

CHAPTER 12

PUBLIC NUISANCES

12.01	PUBLIC NUISANCES PROHIBITED	<i>12.025 - Classified Dogs +</i>
12.02	DEFINITIONS	<i>Other dangerous animals</i>
12.03	DOGS RUNNING AT LARGE	
12.035	ANIMAL FECES	<i>12.0375 - Limitation on</i>
12.04	ABATEMENT OF PUBLIC NUISANCES	<i>Animals</i>
12.05	COST OF ABATEMENT	
12.06	PENALTY	
12.07	ABANDONMENT OF MOTOR VEHICLES	

12.01 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Bagley.

12.02 DEFINITIONS.

- (1) Public Nuisance. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public
 - (b) In any way render the public insecure in life or in the use of property.
 - (c) Greatly offend the public morals or decency.
 - (d) 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.
- (2) Public Nuisance Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of subsection (1) of this section.
 - (a) All decayed, harmfully adulterated or unwholesome food or drink offered for sale to the public.

(b) 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.

(c) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(d) All stagnant water in which mosquitoes, flies or other insects may multiply.

(e) Privy vaults and garbage cans which are not fly-tight.

(f) All noxious weeds and other rank growth of vegetation.

(g) All dogs running at large.

(h) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.

(i) The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, creamery or industrial wastes or other substances.

(j) Any use of property, substances or things within the Village of Bagley emitting or causing any foul, offensive, noisome, nauseous, 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 any appreciable number of persons within the Village.

(k) All abandoned wells not securely covered or secured from public use.

(l) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, a sidewalk or public place within the Village.

(m) The housing, pasteurizing, keeping of animals or fowl in violation of the provisions of Section 9.03 of this Code.

(3) Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances

offending public morals and decency, but such enumeration shall not be construed within the definition of subsection (1) of this section.

(a) All disorderly houses, bawdy houses, house of ill fame, buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse.

(b) All gambling devices and slot machines.

(c) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village of Bagley.

(d) Any place or premises within the Village of Bagley where village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(e) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverage in violation of the laws of the State of Wisconsin or ordinances of the Village.

(4) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby 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 provisions of subsection:

(a) All signs and billboards, awning 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.

(b) 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, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.

(c) 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.

(d) All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street or less than 10 feet above any other public place.

(e) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.

(f) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

(g) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

(h) All loud, discordant and unnecessary noises or vibrations of any kind.

(i) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.

(j) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or 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.

(k) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(l) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

(m) Any unauthorized or unlawful 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 and sidewalks.

(n) Repeated or continuous violations of the ordinances of the Village or laws of the State of Wisconsin relating to the storage of flammable liquids.

(o) All snow and ice on sidewalks not removed or sprinkled with ashes, sawdust or sand.

(p) All radio transmission units and other electronic devices which are used in such a way as to interfere with the radio and television reception of other residents in the Village.

Ordinance No. 2012-01

AN ORDINANCE TO CREATE SECTION 12.025 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO CLASSIFIED DOGS AND OTHER DANGEROUS ANIMALS

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 12.025 of the Municipal Code of the Village of Bagley shall be and hereby is created to read as follows:

"12.025 CLASSIFIED DOGS AND OTHER DANGEROUS ANIMALS

(1) **Keeping of Animals Prohibited.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village of Bagley:

(a) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats.

(b) Any animal having poisonous bites.

(c) Any classified dog. A "classified dog" as that term is used in this Section is defined to mean:

i. A pit bull dog. A pit bull dog is a Staffordshire bull terrier breed of dog, an American pit bull terrier breed of dog, an American Staffordshire terrier breed of dog, or any dog which has the appearance and characteristics of being predominantly of said breeds or a combination of said breeds.

ii. A Rottweiler dog, or any dog which has the appearance and characteristics of being predominately of the Rottweiler breed.

(2) **Keeping of Classified Dogs.** The provisions of section (1) are not applicable to owners, keepers or harborers of classified dogs registered with the Village of Bagley on the day this section becomes effective. Keeping, owning or harboring of such dogs is, however, subject to the following conditions:

(a) **Leash and Muzzle.** No person shall permit a classified dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a classified dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all classified

dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(b) **Confinement.** All classified dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as provided in subsection (a)(1). All pens or kennels shall comply with all zoning and building regulations of the Village and shall be kept in a clean and sanitary condition.

