

ORDINANCE AMENDING CHAPTER 10
AN ORDINANCE AMENDING CHAPTER 10 OF THE
CODE OF ORDINANCES
OF THE TOWN OF RANDALL, KENOSHA COUNTY, WISCONSIN

The Town Board of Randall, Kenosha County, Wisconsin, does ordain as follows:

SECTION 1: Chapter 10 of the Code of Ordinances of the Town of Randall is hereby amended to read in accordance with Exhibit A attached hereto and incorporated by reference.

SECTION 2: EFFECTIVE DATE. This ordinance shall take effect upon passage and posting or publication as provided by law.

The foregoing was adopted at a regular meeting of the Town Board of the Town of Randall, Kenosha County, Wisconsin, on this 27 day of April, 2014.

TOWN OF RANDALL:

By: _____

Robert Stoll, Town Chairperson

By: _____

Phyllis Kaskin, Town Clerk

Chapter 10

PUBLIC NUISANCE

10.01 Title

This ordinance is entitled the "Public Nuisance Ordinance."

10.02 Authority

The Town Board has the specific statutory authority powers and duties, pursuant to Chapter 66 (2011-2012) Wis. Stats., and Chapters 143, 144, 146 and 823, (2011-2012) Wis. Stats., pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10, (2011-2012) Wis. Stats., to regulate, control, prevent and enforce against in the Town certain uses, activities, businesses and operation by persons that may cause a public nuisance in the Town.

10.03 Adoption of Ordinance

The Town Board has, by the adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance, regulations, controls and enforcement against certain uses, activities, businesses and operation by persons that may cause a public nuisance in the Town.

10.04 Public Nuisances Prohibited

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

10.05 Definitions

- A. "Motor Vehicle" means a vehicle which is self-propelled, including, without enumeration, a trackless trolley bus, a snowmobile, and truck bodies, tractors, or trailers.
- B. "Junk" means old iron, glass, paper, cordage, refrigerators, furnaces, washing machines, stoves, machinery, or machinery parts, wood, bricks, cement blocks, or other unsightly debris or waste.
- C. "Junked Motor Vehicle" means any motor vehicle which is in such physical or mechanical state as to be incapable of self-propulsion.
- D. "Unlicensed Motor Vehicle, Truck Body, Tractor or Trailer" means any motor vehicle, truck body, tractor or trailer which does not bear lawful current registration plates issued by any State or Nation.

- E. "Abandoned Dwelling" is a dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.
- F. "Accessory Structure" is a structure, the use of which is incidental to that of the main building and which is attached or located on the same premises.
- G. "Blighted Area" is any area (including a slum area) in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential) and which, by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.
- H. "Building" is any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.
- I. "Deterioration" is the condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
- J. "Dilapidated" describes a building, structure, or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.
- K. "Dwelling" is any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- L. "Nuisance" is any public nuisance known at common law or in equity jurisprudence or as provided by the Statutes of the State of Wisconsin or the Town of Randall Ordinances. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such lengthy of time as to:
1. Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public or

2. In any other way render the public insecure in life or in the use of property.

3. Greatly offend the public morals and decency.

4. 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 use of public property.

M. "Occupant" is any person living, sleeping, or having actual possession of a building.

N. "Owner" is any person who, along or jointly or severally with others:

1. Shall have legal title to any premises, with or without accompanying actual possession thereof; or

2. Shall have charge, care, or control of any premises as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and of the rules and regulation adopted pursuant thereto, to the same extent as if he were the owner.

O. "Person" is any natural individual, firm, trust, partnership, association, or corporation.

P. "Premises" is a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure, or other structure thereon.

Q. "Refuse" is all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

R. "Rubbish" is nonputrescible solid wastes (excluding ashes) consisting of either: combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood, or noncombustible wastes such as tin cans, glass or crockery.

10.06 Public Nuisances Affecting Health

No person shall cause, allow or permit any person to create any public nuisance areas on premises owned, leased, or controlled by that person or allow the following acts, omissions, places, condition and things in the Town. The following are specifically declared by the Town Board to be public health nuisances. This declaration should not be construed to exclude other public nuisances affecting public health in the Town.

- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) 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 twenty-four (24) hours after death.
- (3) Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber in the Town. The following things are specifically declared by the Town Board to be public nuisances: bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed.
- (4) All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) Privy vaults and garbage cans which are not flytight.
- (6) 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.
- (7) Any use of property, substances or things within the Town emitting or causing any foul, offensive noisome, nauseous, noxious or disagreeable odors, gases effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of person within the Town.
- (8) All abandoned wells not securely covered or secured from public use.
- (9) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, sidewalk or public place within the Town.
- (10) Breeding places for insects or vermin. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed.
- (11) A noxious weed area where these noxious weeds are allowed to exceed (1) one foot. Refer to Chapter 11.05 Public Health Ordinance for enforcement.
- (12) A dangerous building area where the building, structure, place or the electrical, heat or water supply is in a condition and location to cause a menace or danger to the public health of persons in the Town.
- (13) A hazardous waste area where the discharge, disposal, storage or treatment of hazardous, nuclear or toxic waste are allowed to accumulate to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town.

10.07 Public Nuisances Offending Morals and Decency

The following acts, omissions, places, condition and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Sec. 10.05 of this Chapter.

- (1) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and building or structures kept or resorted to for the purposes of prostitution, promiscuous sexual behavior or gambling.

- (2) All places where intoxicating liquor or fermented malt beverages are sold, stored with intent to sell, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town.
- (3) Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
- (4) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of Wisconsin or ordinances of the Town.

10.08 Public Nuisances Affecting Peace and Safety

The following acts, omissions, places, condition 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 provision of Sec. 10.05 of this Chapter:

- (1) All signs and billboards, awnings 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.
 - (A) Any sign over 24" x 36" requires Town Board approval if it is to remain in place for over 72 hours.
 - (b) This sub-section supplements County of Kenosha requirements.
- (2) All building erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town relating to materials and manner of construction of building and structures within the district.
- (3) 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 signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any device, signal or sign.
- (4) 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.
- (5) All limbs of trees which project over and are less than fifteen (15) feet above the surface of a public sidewalk or street or less than ten (10) feet above any other public place.

- (6) All use or display of fireworks, except as provided by laws of the State of Wisconsin.
- (7) All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, uninhabitable or otherwise unfit for human use and occupancy.
- (8) All wires over streets, or public grounds which are strung less than fifteen (15) feet above the surface.
- (9) All loud, discordant, and unnecessary noises and sounds of motor vehicles, animals or music repulsive to the senses of ordinary persons which are allowed to continue to the substantial annoyance or substantial discomfort of persons or cause injury to persons or property in the Town.
 - A. Construction is limited to the following hours: Weekdays – 7AM-7PM Saturdays – 8AM-5PM Sundays – 9AM-3PM. Exceptions must be approved by the Town Board.
- (10) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall annoy or disturb a neighborhood or any person living or working within the Town.
- (11) All obstruction of streets, sidewalks and all excavations in or under the same, except as permitted by ordinances of the Town or which, although made in accordance with such ordinances, are kept, or maintained for in excess of 48 hours after the purpose has been accomplished.
- (12) All open and unguarded pits, wells, excavations, unused basements, and steps/stairs freely accessible from any public street, or sidewalk.
- (13) All abandoned refrigerators or ice boxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside or interior.
- (14) All unauthorized or unlawful use of property abutting on a public street, or sidewalk or of a public street, or sidewalk which causes large crowds of people gather, obstructing traffic and free use of the streets or sidewalks.
- (15) To allow trash, debris, old lumber, furniture, freezers, stoves, refrigerators, or waste to accumulate in unsheltered areas on the premises for more than seven (7) consecutive days.
- (16) To allow combustible rubbish, paper, oily rags, petroleum products or other highly flammable materials to be improperly secured and/or improperly stored in any building on the premises.

