

The Town Board of the Town of Silver Cliff does ordain as follows:

SECTION 1.0
INTRODUCTION

Section 1.01. Title/Purpose. This ordinance is entitled, “Town of Silver Cliff Public Nuisance Ordinance.” The purpose of this ordinance is as follows: to regulate, control, prevent and enforce against in the Town of Silver Cliff certain uses, activities, businesses and operations by persons that may cause a public nuisance in the Town of Silver Cliff.

Section 1.02. Authority. The Town Board of the Town of Silver Cliff has the specific statutory authority, powers and duties, pursuant to Sec. 66.052, (1988-1989) Wis. Stats., and Chapters 143, 144, 146 and 823, (1988-1989) Wis. Stats., pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10, (1988-1989) Wis. Stats.

Section 1.03. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing covenants, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 1.04. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Silver Cliff, Marinette County, and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

Section 1.05. Severability. If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 1.06. Repeal. All other ordinances or parts of ordinances of the Town of Silver Cliff, Marinette County, inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

Section 1.07. Effective Date. This ordinance shall be effective after adoption by the Town Board of Silver Cliff and publication or posting as provided by law.

SECTION 2.0
DEFINITIONS

In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- (1) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular.
- (2) The word “shall” is mandatory and not discretionary.
- (3) The word “may” is permissive.
- (4) The masculine gender includes the feminine and neuter.

A. Junked vehicle. Disassembled, inoperable, junked, or wrecked motor vehicles, truck bodies, tractors, recreational vehicles, farm machinery, or trailers which are in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways or which are otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing licenses or other defects.

B. Junk. Assorted discarded materials and inoperable equipment which are in clear public view. Said materials and equipment include but are not limited to the following:

1. Scrap metal, glass, paper products, metal alloy, concrete, or synthetic material including tanks, barrels, cages, pallets, wire/cable, furniture, culverts, bricks, and bottles.
2. 20 or more used tires.
3. Any junked, ruined, dismantled, or wrecked machinery including, but not limited to farm equipment, construction equipment, campers, snowmobiles, boats, and parts thereof.
4. Unusable appliances or any part thereof.
5. All or parts of dismantled buildings or structures that were not originally part of the land’s principal or accessory buildings and have not been reconstructed within one year of their deposit on the land.
6. All or parts of dismantled buildings or structures that were originally part of the land’s principal or accessory use which have been destroyed by act of man or nature and have been dismantled or destroyed for more than 18 months.
7. Farm equipment not in use and parts of farm equipment.
8. Parts of buildings or other structures, including abandoned mobile homes, manufactured homes, and recreational vehicles.

C. Off-road Vehicles. All vehicles designed or used for off-road or trail riding, including but not limited to all-terrain vehicles (ATVs), utility vehicles (UTVs), and dirt bikes.

SECTION 3.0 GENERAL PROVISIONS

Section 3.01. Rules and Restrictions. No person shall cause, allow, or permit any person to create any public nuisance conditions or areas on premises owned, leased, or controlled by that person in the Town of Silver Cliff. The following areas and conditions are specifically declared by the Town Board of the Town of Silver Cliff to be public nuisances: (This declaration should not be construed to exclude other public nuisances affecting public health and safety in the Town of Silver Cliff.)

A. A junked vehicle area where junk vehicles are stored in public view upon private property.

B. A junk area where junk materials are stored in public view upon private property.

C. A dilapidated building area where dilapidated buildings and structures are allowed to stand while they are dangerous, unsafe, unsanitary, and uninhabitable or otherwise unfit for human occupancy or use.

D. An obstruction area where structures, hedges, trees, weeds, signs, billboards, or equipment are installed or maintained near a public highway, road, or street and, due to the condition or location, block a clean view of traffic that causes a menace or danger to public safety to persons in the Town of Silver Cliff.

E. A loud noise area where loud, discordant, or unnecessary sounds, including but not limited to, motor vehicles, animals, fireworks, or music are allowed to continue to the substantial annoyance or substantial discomfort of persons or causes injury to persons or property in the Town of Silver Cliff. The designated quiet time is from 11:00 PM until 7:00 AM, and excessive noise will not be tolerated from 7:00 AM until 11:00 PM.

F. Allowing domestic animals, dangerous or otherwise, to run at large on the premises wherein they can access property of another to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of silver Cliff.

SECTION 4.0 OFF-ROAD VEHICLES

Authority to set regulations governing off-road vehicles is granted by the State of Wisconsin under Section 23.33(8) and (11). Local regulations governing operation of off-road vehicles can be found in the Town of Silver Cliff's Ordinance 882017—All-Terrain Vehicle and Utility-Terrain Vehicle Routes Ordinance.

Section 4.01. No person shall operate any off-road vehicle in such a manner as to cause damage to public or private property or to any road in the Town of Silver Cliff. Offenders are responsible to pay for any damages they cause. (see Section 5.0)

No person may operate any off-road vehicles on town roads except to access established trails. Off-road vehicles are not to continually run back and forth on the roads.

SECTION 5.0 FINES AND PENALTIES

Section 5.01. Enforcement. The Town of Silver Cliff's constable and/or board members shall be empowered to investigate and/or issue citations for violations of this ordinance.

Section 5.02. Penalties. Violation of the provisions of this ordinance may result in citation issuance.

Upon receipt of notice of certain violations the offender may be given thirty days to correct said violation and notify the Town Board of Silver Cliff of the correction. Failure to comply may result in a daily fine until said violation is corrected. Failure to correct the violation in a second consecutive 30-day period and to pay any fines assessed will result in a municipal court appearance. The offender is liable for any damages caused and may be required to pay outstanding fines and court costs.

This ordinance shall take effect upon passage and publication as required by law.

Adopted this _____day of _____, 2018 by the Town Board of the Town of Silver Cliff.

Henry Burkel, Chairman

Jeffrey Schaal, Supervisor

Bruce Weber, Supervisor

Steffanie Bishop, Clerk