(c) **Confinement Indoors.** No classified dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

(d) **Signs.** All owners, keepers or harborers of classified dogs within the Village shall within ten (10) days of the effective date of this section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(e) **Insurance.** All owners, keepers, or harborers of classified dogs must provide proof to the Village Clerk of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or persons or for damage to property owned by any person or persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is first given to the Clerk.

(3) **Failure to comply.** The penalty for violation of this ordinance shall be a forfeiture of not less than \$50 nor more than \$200 for a first offense, and not less than \$100 nor more than \$300 for a second and each subsequent offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, imprisonment in the County Jail until such forfeiture and costs are paid, not exceeding 30 days. Each day any such violation continues shall constitute a separate offense. The bond amount for a first offense shall be \$50.00 plus costs and for second and subsequent offenses, bond shall be \$150.00.

Section II: This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this 10 day of July 2012.


David Schott, Village President

COUNTERSIGNED:

Frankie Mezera
Frankie Mezera, Village Clerk

Date adopted: 07/10/12
Date recorded: 07/10/12
Date posted: 07/10/12 and 10/08/12
Date affidavit filed: 10/08/12
Effective date: 07/10/12

12.03 DOGS RUNNING AT LARGE.

(1) Dogs Prohibited from Running at Large. No owner of a dog, male or female, shall permit it to run at large within the Village of Bagley.

(2) Definitions. Under the provision of Section 12.03 of this code a dog shall be considered running at large when it is not on the premises of the owner unless it is within the immediate presence of the owner, of his agent or of some member of the family of the age of twelve (12) years or more. An owner shall include anyone owning the dog or keeping or harboring the dog on behalf of the owner.

(3) Dogs as Nuisance. Any dog, whether licensed or not, unaccompanied by its owner or keeper which enters a garden, lawn, field, pasture, meadow or farm enclosure or the dwelling or other building of a resident or any place of business in this Village shall constitute a private nuisance to the owner or occupant of such entered property and said owner or occupant may seize and impound such dog while therein. He shall then call the Grant County Sheriff's Department to impound such dog. The fact that a dog is licensed does not permit him to enter or trespass upon the private property of others.

(4) Penalties for Permitting Dog to Run at Large. Any person violating the provisions of Section 12.03(1) or 12.03(2) of this Code shall, upon conviction, be subject to a forfeiture of not less than \$2.00 nor more than \$25.00 for each offense, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail for not more than 10 days, or until such forfeiture and costs are paid.

(5) Dogs to Wear License. Every licensed dog shall carry the proper license tag securely attached to its collar. Failure of a dog to carry such license tag shall be presumptive evidence that the dog is unlicensed and any person or officer may seize or impound any such dog found at large. Any unlicensed dog seized or impounded shall not be released or redeemed until the owner or keeper shall first have purchased a license pursuant to the Wisconsin Statutes.

(6) Female Dogs in Heat. The owner or keeper of any female dog shall keep said dog enclosed within the premises of the owner or keeper in some inconspicuous place, more than six feet distance from any door, window or entrance, during such time as said female is in heat. Any person owning or keeping any female dog in violation of this section shall, upon conviction, suffer a forfeiture of not less than \$5.00 nor more than \$25.00, together with costs, and in the event of failure to pay such forfeiture and costs, shall be imprisoned in the County Jail, not to exceed 10 days or until said forfeiture and costs are paid.

(7) Barking Dogs. It shall be unlawful for any person to own, keep, or have on his premises any dog which by loud or habitual howling, yelping, barking or shall otherwise cause any annoyance or disturbance to persons in the neighborhood. No person shall be convicted under the provisions of this section except upon evidence of four or more persons from different

ORDINANCE NO. 2005-02

AN ORDINANCE TO CREATE SECTION 12.035 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO ANIMAL FECES.