- (17) The deposit of debris, grass, dirt, building materials or other materials or objects, including snow, on any public roadway within the Town of Randall so as to restrict or obstruct traffic or restrict or obstruct vision along and upon any portion of such public roadway or approaches thereto or to place any such materials or plantings, decorative borders, fences or rocks on the shoulder or within any ditch or road rights-of-way within the Town of Randall so as to interfere with drainage or road or ditch maintenance operations, including snow removal.
- (18) The operation of any all-terrain vehicle, motorcycle, snowmobile or like device in such a manner as to cause a disturbance or annoyance to other persons residing near the operation due to excessive noise or dust or which results in the deposit of excessive amounts of dust, mud, stones or debris on adjoining property without the owner's consent.
- (19) The unauthorized burying of rubbish. Rubbish is nonputrescible solid wastes (excluding ashes) consisting of either.
1. Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood, or other building materials.
 2. Noncombustible wastes such as tin cans, glass or crockery.
- (20) To allow sump pump or gutters to discharge in a manner so as to flow directly or indirectly on to a neighboring lot.

10.09 Accumulation of Junk, Debris, Etc. Prohibited

(1) Nuisances prohibited

(a) The accumulation or storage of refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, junk of any type, wood, brick, cement block, or any other unsightly debris such as may tend to depreciate property values in the area or create an attractive nuisance or hazard or any nuisance, is prohibited on any residential lot or parcel of land in the Town except as may be allowed by permit issued by the Town Board, unless such materials are properly housed and out of public view.

(b) Maintenance of dumpsters or similar receptacles for the collection, storage or removal of waste, debris, garbage or other property for disposal or waste storage shall not remain on any residential property, as zoned, in the Town of Randall for a period of more than ten (10) days without first obtaining a written waiver from the Town of Randall. Written waivers of up to ten (10) working days may be granted by the Town only in instances of hardship or in furtherance of reducing accumulation as described in paragraph (1)(a) of this section of the ordinances of the Town of Randall. Violation of this provision is deemed a public nuisance in violation of this chapter of the ordinances, subject to abatement and penalties provided herein.

ORDINANCE NUMBER 10.09

**AN ORDINANCE REPEALING AND RECREATING
SECTION 10.09 OF THE MUNICIPAL CODE
OF THE TOWN OF RANDALL,
KENOSHA COUNTY, WISCONSIN**

The Town Board of the Town of Randall, Kenosha County, Wisconsin, does ordain as follows:

SECTION 1: Section 10.09 (1) of the Municipal Code of the Town of Randall, Kenosha County, Wisconsin, are repealed and recreated to read as follows:

10.09 ACCUMULATION OF JUNK, DEBRIS, ETC. PROHIBITED

(1) **Nuisances Prohibited**

(a) The accumulation or storage of vehicles, motor vehicles, automobiles or parts thereof, trucks, tractors, snowmobiles, refrigerators, furnaces, washing machines, stones, machinery or parts thereof, junk of any type, wood, brick, cement block, or any other unsightly debris such as may tend to depreciate property values in the area or create an attractive nuisance or hazard, or any nuisance, is prohibited on any lot or parcel of land in the Town except as may be allowed by permit issued by the Town Board, unless such materials are properly housed and out of public view.

(b) Maintenance of dumpsters or similar receptacles for the collection, storage or removal of waste, debris, garbage, or other property for disposal or waste storage shall not remain on any residential property, as zoned, in the Town of Randall for a period of more than ten (10) days without first obtaining a written waiver from the Town Clerk of the Town of Randall. Written waivers of up to ten (10) working days may be granted by the Town Clerk only in instances of hardship or in furtherance of reducing accumulation as described in paragraph (1)(a) of this section of the ordinances of the Town of Randall. Violation of this provision is deemed a public nuisance in violation of this chapter of the ordinances, subject to abatement and penalties provided herein.

(2) **Abatement Order**

When the person who owns and or is in charge of any property is in violation of this section, the Building Inspector or any Town Enforcement Officer shall have the authority to order the premises cleaned, placed in order and made sightly and brought into compliance with this section within ten (10) days from the date of order and as specified in the order.

(3) **Penalty of Violation**

If the premises are not cleaned, placed in order, made sightly and brought in compliance with this section within the time so specified in the order, the person in charge of said property shall be considered in violation of the provisions of this chapter and penalized as provided in Section 25.04 of the Code of Ordinances.

SECTION 2: EFFECTIVE DATE. This Ordinance shall take effect upon passage and posting or publication as provided by law.

The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Randall, Kenosha County, Wisconsin, this 28th day of September, 2006.

