

**TOWN OF SCOTT, BROWN COUNTY, WISCONSIN**

**MINUTES OF PUBLIC HEARING**

**TO REPEAL AND RECREATE NUISANCE ORDINANCE**

**December 16, 2008**

**1. Call To Order**

A Public Hearing was called to order at 6:00 P.M. on December 16, 2008 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Van Lanen, Supervisors Cyril Van Laanen, Kenneth Jacobs, Jeffrey Zlatohlavek, Tom DePas, Clerk/Treasurer John Roth, Planner Dave Cerny.

**2 Affidavit of Posting.**

An Affidavit stating that the notice of the hearing had been published in the Green Bay Press Gazette and posted as required in the Town was presented by the Clerk.

**Motion VAN LAANEN/JACOBS** to approve the affidavit of posting. Vote: Aye-5, No-0. Carried.

**3. Purpose of the Hearing**

The purpose of the hearing is to obtain input from interested persons concerning the repeal and re-creation of a Nuisance Ordinance.

The following is a summary of the Ordinance:

For the purpose of protecting the health, safety, comfort, general welfare, and to ensure the value and enjoyment of private property of the residents of the Town, the Town of Scott shall consider the repealing and re-creation of the nuisance ordinance.

The following standards shall define public nuisances: A public nuisance is a thing, act, occupation, condition, or use of property, which continues for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public. (2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous any street, alley, highway, navigable body of water, or other public way.

Abatement and enforcement of this public nuisances ordinance shall be determined by the Town Board or its designee such as; the Sherriff's Department, Zoning Administrator, Fire Chief, Weed Commissioner, Building Inspector, Constable, or any other official appointed by the Town Board, shall enforce those provisions of this chapter that come within the jurisdiction of their offices; and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No actions shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself or herself that a nuisance does in fact exist. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the offices of the Clerk.

Cerny explained the reason for the ordinance: This is a repeal of the old nuisance ordinance and a recreation. The old one has not been used for years as it failed in court. The new ordinance expands the definitions of nuisances. The new ordinance follows what other communities are using. This ordinance is more complex and thorough. It explains who will enforce the ordinance.

Attorney Dennis Duffy stated (in an e-mail) that this ordinance is similar to what other municipalities have in place. Duffy had a concern about the equipment needed for noise/decibel readings. This ordinance will not conflict with the Quarry and Blasting ordinance. Duffy also suggested a fine/forfeiture/penalty clause.

There was some discussion of noise and when construction companies can start and stop working.

There was a question of items in the right-of-way. Nothing should be in the right-of-way.

The Town's philosophy will be to respond only if there is a complaint.

No one was present from the audience to open the floor to public comment.

There was some discussion of some of the nuisances in the Town.

## **5. Adjourn**

Motion to adjourn by **VAN LAANEN**, second by **ZLATOHLAVEK**. Vote: Aye-5, No-0. Carried.  
Adjourned at 6:20 P.M.

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John J.Roth, Clerk