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 12.035 of the Municipal Code of the Village of Bagley shall be and hereby is created to read as follows:

"12.035 ANIMAL FECES

(1) It shall be unlawful for any person to cause or permit any animal, specifically including, but not limited to, dogs, horses, and cats, to be on property, public or private, including public rights-of-way or in any park in the Village, that is not owned or possessed by such person unless such person has in his or her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. Any person causing or permitting a dog, horse, or cat to be on property, including public rights-of-way or in any park in the Village, that is not owned or possessed by such person shall immediately remove all excrement of such dog, horse, or cat to a receptacle located upon property owned or possessed by such person. "Public right-of-way" includes streets and bridges and includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purpose of travel and includes the sidewalk and terrace to the roadway.

(2) As an alternative to the requirements of (1), horses, mules and other animals may be equipped with adequate devices including, but not limited to, a diapering apparatus, to prevent manure and other excrement from being deposited or left upon public rights of way, parks or upon other public or private property not owned or possessed by the person utilizing any such animal. It shall be the responsibility of the person utilizing any such animal to see that the diapering apparatus or similar device is maintained in working order and to remove any excrement which should fall as required under (1).

(3) This section shall not apply to a person who is visually or physically handicapped.

(4) Any person violating this section shall be subject to a forfeiture as provided under ss. 12.06 and 15.04. The deposit for a violation of this section shall be \$20.00 for a first offense and \$50.00 for second and each subsequent offense as defined under s. 15.04(1)(b)."

Section II: This ordinance shall take effect upon its passage and publication as required by law.

Adopted and approved this 1 day of March 2005.

Regan A. Straker
Village President

ATTEST:

Jerry Van Goo
Village Clerk

Dated Adopted:

3-1-05

Date Recorded:

3-1-05

Date Published/Posted:

3-11-05

Effective Date:

3-11-05

Posted 3/11/05

ORDINANCE NO. 2012-03

AN ORDINANCE TO CREATE SECTION 12.0375 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO LIMITATIONS ON ANIMALS IN NON-AGRICULTURAL AREAS

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 12.0375 of the Municipal Code shall be and hereby is created to read as follows:

"12.0375 LIMITATION ON ANIMALS

(1) Number of Animals. It shall be unlawful for any person to keep more than a total of three (3) animals, over five months of age on any non-agricultural premises within the Village of Bagley. Any person who is the keeper of more than (3) animals as of the effective date of this ordinance may keep such animals for the remainder of the animals' lives but may not replace such animals until the total number of animals is fewer than three (3).


(2) Penalty. Any person violating this section shall, upon conviction, be subject to a forfeiture of no less than \$10.00 and no more than \$100.00 for each offense, together with the cost of prosecution. Each day that a violation exists constitutes a separate offense and a separate violation exists for each animal kept in excess of the maximum. Notwithstanding such forfeiture, action may be brought to remove any animal and enjoin further or continued violation of this section. The bond amount is established at \$20.00 together with court costs and assessments for each offense."

Section II: This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this 2 day of October 2012.


David Schott, Village President

COUNTERSIGNED:


Frankie Mezera, Village Clerk

Date adopted: 10-02-2012
Date recorded: 10-02-2012
Date posted: 10-07-2012
Date affidavit filed: 10-08-2012
Effective date: 10-02-2012

households and no warrant shall be issued except upon the request of the Village Marshal or Village Clerk. Any person who shall violate any of the provisions of this section shall be subject to a forfeiture of not less than \$5.00 nor more than \$25.00 together with the costs of prosecution and in default of payment thereof shall be imprisoned in the County Jail, not to exceed 10 days, or until said forfeiture and costs are paid.

(8) Impoundment of Dogs. Any dog which is impounded under the provisions of Section 12.03 of this Code may be reclaimed by its owner or keeper by picking up the dog at the dog pound within 5 days and paying all costs of transportation of the dog to the pound, and shots, board and other expenses of impounding said dog.

(9) Destruction of Dogs. All dogs, seized or impounded in violation of any of the preceding sections and not reclaimed by their owners or keepers within 5 days after due notice has been given either through the United States mail or by posting in three public places in the Village, may be disposed of by the officers of the Village in a proper manner.

(10) Dogs Impounded by Sheriff's Department. Any dog which has been impounded by the office of the Grant County Sheriff as provided in Section 12.03 of this Code shall be reclaimed or destroyed as provided by the rules of the Grant County Sheriff's Office. In such case, Section 12.03 (8) and 12.03 (9) shall be inoperative.