TOWN OF RANDALL

By: 

Matthew Ostrander, Town Chairperson

By: 

Phyllis Kaskin, Town Clerk

(2) Abatement Order

(a) If the inspecting officer shall determine that a public nuisance exists within the Town, the inspecting officer shall 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 either by personal delivery thereof to such person or by posting a copy of said notice in a conspicuous location 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 10 days unless the inspecting officer determines that there is great and immediate danger to the public health, safety, peace, morals or decency, in which case said notice shall direct that the nuisance be abated or removed within 24 hours if the owner, occupant, or person involved can be found. The notice shall also state that, unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing or maintaining the nuisance as the case may be.

(b) The provisions pertaining to the service of a ten day notice of violation shall apply, and no ten day notice shall be required, if the property owner, occupant or other responsible party was served a ten day notice for the same or similar violation within the preceding 12 months, whether or not such prior violation was abated. Any such property owner, occupant or other responsible party shall be subject to forfeiture, as provided herein, commencing on the date of the violation. Each day the violation continues thereafter shall constitute a separate offense, and the violator shall be subject to a separate forfeiture thereby.

(3) If any person, owner, or occupant as described herein cannot be found with reasonable diligence, any notices provided herein shall be served by certified or regular mail. Such service shall be deemed effective three days after the date of mailing.

10.10 Storage of Inoperable or Abandoned Motor Vehicles on Public or Private Property

(1) Applicability

The provision of this section shall apply to all vehicles which are located on either public or private property which vehicles are inoperative, abandoned, junked or otherwise in such condition as to be deemed to be nuisance vehicles as defined herein.

(2) Definitions

(a) "Vehicle" or "vehicles" means any mobile home, moped, motor bicycle, motor bus, motorcycle, motor-driven cycle, motor home, motor truck, automobile, trailer, boat trailer, camping trailer, recreational vehicle or any other vehicle in upon or by which any person or property is or may be transported or

ORDINANCE NUMBER 10.10(2)(c)7

AN ORDINANCE CREATING
SECTION 10.10(2)(c)7 OF THE MUNICIPAL CODE
OF THE TOWN OF RANDALL,
KENOSHA COUNTY, WISCONSIN

The Town Board of the Town of Randall, Kenosha County, Wisconsin, does ordain as follows:

SECTION 1: Section 10.10(2)(c)7 of the Municipal Code of the Town of Randall, Kenosha County, Wisconsin, is created to read as follows:

10.10 STORAGE OF INOPERABLE OR ABANDONED MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY

...

(2) Definitions

...

(c) "Nuisance vehicle" ...

7. A vehicle which has been stored outside on the same parcel within the Town of Randall for thirty (30) days or more and which at the request of the Ordinance Enforcement Officer cannot be started.

SECTION 2: EFFECTIVE DATE. This Ordinance shall take effect upon passage and posting or publication as provided by law.

The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Randall, Kenosha County, Wisconsin, this 30th day of November, 2006.

TOWN OF RANDALL

By: 

Matthew Ostrander, Town Chairperson

By: 

Phyllis Kaskin, Town Clerk

drawn upon a highway or upon private property, as defined in Ch. 340 (2011-2012) Wis. Stats., as may be amended from time to time.

(b) "Owner" or "Owners" means the individual owner or owners of the vehicle in question or the owner, tenant, or occupant of the premises upon which a vehicle is located.

(c) "Nuisance vehicles" means an inoperable, unlicensed, unroadworthy, disassembled, wrecked, stripped of parts, or junked vehicles, or other vehicle not in compliance with Ch. 341, Ch. 342 and Ch. 347 of the Wis. Stats., and Wis. Admin. Code Ch. MVD 5 as may be amended from time to time. As licensed vehicle for which a license application has been made is deemed a licensed vehicle if proof of application is prominently displayed on the front windshield. Indication of a nuisance vehicle may include, but shall not be limited by enumeration, to the following:

1. A vehicle without a window or windows.
2. A vehicle with broken windows.
3. A vehicle with flat tires.
4. A vehicle without a motor, if it is a vehicle as defined in Ch. 340 of the Wis. Stats., or as that chapter may, from time to time, be amended.
5. A vehicle with one or more wheels not installed.
6. A vehicle lacking one or more structural parts such as fenders, hood or bumpers.
7. A vehicle which has been stored outside on the same parcel within the Town of Randall for thirty (30) days or more and, which at the request of the Ordinance Enforcement Officer, cannot be started.

