

VILLAGE OF DOWNING
402 Main Street, Downing WI 54734

Ordinance # 7-132026

Adopted by the Village Board on July 13, 2026. Effective: July 14, 2026.

Zoning/Public Nuisance Affecting Properties

Authority. This ordinance is enacted pursuant to the authority granted under Wis. Stat. §§ 61.34 and 823.01, and in accordance with Wis. Stat. § 66.0103. Under this law a public nuisance is an unlawful condition, act, or use of a property that endangers public safety, health, or morals or unreasonably interferes with common public rights. It affects the general community or a significant portion of it, rather than a single private property.

A. DEFINITION- A public nuisance involves an ongoing or continuous activity that does any of the following:

JUNK.

Any of the following that are visible from the public's view are hereby declared to be public nuisance whenever they may be found in the village.

- 1) Motorized vehicles or motorized equipment of any type not registered, if not currently capable of motorized operation, including, but not limited to cars, vans, trucks, recreation vehicles, watercraft, motor homes, lawn mowers, snow blowers, outboard motors, go-carts, mopeds, scooters and minibikes. All running vehicles must be registered.
- 2) Nonmotorized vehicles intended to transport persons or property on a road or highway, including trailers and bicycles, if not currently safe to use on the road.
- 3) Vehicle parts.
- 4) Tires, with or without rims.
- 5) Interior appliances and electronic equipment not in use, including, but not limited to, cooktop range and ovens, refrigerators, dishwashers, fans, clothes dryers, microwaves, televisions, screens, audio equipment, computers, arcade game and vending machines.

- 6) Interior plumbing and mechanical fixtures not in use, including, but not limited to, toilets, sinks, piping, bathtubs, tub surrounds, water heaters/tanks, water softeners, humidifiers, dehumidifiers, wood burning stoves, furnaces and related piping and ductwork.
- 7) Interior furniture that is abandoned, discarded or damaged, including, but not limited to, sofas, recliners, mattresses, bed frames, dressers, credenzas, desks, tables and chairs.
- 8) Outdoor recreation equipment that is disassembled or broken, including, but not limited to trampolines, above ground swimming pools, swimming pool components and patio furniture.
- 9) Building components or construction materials not installed or in use, including but not limited to doors, windows, siding, shingles, lumber and flooring.
- 10) Outdoor fixtures or containers not currently in use, including but not limited to fuel tanks, propane tanks, liquid barrels and air conditioners.
- 11) Scrap metal, trailers full of scrap metal, plastic, glass, or wood not in use.
- 12) Lawn overgrown property lines; lawns exceeding 8 inches in height and bushes not maintained.
- 13) Brush piles left for more than 14 days.
- 14) Structures that are dilapidated, unsafe, or constitute a hazard to public health or safety.
- 15) Any other items similar in nature to the above list.

B. Prohibited Activities.

No person, group of persons, company firm, corporation, or any other entity shall within the Village of Downing:

- 1) Operate an unlicensed junkyard.
- 2) Store any junk outside a building and within public view for a period of five (5) or more days, whether consecutive or not, within any thirty (30) day period.
- 3) Leave any dead animals not buried or otherwise legally disposed of for a period of more than three (3) days.
- 4) Store or dispose of any solid waste or other junk, except in accordance with all applicable state or local regulations.
- 5) Lawn, garage, thrift sales and free items left in public view for more than seven (7) days.

C. Exceptions.

- 1) This section is not intended to regulate or place limitations on any legal licensed junkyard, salvage dealer, sanitary landfill or other junk, waste disposal or storage

for which a valid state license or other necessary municipal issuing authority is required and has been issued and all such license are in full force and effect.

- 2) This section does not regulate or place limitations on junk that is stored inside a closed building.
- 3) This section is not intended to prohibit the proper outside storage of licensed and operable motor vehicles.

D. Enforcement and Penalties

Can result in the following consequences:

Trustee, Clerk or President will submit a violation to the Village Clerk. This violation will be brought to the board at the next meeting for discussion. If the board finds a violation, the following will occur.

The Clerk will send a certified notice describing the violation to the residents. This letter will give them 30 days from date mailed to become compliant with order. After the initial 30 days, there will be a follow up letter letting the residents know if they are now compliant with ordinance.

If a resident does not comply within those 30 days, the resident will be charged \$25.00 per day thereafter plus administrative fees as defined in the Fee Schedule, payable to The Village of Downing until the violation is resolved. If the resident does not pay, the Village has the right to add unpaid balances to the property's tax bill (Wis. Stat. § 66.0627) after 60 days of no payment.

If residents are still not compliant after the thirty (30) days, the Village of Downing can hire someone to come clean up and the cost of this service will be billed to the residents. If the bill remains unpaid and is referred to the Village for collection, the Village will apply unpaid balances to the property's tax bill (Wis. Stat. § 66.0627) after 60 days of no payment and Dunn County court will be notified as applicable by Wis. Stat. Ch. 823 or § 66.0114.

E. Appeal Process.

Any resident who receives a notice of violation under Section D may request a hearing before the Village Board by submitting a written request to the Village Clerk within fourteen (14) days of the date of the violation of notice. The Board shall schedule a hearing at its next regular or special meeting. The daily forfeiture shall be kept pending the outcome of the hearing. The decision of the Village Board shall be final, subject to appeal as provided under Wis. Stat. § 66.0114.