12.04 ABATEMENT OF PUBLIC NUISANCES.

(1) Inspection of Premises. Whenever a complaint is made to the Village President or Village Marshal that a public nuisance exists within the Village of Bagley, he shall promptly notify the Village Marshal or the Village Health Officer who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his finding to the Village President. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.

(2) Summary Abatement.

(a) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the Village President may direct that the Village Marshal serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(b) Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Village Board shall cause the abatement or removal of such public nuisance.

(3) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the health, safety, peace, morals or decency he shall file a written report of his findings with the Village President who shall cause an action to abate such nuisance to be commenced in the Village in the Circuit Court of Grant County in accordance with the provisions of ch. 280 of the Wisconsin Statutes.

(4) Razing Building. An alternative to other methods of abatement provided in this chapter, the Village Board may order the owner of premises upon which is located any building or part thereof within the Village of Bagley which in its judgment is so old, dilapidated or has become so out of repairs as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such building or part thereof, or if it can be safe by repairs to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any building or structure for a period of more than two years, to raze and remove such building or part thereof. The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or his agent where an agent is in charge of the building and upon the holder of any encumbrances of record in the manner provided for service of a Summons in the Circuit Court. If the owner or holder of an encumbrance of record cannot be found the order may be served by posting it on the main entrance of the building and by publishing it as a Class 3 Notice, under chapter 985 of the Wisconsin Statutes, before the time limit of an order commences to run.

Whenever the Village Board determines that the cost of such repairs would exceed 50% of the assessed value of such building divided by the ratio of the assessed value to the recommended value as last published by the State Supervisor of Assessment for the municipality within which such building is located, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such building is a public nuisance.

If the owner fails or refuses to comply within the time prescribed, the Village Board shall cause such building or part thereof to be razed and removed either through any available public agency or by contract or arrangement with private persons, or close it for unfit habitation, occupancy or use. The cost of such razing and removal or closing shall be charged against the real estate upon which such building is located and shall be a lien upon such real estate, and shall be assessed and collected as a special tax. When any building has been razed and removed the Village Board or other designated officer under said contract or arrangement aforesaid may sell the salvage and valuable material at the highest price obtainable. The net proceeds of such sale, after deducting the expense of such razing and removal shall be promptly remitted to the Circuit Court with a report of such sale or transaction, including the items of expense and the amounts

deducted, for the use of the person who may be entitled thereto, subject to the Order of the Court. If there remains no surplus to be turned over to the Court, the report shall so state. If the building or the part thereof is insanitary and unfit for human habitation, occupancy or use, and is not in danger of structural collapse the Village Board may post a placard on the premises containing the following words: "This Building Cannot Be Used For Human Habitation, Occupancy Or Use". It is the duty of the Village Board to prohibit the use of the said building for human habitation, occupancy or use until the necessary repairs have been made.

(5) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisance by the Village of Bagley or its officials in accordance with the laws of the State of Wisconsin.

12.05 COST OF ABATEMENT.

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance by the Village 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.

12.06 PENALTY.

The penalty for violation of any provision of this chapter shall be provided in Section 15.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of any provision of this ordinance occurs or continues.

12.07 ABANDONMENT OF MOTOR VEHICLES.

(1) Definitions.

(a) Motor Vehicle. Motor vehicle as used in this section means any vehicle which is self-propelled, including a motor vehicle as defined in the Wisconsin Statute, and also means every device in, upon, or by which any persons or property are or may be transported, and every type of equipment on wheels, including farm machinery. Motor vehicles, as used in this section, shall further be defined to mean any component part of a motor vehicle including an engine, body, frame or other parts.

(b) Junked Motor Vehicle. Junked motor vehicle as used in this section means any motor vehicle which is inoperative in its then existing condition.

(2) Abandonment Prohibited. No person, firm or corporation shall abandon any wrecked, inoperable, junked, dismantled or partially dismantled motor vehicle within the Village of Bagley, or leave any such motor vehicle within the Village of Bagley for such time and under

such circumstances as to cause such motor vehicle reasonably to appear to have been abandoned. Whenever any such motor vehicle has been allowed to remain standing on any street or public place in the Village for more than seven (7) consecutive days, the same shall be deemed to have been abandoned or discarded within the meaning of this section. Whenever any such motor vehicle has been allowed to remain standing upon any private property or upon any premises which shall have been licensed by the Village Board as a junk yard or auto wrecking yard, for more than fourteen (14) consecutive days, the same shall be deemed to have been abandoned or discarded within the meaning of this section. A motor vehicle shall not be considered an abandoned motor vehicle, however, when it is out of ordinary public view.