(3) Prohibition

(a) It shall be unlawful for any person, party, firm or corporation to keep, place or store any "nuisance vehicle" outside of a garage or enclosed structure unless said placement or storage is in conjunction with a duly authorized and licensed auto sales, repair or salvage business complying with local zoning ordinances and all other state and local laws, ordinances, rules, regulations, licenses and permits.

(b) Any such violation shall be deemed to be a public nuisance involving a nuisance vehicle, and the owner shall be responsible for the abatement thereof.

(4) Ten-Day Notice Required

(a) Whenever Town Board Members or Town Enforcement Officer shall find any nuisance vehicle placed or stored in violation of this ordinance within the Town of Randall, he or she shall attach a warning notification sticker, of a form approved by the Town Board, to the vehicle in a prominent place. Town Board Members or Town Enforcement Officer shall prepare written notice to the property owner and to the vehicle owner, if he or she can be found, and to the occupants or tenants of the property, if they can be found, to correct the violation. The officer shall make not less than two attempts to serve the notice either by certified mail or by personal service to the person named on the notice or to a responsible person of at least sixteen (16) years of age residing at the residence of the person named in the notice if the residence is within the Town of Randall. If service is not accomplished by any of these methods, the notification sticker affixed to the vehicle shall be deemed to be sufficient notice.

(b) In the event that said vehicle is not removed within ten (10) days of notice, Town Board Members or Town Enforcement Officer shall have the vehicle removed to a licensed salvage yard or approved storage facility and the cost of removal shall be paid jointly and severally by the owner or occupant of the property upon which the vehicle had been placed or stored and by the owner or owners of the vehicle.

(c) In the event said vehicle is not claimed within ten (10) days after being placed in storage, it may be sold in accordance with the provisions of subsection (6) below relating to abandoned motor vehicles.

(5) Abandoned Motor Vehicles Prohibited – Removal of Disposal Thereof

(a) No person shall abandon or leave unattended any motor vehicle, trailer, semi-trailer, motor home, mobile home or other vehicles as defined in Ch. 340 of the Wis. Stats., as may be amended from time to time, on any public highway or public or private property for such time, and under such circumstances, that the vehicle reasonably appears to have been abandoned. Any vehicle that has been left unattended on private property without the permission of the property owner for more than twenty-four hours within the Town of Randall shall be deemed abandoned, except that a motor vehicle on private property shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when, after investigation by Town Board Members or Town Enforcement Officer, the vehicle has been designated as not abandoned.

(b) Any vehicle in violation of this section or of subsection (a) above shall be deemed a public nuisance and shall be impounded until lawfully claimed or disposed of as hereinafter set forth, except that if the Town Board Members or Town Enforcement Officer determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the Town of Randall prior to the expiration of the impoundment period upon determination by the Sheriff of Kenosha County, or any other law

enforcement official having jurisdiction, that the vehicle is not stolen or otherwise wanted for evidence or for any other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with Sec. 10.10 (6) of this Code.

(c) Any vehicle which shall be deemed abandoned and not otherwise disposed of shall be retained in storage for a minimum of ten (10) days after notice by certified mail or personal service has been sent to the owner and any lien holder or record to permit reclamation of said vehicle after payment of all accrued charges. Said notice shall contain the following information:

