, washer, dryer, refrigerator, freezer, or other household appliance that is no longer operable in the sense for which it was manufactured.

HOUSEHOLD FURNISHINGS: Furniture, floor or window treatments or other items intended for the interior use of a dwelling.

JUNKED OR DISASSEMBLED VEHICLES: Inoperable, unlicensed, junked, or wrecked motor vehicles, truck bodies, semi-tractors, semi-trailers, or trailers defined as incapable of propulsion or being operated upon the public streets and highways.

JUNKED OR DISASSEMBLED WATERCRAFT: Inoperable, unregistered, junked or wrecked watercraft that is incapable of buoyancy on water or not seaworthy.

SECTION 3.0 Public nuisance.

A public nuisance is an object, act, occupation, condition or use of property which shall for such length of time as to:

A. Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public.

B. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, highway or other public way or the use of public property.

SECTION 4.0 Public nuisance affecting health, safety and welfare.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health, safety and welfare nuisances and shall be deemed a violation of this chapter:

- A. Carcasses of animals, birds, or fowl which are not buried or otherwise disposed of in a sanitary manner within 72 hours after death of such animal.
- B. All domestic animals running at large and/or which cause damage to property, plantings or structures.
- C. All owners of property located within the areas zoned Agricultural/Residential or Residential who have junked or unusable vehicles, watercraft or inoperable appliances which are not enclosed by a building with four walls and a roof.
- D. No person shall have an unattended motor vehicle, trailer, or semi-trailer on any public street, highway, or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any street or highway or on any public property within the Town of LaFayette for a period of more than 24 hours, the vehicle is deemed abandoned and constitutes a public nuisance and can be removed for the public welfare. If the condition is deemed a safety hazard, a Town Board member has the authority to act to have the hazard removed immediately.
- E. All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
- F. Buildings or premises which are blighted because of faulty design or construction, improper management, or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences, and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Town.
- G. All appliances from which the doors have not been removed or are not equipped with a device for opening from the inside.
- H. All household furnishings left outside more than 24 hours for any purpose excluding waste pickup.

SECTION 5.0 Abatement of public nuisances.

A. Inspection. Whenever two written complaints are filed with the Town Clerk that a public nuisance exists within the Town of LaFayette, the Building Inspector/Zoning Officer or Animal Control/Animal Humane Officer shall promptly inspect or cause to be inspected, the location complained of, and shall make a written report of his/her findings, including any citations issued, to the Town Board. Whenever possible, photographs should be taken of the premises and be filed in the office of the Town Clerk.

B. Summary abatement.

(1) Notice to owner/occupant. If the Building Inspector/Zoning Officer or Animal Control/Animal Humane Officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, and welfare, the Town Chairperson may direct the Building Inspector/Zoning Administrator or Animal Control/Animal Humane Officer to serve a notice upon the person causing, permitting or maintaining such nuisance or take any steps necessary to correct the violation.

(a) If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location to attract the attention of the owner or occupant, as well as direct mail notice to the last known owner of said property.

(b) Such notice shall direct the person causing, permitting, or maintaining such nuisance, or the owner or occupant of the premises to abate such nuisance and will charge the cost thereof to the owner, occupant, or person maintaining the nuisance.

(2) Abatement by Town. If the nuisance is not abated or if the owner, occupant, or person causing the nuisance cannot be found, the Building Inspector/Zoning Administrator or Animal Control/Animal Humane Officer shall cause the abatement or removal of such public nuisance. If the nature of the nuisance is not such as to threaten immediate danger to the public health, safety, or welfare, the Building Inspector/Zoning Administrator or Animal Control/Animal Humane Officer may issue one or more citations for each day of the violation for a said time period, and to report back whether compliance has occurred.

(3) Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town Board by any means necessary including court action.

C. 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 abatement of any public nuisance by the Town shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and shall include, but not limited to, the costs of abating the nuisance, building inspector fees, and the actual attorney fees incurred by the Town. If notice to abate the nuisance has been given to the owner, occupant, or person, such cost shall be assessed as a special charge on the Town tax roll or referred to court.

D. Enforcement provisions

(1) First offense/penalty: Any person who violates this ordinance shall, upon conviction, forfeit not less than \$20 nor more than \$500 together with the costs of prosecution.

(2) Second offense/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.


(3) Each day of violation of this chapter may constitute a separate offense.

SECTION 6.0 Permitting process.

A. The Town Board may issue a temporary permit for a finite amount of time to allow a property owner an exception to this chapter for one vehicle or watercraft, if the vehicle or watercraft owner intends to restore it.

B. The permit will be issued to the property owner and may be renewed by the Town Board upon request of the property owner.

This Ordinance adopted by the Town Board of the Town of LaFayette August 9, 2023.


Cairie L. Virrueta, Town Clerk-Treasurer


Derek Steffen, Chair