(3) Impounding of Abandoned or Discarded Motor Vehicles. Any Village officer, or any designated Village employee is hereby authorized to remove, or to have removed any wrecked, inoperative, junked, dismantled or partially dismantled motor vehicle left on any street or public place within the Village of Bagley which reasonably appears to be in violation of this section, or to be lost, stolen or unclaimed, or of which the owner thereof cannot be located or who following written notice fails to remove such motor vehicle. Such motor vehicle shall be impounded until lawfully claimed or disposed of in accordance with subsection (4) of this section.

(4) Disposal of Unclaimed Motor Vehicles.

(a) Notices. Notice of the impounding of the motor vehicle shall be by written tag or notice placed thereof. In addition, where the owner of the vehicle is known, notice shall be given by certified mail to the said owner as well as to all known lien holders of record. Where the owner is not known, notice shall also be given by posting in three (3) public places within the Village of Bagley. Said notices shall set forth the year, make, model and serial number of the abandoned motor vehicle, the place where said vehicle is being held and shall inform the owner and any lien holders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lien holders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle.

(b) Reclamation. Any time prior to the sale of an impounded motor vehicle, any person establishing his ownership or right of possession to such motor vehicle may reclaim or obtain possession of the same by paying to the Village of Bagley for the storage and towing thereof, other expenses incidental to the care and maintenance of the same, and any other expense incurred in relation thereto.

(c) Sale of Impounded Motor Vehicle. Each retained motor vehicle not reclaimed by its owner or lien holder may be sold at any time after ten (10) days from the giving of notice of impoundment by posting or mailing by certified mail. Sale shall be made by sealed bids. Notice of such sale, and the terms of sale shall be posted in three (3) public places in the Village of Bagley not less than seven (7) days prior to the date of

sale. The sale notice may include one or more motor vehicles. At such sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized Village representative, in which case all bids may be rejected. If all bids are rejected or no bid is received, the Village may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold. The purchaser shall have ten (10) days to remove the vehicle from the storage area, but shall pay a storage fee of One Dollar (\$1) per day for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser, if he has not removed the vehicle from the storage area, shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.

(d) Disposal of Vehicles of Little Value. As an alternative to the sale provisions in the preceding paragraph, the Village may, if it determines that the costs of towing and storage charges for the impoundment would exceed the value of the vehicle, junk the vehicle prior to the expiration of the impoundment period upon the determination by the Village that the vehicle is not stolen or otherwise wanted for evidence or any other reason.

(5) Penalties. Any person, firm or corporation who shall violate any of the provisions of Section 12.07 of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200), together with the costs of prosecution, and in default of payment of the forfeiture and costs shall be imprisoned in the county jail until the same are paid, but not to exceed thirty (30) days.

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.07 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO JUNKED VEHICLES AND DEBRIS

The Village Board of the Village of Bagley, Grant County, Wisconsin, do hereby ordain as follows:

Section I: Section 12.07 of the Municipal Code of the Village of Bagley is hereby repealed and recreated to read as follows:

"12.07 STORAGE OF JUNKED VEHICLES OR DEBRIS

(1) No person, firm, partnership or corporation shall accumulate or store any junked automobiles, vehicles, parts thereof or other unsightly debris in the open on any real estate located within the corporate limits of the Village of Bagley except upon a storage permit issued by the Village Board. For purposes of this section, "in the open" includes storage in any shed, carport or other, similar structure that is not fully enclosed by four walls or any structure on which the doors or other accesses cannot be completely closed or any unfenced yard or on any land that may be viewed from public streets or adjoining or nearby property.

(2) No accumulation or storage of such vehicles or debris shall be allowed within 2,000 feet outside of the corporate limits of the Village except upon a permit issued by permission of the Village Board.

(3) The fee for a permit issued by the Village Board shall be twenty-five dollars (\$25) per year (or part of the year in which issued without proration) and each permit shall expire on December 31 following its issuance. Permit holders shall be required to seek renewal of any such permit annually and no permit will extend beyond December 31 of the year in which it was issued.

(4) Upon written application for a storage permit under this section, the Village Board may, in its discretion, grant or deny a permit. The decision to grant or deny a permit shall entail due consideration to the health, safety and public impact of the proposed storage application. Any permit issued by the Village Board shall be signed by the Village President and Clerk and shall specify the quantity and manner of storing such vehicles or debris. In addition, issuing a permit, the Village Board may establish conditions relating to the storage of such vehicles or debris as the Village Board, in its sole discretion, deems advisable for the protection of health, safety and public interest.

(5) A storage permit may be revocable at any time by the Village Board after a hearing at which it has been found that the permit holder has failed or refused to comply with ordinances or other regulations or conditions restricting or relating to the storage of such junked vehicles or debris. A hearing may be held by the Village Board upon its own motion or upon a complaint, in writing, and signed by a complainant. Such motion or complaint shall state the nature of the alleged failure to comply with ordinances, regulations or permit conditions. A copy

of the complaint together with a notice of the hearing shall be served upon the permit holder not less than ten (10) days before the date of the hearing.

(6) No junked automobile, vehicle or debris storage operation in existence at the time of the passage of this ordinance shall be entitled to a permit or to continue operations merely by virtue of its existence. Any such operation continuing to operate without a permit after the passage of this ordinance may be prosecuted at any time thereafter.

(7) Any combination of the following facts shall constitute prima facie evidence that an automobile or vehicle is junked:

- (a) That such vehicle is unlicensed.
- (b) That such vehicle is over twenty (20) years old and is not licensed as an antique vehicle.
- (c) That parts such as hoods, fenders, tires or wheels have been removed from such vehicle.
- (d) That such vehicle will not start or run or that such vehicle cannot move under its own power.
- (e) That one or more windows are broken in such vehicle.
- (f) That animals or vermin frequent or inhabit the engine, passenger compartment or interior of such vehicle.

(8) "Unightly debris" includes broken or otherwise dilapidated furniture, appliances, machinery, electronics, discarded building material, scrap metal, accumulations of paper, wood, trash, rubbish or rotting lumber.

(9) Whenever any Village Trustee shall find any vehicle or debris, as defined above, accumulated, stored or remaining in the open upon any property in the Village contrary to the provisions of this section, he or she shall notify the owner and/or occupant of the property on which such vehicle or debris is located of the violation of this section. If such vehicle or debris is not removed within 10 days, the Village President or other authorized official may cause a citation to be issued to the owner and/or occupant of the property on which the vehicle or debris is located. A separate offense occurs each day or part of a day on which such vehicle or debris continues to be located in violation of this section on the premises named in the notice after issuance of the notice. In addition, any accumulation or storage of any junked automobiles, vehicles, parts thereof or other unsightly debris not permitted herein, shall be and hereby also is declared to be a public nuisance. As such, as an alternative or in addition to the citation provided for in this paragraph and the penalties prescribed under s. 15.04, said public nuisance may be proceeded against and abated and the costs therefore assessed as provided in Sections 12.05 and 12.06 of this Code."

Section II: This ordinance shall take effect upon its passage and publication as required by law.

Adopted and approved this 5 day of October 2004.

Roger L. Straka
Roger Straka, Village President

COUNTERSIGNED:

Terry Van Loo
Terry Van Loo, Village Clerk

Date Adopted: 10-5-04
Date Recorded: 10-5-04
Date Posted: 10-12-04
Date of filing Affidavit: 10-12-04
Effective Date: 10-13-04

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 12.07 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO JUNKED VEHICLES, RECREATIONAL EQUIPMENT AND DEBRIS.

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 12.07 of the Municipal Code of the Village of Bagley shall be and hereby is amended to read as follows:

"12.07 STORAGE OF JUNKED VEHICLES, RECREATIONAL EQUIPMENT OR DEBRIS

(1) No person, firm, partnership or corporation shall accumulate or store any junked automobiles, vehicles, recreational equipment, parts thereof or other unsightly debris in the open on any real estate located within the corporate limits of the Village of Bagley except upon a storage permit issued by the Village Board. For purposes of this section, "in the open" includes storage in any shed, carport or other, similar structure that is not fully enclosed by four walls or any structure on which the doors or other accesses cannot be completely closed or any unfenced yard or on any land that may be viewed from public streets or adjoining or nearby property.