(6) Sale of Abandoned Vehicles

(a) In the event that the vehicle is not reclaimed by an owner or lien holder, the Town shall dispose of the vehicle by sealed bid, and the Town shall accept the highest bid for any such abandoned motor vehicle, always provided that, if said bid is deemed inadequate by the Chairperson or the Town Board or by a duly authorized Town Representative, all bids may be rejected. In the event that bids are rejected, or no bid shall be received, the Town Chairperson or duly authorized Town representative may, at his or her discretion, order the vehicle readvertised for bid opening at a date certain or sell the motor vehicle at a private sale or as a junk motor vehicle. Notice of sealed bids shall be by advertising as a Class 1 notice (Chapter 985, (2011-2012) Wis. Stats.) and by posting in not less than three (3) places throughout the Town of Randall, in the same manner as ordinances and resolution are posted. Notices of sale shall be in the same form as the certified mail notice sent to the owner or lien holders of record. Upon sale of said abandoned vehicle, the Town Clerk shall supply the purchaser with a completed form designated by the Motor Vehicle Division of the Department of Transportation enabling the purchaser to obtain a regular certificate of title for said vehicle. The purchaser shall have ten (10) days to remove said vehicle from the storage area and shall pay such charges for storage as may be established by the Town or the owner of the premises to which the abandoned vehicle shall be removed, for each day that said vehicle remains in storage after the second business day subsequent to the sale. Ten (10) days after said sale, the purchaser shall forfeit all interest in the vehicle, and the vehicle shall be deemed abandoned and may be sold again by the same procedures as set forth in this ordinance. Sales may be to any interested person and any listing of vehicles to be sold by the Town shall be made available to any interested person or organization which makes written request for such list to the Town Clerk and upon the payment of a fee of one dollar (1.00) for each such list.

(b) Within five (5) days after the sale or disposal of an abandoned vehicle, as provided in this ordinance, the Town Clerk shall advise the Motor Vehicle Division of the sale or disposition on a form supplied by the Motor Vehicle Division.

(c) Upon the sale of said vehicle, the proceeds thereof shall be used to pay the cost of towing and impoundment, the cost of notification and advertising, and such other cost as may be incidental to disposing of said vehicle. The excess thereof shall be held by the Town Treasurer for reclamation by the owner upon

filing a proper claim therefore and paying all fines or forfeitures that may be imposed for violation of this ordinance or any other ordinance, and in the event that the proceeds from said sale are not sufficient to pay the cost of towing, impoundment, advertising and related costs, the Town may recover any deficiencies in a civil action against the owner of said abandoned vehicle.

10.11 Abatement of Public Nuisances

(1) Inspection of Premises

Whenever a complaint is made to the Town that a public nuisance exists within the Town, the Enforcement Officer shall be promptly notified to make an inspection of the premises complained of, and make a written report of his findings to the Town Board. Whenever practical, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

(2) Summary Abatement

(a) Notice to Owner

If the inspecting officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairperson may direct the Town Enforcement Officer to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises from which the nuisance is caused, permitted or maintained and to post a copy of the notice on the premises. Such notice shall direct the person causing, permitting or maintaining the nuisance or the owner or occupant of the premises to abate or remove the nuisance within twenty-four (24) hours and shall state that unless the nuisance is so abated, the Town will cause the same to be abated and will charge the cost to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

(b) Abatement by Town

If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, the Town Enforcement Officer shall cause the abatement or removal of the 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 the nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall file a written report of his/her findings with the Town Board who shall cause an action to abate such nuisance to be

commenced in the name of the Town in the Circuit Court of Kenosha County in accordance with the provisions of Chapter 823, (2011-2012) Wis. Stats.

(4) Other Methods not Excluded

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of Wisconsin.

(5) Cost of Abatement

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance, maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant, or person causing, permitting or maintaining the nuisance and if the notice to abate the nuisance has been given to the owner, the cost shall be assessed against the real estate as a special charge.

10.12 Public Nuisances/Exterior Surfaces

The exterior of the structure shall be maintained in accordance with the following or otherwise constitute a public nuisance within the meaning of these ordinances.

Housing Appearance

- A. Minimum Standards. No person shall occupy or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following subsections.
- B. Foundation, Exterior Walls, and Roofs. No person shall be an owner or occupant of any premises which does not comply with the following requirement:
 - 1. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards of timber.
 - 2. Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has substantial deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application.

3. All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
 4. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
 5. Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
- C. Grading and Drainage Lots. Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- D. Accessory Structures. All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, and miscellaneous sheds.
- E. Abandoned Dwellings. The owner of any abandoned dwelling shall:
1. Cause all services and utilities to be disconnected from or discontinued to said dwelling.
 2. Lock all exterior doors and windows of said dwelling.
 3. Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches, and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with Subsection B; and
 4. Maintain the yard and accessory structures such that they comply with Subsections C and D.
- F. Nuisances. The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.
- G. Sanitary Conditions. The responsible person shall maintain the common areas of their premises in a clean, safe and sanitary condition. A person shall not occupy a premises or permit another person to occupy a premises, which does not comply with the requirements of this Code. Occupants (including owner occupants and tenants) of a premises shall be responsible for caring for and maintaining in a clean, safe, and sanitary condition that part of the premises, which they occupy and control. All responsible persons and occupants (including owner occupants and tenants) shall be jointly and

severally responsible for securing compliance of their premises with this Code.

10.13 Fire Numbers

Official fire numbers have been assigned to all improved properties in the Town. Each owner of real property having been assigned a fire number shall prominently post same on said parcel or real estate, on a pole located at the roadside, so as to have said number clearly visible from the roadway. No structure shall hereafter be erected without a fire address sign, except those structures which are accessory in nature to an existing structure which has been already been assigned a fire number. The Town of Randall shall post all signs.

- A. Sign Placement Specifications. The sign shall be located on the street to which the structure is addressed regardless of whether access is provided on such street. Placement shall be consistent with State standards.
- B. Fees. The cost of the Fire Address Sign shall be the responsibility of the property owner. All new structures which have not previously been assigned a Fire Address Number shall be charged a fee (prevailing cost) for the sign and its installation at the time of building permit issuance.
- C. Sign Maintenance. The property owner shall keep the sign and post in good maintenance and repair which includes replacement of worn or damaged signs and posts and keeping landscaping elements trimmed from proper viewing. The property owner shall also bear the cost of any replacement regardless of fault.

10.14 Penalty Provisions

- A. General Penalty. Except as otherwise provided, any person who shall violate any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - 1. First Offense. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution. Second and subsequent offenses shall be double the first offense.
 - 2. Continued Violation. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of the Ordinance.
 - 3. Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any

Court for violation of any Ordinance of the Town, the Town shall seek issuance of an execution against the property of the defendant for such forfeiture and costs.

10.15 Severability

If any Section, Subsection, Sentence, Clause or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause or Phrase hereof, the Town Chairman or Town Board of the Town of Randall hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases or Portions thereof may be declared invalid or unconstitutional.

NEWLY CREATED ORDINANCE NUMBER 10.12

**AN ORDINANCE RE-NUMBERING SECTIONS 10.12 AND 10.13
AND CREATING NEW SECTION OF 10.12
OF THE MUNICIPAL CODE
OF THE TOWN OF RANDALL, KENOSHA COUNTY, WISCONSIN**

The Town Board of the Town of Randall, Kenosha County, Wisconsin, does ordain as follows:

SECTION 1: Sections 10.12 and 10.13 of the municipal code of the Town of Randall, Kenosha County, Wisconsin, are hereby renumbered 10.13 and 10.14 respectively, and in all other respects remain unchanged and unamended.

SECTION 2: Section 10.12 of the Municipal Code of the Town of Randall, Kenosha County, Wisconsin, is newly created to read as follows:

10.12 ABATEMENT OF PUBLIC NUISANCES/EXTERIOR SURFACES

The exterior of the structure shall be maintained in accordance with the following or otherwise constitute a public nuisance within the meaning of these ordinances.

(1) **Exterior Walls, Surfaces and Repairs.**

All exterior walls and surfaces, including, but not limited to, decorative features and overhang extensions, doors, door and window frames, cornices, porches and trim, shall be maintained in good repair. All exterior surfaces shall be free from decay, missing parts, serious cracking, irregularities, and peeling, flaking and chipped paint. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective weather resistant and watertight.

(2) **Structural Members**

All structural members shall be maintained structurally sound, in good repair, and be capable of safely supporting the imposed loads.

(3) **Foundation Walls**

All foundation walls shall be maintained structurally sound, plumb and free from open cracks and breaks, in good repair, and shall be kept in such condition so as to prevent the entry of rodents.

(4) **Exterior Walls**

All exterior walls shall be maintained structurally sound, free from holes, breaks, loose or rotting materials, in good repair, and maintained weatherproof.

(5) **Roofs and Drainage**

The roof and flashing shall be maintained structurally sound, tight and not have defects that admit water. The roof coverings shall be in good repair, free from wear and tear, storm damage and missing components. All repairs shall be made to closely match the type and color of the existing roof. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(6) **Decorative Features**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. Any missing parts shall be replaced with matching parts.

