

Town of Lyndon, Sheboygan County, Wisconsin

AN ORDINANCE CREATING SECTION 3.03 OF THE MUNICIPAL CODE OF THE TOWN OF LYNDON REGARDING PUBLIC NUISANCES

WHEREAS, the Town of Lyndon has the authority to regulate public nuisances within the Town, pursuant to ss. 66.0407, 169.01 and ch. 823 of the Wisconsin Statutes and the Town’s general authority to exercise village powers under s. 60.22, Wis. Stats.; and

WHEREAS, the Town Board has determined that regulating certain public nuisances, uses and activities described below would promote the public health, safety and welfare of the Town and its inhabitants;

NOW, THEREFORE, the Town Board of the Town of Lyndon does hereby ordain as follows:

Section 1. Creating Code Section. Section 3.03 of the Municipal Code of the Town of Lyndon is hereby created to read as follows:

3.03 Public Nuisances.

(1) Prohibited Activity. No person or entity shall cause, allow or permit any person or entity to create a public nuisance on premises owned, leased or controlled by that person or entity in the Town.

(2) Defined. The following are specifically declared to be public nuisances (which should not be construed to exclude other activities or uses from being considered public nuisances affecting public health, safety and order):

a. **Noises Disturbing the Public Peace.** Any noise tending to unreasonably disturb or annoy the peace and quiet of persons or normal sensitivities in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health and safety of some person.

b. **Accumulation of Matter.** Allowing an accumulation of decayed animal or vegetable matter, trash, rubbish, scrap lumber or metal, bedding or other waste material where flies, mosquitoes, insects, rats or other vermin are attracted.

c. **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliances or manner of operation, interferes with the effectiveness of any such device, sign or signal.

d. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin.

e. Grass and Weeds. Lawns, grasses and noxious weeds on residentially zoned land which exceed eight inches in height, as these are determined to adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Town, especially within densely populated areas.

f. Abandoned Refrigerators. All abandoned coolers, refrigerators and freezers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

(3) Enforcement. If any public nuisance described above becomes known to the Town, the following may be used to correct the violation:

a. Warning. Provision of a written warning to correct the violation in an appropriate amount of time.

b. Citation. Issuance of a municipal citation with a forfeiture of \$100.00 plus applicable court costs for each day the violation continues to exist. Penalties are doubled for second and subsequent offenses within two years.

c. Corrective Action. For violations of (2)e., above, the Town may cause said lawn, grass or weeds to be cut and the cost thereof assessed against the property as a special charge for current services pursuant to s. 66.0627, Wis. Stats., but only after the owner or tenant has been served with at least 5 days advance written notice to correct the violation, which includes the Town's intention to proceed with such corrective action.

d. Corrective Action. For violations of (2)f., above, the Town may cause said abandoned items to be removed and the cost thereof assessed against the property as a special charge for current services pursuant to s. 66.0627, Wis. Stats., but only after the owner or tenant has been served with at least 5 days advance written notice to correct the violation, which includes the Town's intention to proceed with such corrective action.

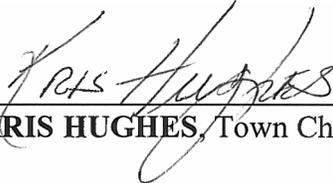
e. Equitable Relief. The Town may seek a court order or other equitable relief to enjoin violations.

Section 2. Severability. Should any portion of this Ordinance or the affected code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted on: **August 12, 2020.**

TOWN OF LYNDON

By: 

KRIS HUGHES, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Lyndon on the date indicated above.

Dated: **August 12, 2020.**



Rhonda Klatt, Town Clerk/Treasurer

Published on August 21, 2020, and posted on August 17, 2020 by Rhonda J. Klatt, pursuant to s. 60.80, Wis. Stats.

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