

**TOWN OF CLEVELAND ORDINANCE NO. 2026-06**

**AN ORDINANCE PROVIDING FOR THE REGULATION OF JUNK**

The Town Board of the Town of Cleveland, Jackson County, Wisconsin do ordain as follows:

**ARTICLE 1.** A Town of Cleveland Ordinance is hereby created to read as follows:

**Section 1.** Ordinance Title. "The Regulation of Junk in the Town of Cleveland."

**Section 2.** Definitions.

(a) "Junk" means any old or scrap metal, metal alloy, synthetic material or waste. Junk includes any air conditioner, clothes dryer or washer, dish washer, fan, furnace, refrigerator, stove, water heater or softener, and any other appliance, which is located outside of a dwelling or other enclosed structure, and is incapable of being used for its designed purpose, or has not been used for said purpose for a period of at least 30 days.

(b) "Junk farm machinery" means any combine, harvester, hay bailer, manure spreader, plow, portable storage tank, wagon or wagon frame, and other pieces of equipment, and their components, commonly found in agricultural use; which are inoperable, and stored outside for a period of at least 90 days.

(c) "Junk vehicle" means any all terrain vehicle (ATV), motor vehicle [as defined in s. 340.01(35), Wis. Stats., as may be amended], motorcycle, recreational vehicle (RV), snowmobile, trailer, truck or truck body, and similar pieces of equipment which are junked, dismantled, disassembled, inoperable, abandoned, or wrecked, and are incapable of being legally operated on a public highway due to missing or inoperative parts, flat or removed tires, or other defects including lack of a valid registration, and which are stored outside of a garage or similar enclosed structure for a period of at least 30 days. (Subject to 175.25, Wis. Stats., as may be amended)

(d) "Solid waste" has the meaning specified in 289.01(33), Wis. Stats., as may be amended)

**Section 3.** Accumulation of Junk Prohibited.

(a) No person shall allow any material described in Section (2)(a)-(2)(d), to accumulate on their property in an unenclosed or unscreened manner, or in a manner which tends to create a safety, sanitary or health hazard, tends to create a rodent or varmint attraction. Junk farm machinery is exempt from this provision on property zoned as Agricultural.

(b) The safe and healthy accumulation of any material described in Section (2)(a)-(2)(d), which is out of the public view; and is in compliance with all other state, county and town regulations are not prohibited by this ordinance.

**Section 4. Notice of Violation.** If, following an inspection, the Building Inspector, Board Chairman, or the Board Designee determines that there are grounds to believe that there has been a violation of any provisions of this Ordinance, notice of such violation shall be given to the owner(s) or occupant(s). The notice of violation shall:

(a) Be in writing;

(b) Indicate the nature of the alleged violation(s);

(c) Indicate the time for the correction or abatement of the alleged violation and/or submission of a plan to correct the alleged violation, which time shall not be more than 30 days;

(d) Be served upon the owner or occupant in the following manner:

1. Hand delivered to the owner or occupant by the Building Inspector, Board Chairman or the Board Designee; or

2. Sent by certified mail to the owner's or occupant's last known address, as said address appears on the tax rolls. The certified mail receipt and an affidavit of mailing shall be sufficient evidence of service, which service shall be deemed effective within 10 business days of the date of mailing.

(e) Advise the owner or occupant of the right to request, within 10 business days of the date of service, a hearing before the Town Board and further advise the owner/occupant that the owner/occupant's failure to make such a request shall result in the notice of violation being deemed an Order of Violation. Such hearing, if timely requested, shall be held at the next regular Board meeting, or at a special meeting, with notice of the hearing date mailed to the owner/occupant's last known address at least 10 days before the hearing.

(f) At such hearing, the owner or occupant shall have an opportunity to present information and witnesses to the Town Board in order to show cause why such notice of violation should not be issued or should be modified. Upon hearing from the owner or

occupant, and from the official who issued the notice of violation the Town Board may act to uphold, reverse or amend the notice of violation. Such action shall be considered a final decision of the Board and constitute an Order of Violation.

**Section 5. Noncompliance – Remedy of Defects; Abatement.**

(a) The owner or occupant of the premises shall have the time specified in the Order of Violation to remedy the violations.

(b) The Building Inspector, Board Chairman or the Board Designee shall, in their discretion, have the ability to extend the time for corrections if the circumstances warrant an extension and the owner or occupant is making a good faith effort to correct the violations.

(c) If the owner or occupant, after Order of Violation, fails to timely remediate, citations may be issued. Fines related to the violation shall be not less than \$500.00, nor more than \$1,000.00, and each day that the violation(s) covered by an Order of Violation remain unremedied may be treated as a separate violation for which a citation can be issued.

(d) In addition to issuing citations, if the owner or occupant, after Order of Violation, fails or refuses to timely remedy the violations, then the Town, at its sole discretion, may cause such work to be done. Prior to commencing such work, the Building Inspector, Board Chairman or the Board Designee shall do the following:

1. Provide notice to the owner or occupant that the Town will abate the violations along with an estimate of the approximate dates and times during which abatement will occur; and,
2. Have the Town Clerk state the approximate cost for any such work done, including reasonable costs for administration and Inspection fees (collectively, "costs of abatement"), and provide notice of same to the owner or occupant.
3. Owner or occupant will have 30 additional days to fully remedy the violation before the Town would cause such work to be done.

(e) Following notice given per Section 5(d) above, the owner and/or occupant shall give the persons designated by the Town full access to the land and the exterior of the buildings and structures to abate the violations. Failure of an owner or occupant to permit such access shall constitute a violation of this Ordinance, and may also result in the Town obtaining an injunction from Jackson County Circuit Court. Reasonable costs of obtaining the injunction shall be added as administration to the costs of abatement and notice of the additional costs shall be provided to the owner or occupant.


(f) If the owner or occupant fails to pay the costs of abatement within 30 days of the notice from the Town Clerk, interest shall accrue against the balance due at the rate of 1% per month and the total balance due shall become a lien and/or special tax against real estate on the next tax roll in accordance with law.

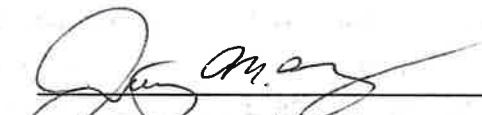
**ARTICLE 2.** The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons and/or circumstances shall not be deemed affected.

**ARTICLE 3.** All other Town of Cleveland ordinances that are in direct conflict with this Ordinance are hereby repealed.

**ARTICLE 4. Effective Date.** This ordinance becomes effective upon passage and publication as required by law.


Adopted this 10<sup>th</sup> day of February, 2026.

  
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Nicholas P'Hyvetter

  
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Jimmy Michalec

  
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Adam Nordgaard

Attest:

  
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Town Clerk

PASSED: 2-10-26  
POSTED:  
PUBLISHED: