

**Town of Manitowoc Rapids
Manitowoc County, Wisconsin**

ORDINANCE NO. 2012-01

**An Ordinance to Repeal and Recreate
Section 9.09 of the Town Ordinances**

The Town Board of the Town of Manitowoc Rapids pursuant to its village powers and the police powers thereof in order to provide for the health and welfare of the citizens of the Town of Manitowoc Rapids and the public interest do ordain as follows:

SECTION I

Section 9.09 of the Town Ordinances is hereby repealed and recreated as provided herein.

SECTION II

Section 9.09 of the Town Ordinances is hereby created as follows:

9.09 STORAGE OF JUNK, ETC. REGULATED.

1) DEFINITIONS.

- A. "Junk" includes, but is not limited to, any junk or scrap metal or wood, junk metal alloy, junk synthetic or organic material, any junked, inoperable, ruined, dismantled or wrecked motor vehicles, trailers, mobile homes, or machinery or parts thereof, used tires not being put to use, unusable or abandoned appliances or parts thereof, dismantled buildings or structures and parts thereof, and wood, bricks, concrete blocks or other unsightly debris.
- B. "Screened" means hidden from public view in a manner that is compatible with the surrounding environment and is permitted under the applicable zoning regulations [so that the general public cannot see the screened property].

2) RESTRICTED. No person shall store, locate or dispose of junk on property in the Town of Manitowoc Rapids unless the junk is screened from public view.

3) ENFORCEMENT.

- A. The Town Constable may (i) require by written order the owner and or person in possession of the Property in violation of this Ordinance to put the Property in compliance within the time specified in such Order; or (ii) issue a citation for violation of this Ordinance; or (iii) refer the matter to the Town Attorney for enforcement prosecution including injunctive relief and forfeiture actions. Enforcement may include one or more of the foregoing enforcement provisions.
- B. Injunctive relief may include petition to the Manitowoc County Circuit Court for an Order for removal of the violating junk by the Town at Town expense. If such Order is issued, the Town shall invoice the property owner for all such costs incurred in carrying out the Order. If that invoice is not paid by the property owner within 30 days, the Town may place the amount of the invoice on the tax rolls as a special assessment against the affected property. Injunctive relief may also include petition to the Manitowoc County Circuit Court for an Order requiring the property owner or person in possession of the

property to remove the violating junk or to screen it according to this ordinance. If such Order is issued, and the property owner or person in possession fails to comply, the Town is authorized to remove the violating junk and to dispose of it, and any costs incurred by the Town shall be paid by the property owner. If such costs are not paid within 30 days, the Town may place the amount on the cost on the tax roll as a special assessment against the affected Property.

- 4) **PENALTY.** Any person, firm, corporation or other legal entity failing to comply with the provisions of this Ordinance shall upon conviction forfeit not less than \$75 nor more than \$500 plus costs of the prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default of payment of these forfeitures and costs and who is not found to be indigent by the Court shall be imprisoned in the Manitowoc County jail for up to 30 days for each violation or until payment has been made.
- 5) **SEVERABILITY.** The terms of this Ordinance are severable. If any provision hereof is found by a court of competent jurisdiction to be void or unenforceable, such finding shall not affect the remaining portions of this Ordinance which shall continue to be in full force and effect.

SECTION III – EFFECTIVE DATE.

This ordinance is effective upon publication or posting according to law.

Adopted this 21st day of March, 2012.

Town of Manitowoc Rapids
David Korte, Chairperson
Attest: Jessica Backus, Clerk