(7) **Overhang Extensions**

All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained structurally sound and in good repair with proper anchorage.

(8) **Stairways, Decks, Porches, Ramps and Balconies**

Every exterior stairway, deck, porch, ramp, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Any new or replacement stairways, decks, porches, ramps and balconies shall be installed in accordance with the requirements of Chapters Comm. 20 - 25 of the Wisconsin Administrative Code.

(9) **Chimneys, Towers and Antennas**

All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(10) **Sanitary Conditions**

The responsible person shall maintain the common areas of their premises in a clean, safe and sanitary condition. A person shall not occupy a premises, or permit another person to occupy a premises, which does not comply with the requirements of this Code. Occupants (including owner occupants and tenants) of a premises shall be responsible for caring for and maintaining in a clean, safe, and sanitary condition that part of the premises, which they occupy and control. All responsible persons and occupants (including owner occupants and tenants) shall be jointly and severally responsible for securing compliance of their premises with this Code.

(11) Windows


Windows shall be free from cracks and holes. Windows must be made of glass or rigid plastic. Windows shall not be boarded except for temporary repairs.

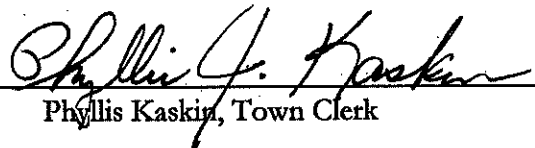
SECTION 3: Newly enacted Section 10.12 is not contrary to and does not override the provisions of Ordinance number 10.08(7)

SECTION 4: EFFECTIVE DATE. This Ordinance shall take effect upon passage and posting or publication as provided by law.

The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Randall, Kenosha County, Wisconsin, this 26th day of October, 2008.

TOWN OF RANDALL

By: 
Matthew Ostrander, Town Chairperson

By: 
Phyllis Kaskin, Town Clerk

ORDINANCE NUMBER 10.13, 10.14 and 11.10

**AN ORDINANCE AMENDING SECTION 10.13, CREATING SECTION 10.14 AND
AMENDING SECTION 11.10
OF THE CODE OF ORDINANCES
OF THE TOWN OF RANDALL, KENOSHA COUNTY, WISCONSIN**

The Town Board of Randall, Kenosha County, Wisconsin does ordain as follows:

SECTION 1: Section 10.13 of the Code of Ordinances of the Town of Randall, Kenosha County, Wisconsin, is hereby renumbered and amended to read as follows:

“10.13 Penalty

(1) Except as otherwise provided, any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in Section 25.04 of this Code of Ordinances.

(2) Except as otherwise provided, each day that any person is found in violation of any provision of this chapter or permits or causes a public nuisance shall constitute a separate offense for purposes of imposition of those penalties as provided in Section 25.04 of this Code of Ordinances.”

SECTION 2: Creating Section 10.14 of the code of ordinances of the Town of Randall, Kenosha County, Wisconsin, to read as follows:

“This section shall be enforced by any Town Supervisor, any Town Enforcement Officer or the Building Inspector.”

SECTION 3: Section 11.10 of the Code of Ordinances of the Town of Randall, Kenosha, County, Wisconsin, is hereby renumbered and amended to read as follows:

“11.10 Penalty

(1) Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of this Code of Ordinances.

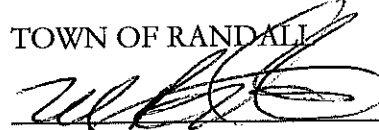
(2) Except as otherwise provided herein, each day that any person is found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall constitute a separate offense for purposes of imposition of those penalties as provided in Section 25.04 of this Code of Ordinances.”

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon passage and posting or publication as provided by law.

The foregoing was adopted at a regular meeting of the Town Board of the Town of Randall, Kenosha County, Wisconsin, this 22nd day of May, 2008.

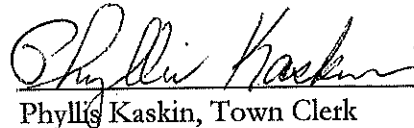
TOWN OF RANDALL

By:



Matthew Ostrander, Town Chairperson

By:



Phyllis Kaskin, Town Clerk