(2) No accumulation or storage of such vehicles or debris shall be allowed within 2,000 feet outside of the corporate limits of the Village except upon a permit issued by permission of the Village Board.

(3) The fee for a permit issued by the Village Board shall be twenty-five dollars (\$25) per year (or part of the year in which issued without proration) and each permit shall expire on December 31 following its issuance. Permit holders shall be required to seek renewal of any such permit annually and no permit will extend beyond December 31 of the year in which it was issued.

(4) Upon written application for a storage permit under this section, the Village Board may, in its discretion, grant or deny a permit. The decision to grant or deny a permit shall entail due consideration to the health, safety and public impact of the proposed storage application. Any permit issued by the Village Board shall be signed by the Village President and Clerk and shall specify the quantity and manner of storing such vehicles, recreational equipment or debris. In addition, issuing a permit, the Village Board may establish conditions relating to the storage of such vehicles, recreational equipment or debris as the Village Board, in its sole discretion, deems advisable for the protection of health, safety and public interest.

(5) A storage permit may be revocable at any time by the Village Board after a hearing at which it has been found that the permit holder has failed or refused to comply with

ordinances or other regulations or conditions restricting or relating to the storage of such junked vehicles, recreational equipment or debris. A hearing may be held by the Village Board upon its own motion or upon a complaint, in writing, and signed by a complainant. Such motion or complaint shall state the nature of the alleged failure to comply with ordinances, regulations or permit conditions. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than ten (10) days before the date of the hearing.

(6) No junked automobile, vehicle, recreational equipment or debris storage operation in existence at the time of the passage of this ordinance shall be entitled to a permit or to continue operations merely by virtue of its existence. Any such operation continuing to operate without a permit after the passage of this ordinance may be prosecuted at any time thereafter.

(7) Any combination of the following facts shall constitute prima facie evidence that an automobile, vehicle or recreational equipment is junked:

(a) That such vehicle or recreational equipment is unlicensed.

(b) That such vehicle is over twenty (20) years old and is not licensed as an antique vehicle.

(c) That parts such as hoods, fenders, tires or wheels have been removed from such vehicle or recreational equipment.

(d) That such vehicle will not start or run or that such vehicle or recreational equipment cannot move under its own power.

(e) That one or more windows are broken in such vehicle or recreational equipment.

(f) That animals or vermin frequent or inhabit the engine, passenger compartment or interior of such vehicle or recreational equipment.

(8) "Unsightly debris" includes broken or otherwise dilapidated furniture, appliances, machinery, electronics, discarded building material, scrap metal, accumulations of paper, wood, trash, rubbish or rotting lumber.

(9) "Junked recreational equipment" includes unlicensed or inoperable boats, campers, boat and utility trailers, mobile homes, off-highway vehicles and snowmobiles.

(10) Whenever any Village Trustee shall find any vehicle, recreational equipment or debris, as defined above, accumulated, stored or remaining in the open upon any property in the Village contrary to the provisions of this section, he or she shall notify the owner and/or occupant of the property on which such vehicle, recreational equipment or debris is located of the violation of this section. If such vehicle, recreational equipment or debris is not removed within 10 days, the Village President or other authorized official may cause a citation to be issued to the owner

and/or occupant of the property on which the vehicle or debris is located. A separate offense occurs each day or part of a day on which such vehicle or debris continues to be located in violation of this section on the premises named in the notice after issuance of the notice. In addition, any accumulation or storage of any junked automobiles, vehicles, recreational equipment or parts thereof or other unsightly debris not permitted herein, shall be and hereby also is declared to be a public nuisance. As such, as an alternative or in addition to the citation provided for in this paragraph and the penalties prescribed under s. 15.04, said public nuisance may be proceeded against and abated and the costs therefore assessed as provided in Sections 12.04 through 12.06 of this Code.”

Section II: This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this _____ day of _____ 2012.

David Schott, Village President

COUNTERSIGNED:

Frankie Mezera, Village Clerk

Date adopted: _____
Date recorded: _____
Date posted: _____
Date affidavit filed: _____
Effective date: _____