

TOWN OF SIOUX CREEK
BARRON COUNTY, WISCONSIN
AN ORDINANCE REGARDING
STORAGE OF JUNK

The Town Board of the Town of Sioux Creek, Barron County, Wisconsin has found and declared that existing in the Town are properties that are, or may become in the future, storage grounds for junk. It is found and declared that these properties by way of appearance, infestation, and existence of fire hazards constitute a menace to the health, safety, welfare and reasonable comfort of the Citizens of the Town. It is further found that by reason of lack of maintenance and because of further deterioration certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, these conditions will grow and spread and will necessitate the expenditure of large amounts of public funds to correct and eliminate such conditions, that by reason of timely regulations and restrictions contained in this ordinance, the desirability and amenities of residential and nonresidential uses and neighborhoods may be enhanced and the public health, safety and welfare protected and fostered. Therefore, the Town Board of the Town of Sioux Creek, Barron County, Wisconsin in order to provide for the orderly growth and development of the Town of Sioux Creek, and the enhancement of health, safety, and general welfare of the public, does ordain as follows:

SECTION 1. STORAGE OF JUNK, REGULATED

a. No person, company, firm corporation, or other legal entity shall store junked or discarded property including; unlicensed automobiles, unlicensed trucks, automobile and truck parts, unlicensed boats, unlicensed snowmobiles, unlicensed motorcycles, unlicensed travel trailers, non-airworthy aircraft or aircraft parts, inoperable tractors, inoperable machinery, machinery parts, unoccupied mobile homes, appliances, furniture, furnaces, washing machines, barrels, flammable items, tires, stoves, lumber not covered and stacked neatly at least twelve (12) inches off the ground, bricks, cement blocks, or other unsightly rubbish, trash, debris or litter which substantially depreciates property values in the neighborhood except when said items are kept a minimum of thirteen hundred twenty (1,320) feet from both the centerline of any public road and from any abutting neighbors' property line, or in an enclosure fence or building which houses such property out of sight from any public road and from any abutting neighbors property line, or upon permit issued by the Town Board. However, items may be kept within thirteen hundred twenty (1,320) feet from both the centerline of any public road and from any abutting neighbors' property line and outside of an enclosure fence or building only if they are not visible from any public road or from any neighbor's property due to natural topography, trees, or other natural barriers. The Building Inspector, or any other authority authorized by the Town Board shall determine whether any natural barriers are sufficient to allow storage of any items similar to those listed above. For the purposes of this Ordinance, an "enclosure fence" means a fence which is not visually permeable. This Section is not intended to conflict with any nuisance laws provided in Chapter 823 of the Wisconsin Statutes, or any other similar State or Federal Law. Furthermore this Section is not intended to conflict with Wis. Stat. § 175.25 as it applies to the storage of junk automobiles; nor is this Section intended to conflict with Wis. Stat § 289.55, which regulates tire dumps.

b. An enclosure fence or building required by this Section shall be a minimum of six (6) feet in height. If ordered by way of enforcement of this ordinance, the Building Inspector shall first approve of the design and construction of such fence or building. No such fence or building shall be allowed to deteriorate into an unsightly or hazardous condition; the fence or building shall be properly painted or stained. The finished side of any fence shall face the outside of the property.

c. The Building Inspector, a law enforcement officer, or any other authority authorized by the Town Board may require by written notice that any premises violating this Section shall be put in compliance. If the premises are still in non-compliance after thirty (30) days of issuance of the written notice, a citation may be issued by the Building Inspector, a law enforcement officer, or any other authority authorized by the Town Board.

d. The written citation shall be given to the property owner by personal service, certified mail return receipt, or if otherwise unsuccessful, by publication.

Such notice by citation shall include, but is not limited to, the following:

i. declare that a violation exists;

ii. describe the condition which creates the violation;

iii. order the removal or abatement of the condition within a specific number of days from the date of service of the notice;

iv. inform the owner that he or she may file a written request for a hearing before the Town Board to question whether a violation exists upon such property; and

v. state that if the owner fails to correct the condition within the time allotted, that the owner may be subject to monetary fines and that the Town may cause the condition which constitutes the violation to be removed or abated and that the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.

SECTION 2. PENALTIES FOR NON-COMPLIANCE

a. If a citation is issued as provided in 1.c., the Town Board, a law enforcement officer or any other authority authorized by the Town Board may have the premises put in compliance and the cost thereof assessed as special tax against the property.

b. In addition to Section 2.a., the Town Board, a law enforcement officer, or any other authority authorized by the Town Board may levee fines as may from time to time be determined by the Town Board.

Fines shall be assessed in the following manner:

i. Failure to comply with first written notice: \$100.00

ii. Failure to comply with second written notice: \$150.00

iii. Failure to comply with third written notice: \$100.00 per day of continued non-compliance following the expiration of the notice period contained in the notice served.

SECTION 3. INITIAL GRACE PERIOD

From the date of enactment of this ordinance and for twenty-four (24) months thereafter, any property found to be in non-compliance as provided in Section 1 shall have a minimum of one (1) year from the date of written order to comply with this ordinance. If non-compliance continues after one (1) year from the date of written order to comply with this ordinance, the Town Board, a law enforcement officer, or any other authority authorized by the Town Board may require by written citation that any premises violating this Section shall be put in compliance within thirty (30) days or other time as specified in such citation.

SECTION 4. COMPLAINTS ABOUT NON-COMPLIANCE

All citizen complaints about properties in non-compliance with this ordinance must be addressed to the Town Chairperson, be in written form, and dated and signed by the complainant. No action shall be taken under this Ordinance unless the building inspector or Town Chairperson have inspected or caused to be inspected the premises where the non-compliance is alleged to exist and is satisfied that there is non-compliance.

SECTION 5. SEVERABILITY.

Should any provision of this Ordinance be declared to be invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of this Ordinance as a whole, but shall only affect the portion thereof declared to be invalid.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this 12th day of December, 2002.

TOWN OF SIOUX CREEK, BARRON COUNTY, WISCONSIN

TOWN CHAIRMAN Jerry Huset
(Signature)

SUPERVISOR James Severude
(Signature)

TOWN CLERK Kathleen L. Martin
(Signature)

SUPERVISOR Larry Larson
(Signature)