

PUBLIC NUISANCE ORDINANCE

25.1 Public Nuisances Prohibited.

No person or business shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the boundaries of the Town of Wilson, Sheboygan County, Wisconsin.

25.2 Public Nuisances Defined.

A public nuisance is a thing, act, occupation, condition, or use of property which shall continue for such length of time to:

- (a) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public; or
- (b) In any way render the public insecure in life or in the use of property; or
- (c) Greatly offend the public morals or decency; or
- (d) 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.

25.3 Public Nuisances Affecting Health.

The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other public health or comfort nuisances coming within the definition of Section 25.02.

- (a) Unburied Carcasses. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (b) Breeding Places for Vermin, Etc. Accumulations of decayed animal or vegetable matter, trash, rubbish rotting lumber, bedding, packing materials, scrap metal or any materials in which flies, mosquitos, disease-carrying insects, rats, or other vermin may breed.

(c) Water Pollution. The pollution of any private or public well or cistern, stream, lake, canal, or body of water by sewage, creamery or industrial wastes or other substances.

(d) Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, ditch, sidewalk, or public place within the Town.

(c) Sewerage Odor(s). Any collection, transportation, pumping, treatment, storage, conveyance handling or final disposition of sewage which allows or causes any fowl, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia, or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health or comfort of any person(s) within the Town.

25.4 Public Nuisance Affecting Peace and Safety.

The following acts, omissions, places conditions and things are hereby declared to be public nuisance affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 25.02.

(a) Dilapidated Buildings. All buildings or structures that are so out of repair as to be dangerous, unsafe, or unsanitary for human use.

(b) Obstruction of Intersections. 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.

(c) Low Hanging Tree Limbs. All limbs of trees which project over a public sidewalk less than eight (8) feet above the surface thereof, or less than ten (10) feet above the surface of a public street.

(d) Fireworks. All use or display of fireworks except as provided by State Laws and Town Ordinances.

(e) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing, or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.

- (f) Low Hanging Wires and Cables. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground.
- (g) Noises or Vibrations. All unnecessary, loud, and discordant, noises or vibrations of any kind.
- (h) Obstructions of Streets; Excavation. All obstructions of streets, alleys, sidewalks or cross walks and all excavations in or under the same, except as permitted by Ordinances of the Town of which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- (i) Open and Unguarded Pits, Wells, Etc. All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street alley or sidewalk.
- (j) Abandoned Refrigerators, Freezers, Etc. All abandoned refrigerators or freezers from which the doors and other covers have not been removed or which cannot be opened by pushing from the inside by a small child.
- (k) Structure or Material Which Constitutes a Fire Hazard. Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire.
- (l) Dangerous Signs, Billboards, Etc. All signs, 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.
- (m) Unauthorized Traffic Signs. All unauthorized signs, signals, marking, 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, official traffic control devices, railroad signs or signals or which, because of their color, location, brilliance, or manner of operation, interfere with the effectiveness of any such device, sign, or signal.
- (n) Abandoned Autos, Trailers, Etc. Automobiles, trailers, semi-trailers, motor homes, or mobile homes which are abandoned, as defined in Section 25.05 of this Ordinance.

- (o) Storage of Junk, Etc., Regulated. No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, bricks, cement blocks or other unsightly debris.
- (p) Shining Animals or Buildings. “Shining” means the casting of rays of a light on a field, forest, building or other area for the purpose of illuminating, locating, or attempting to illuminate or locate animals. “Lights” include flashlights, automobile lights and any other type of illumination. “Animals” includes both wild and domesticated animals. “Building” means and includes any structure which on any occasion houses either persons or animals. No person shall engage in shining in the Town. A person casting rays of light on a field, forest, building or other area which is frequented by animals is presumed to be shining in violation of this Ordinance.
- (q) Light Disturbances. No person at any property used for residential purposes may maintain lighting upon premises under their ownership or control for any purpose between the hours of 10:00 p.m. and 6:00 a.m. in a manner such that beams, rays, reflections, or diffusions from the lighting spill out, over, or onto adjoining or neighboring property used for residential purposes so that said lighting, by its degree of intensity or duration of operation, interferes with the peaceful enjoyment of such adjoining or neighboring property or unreasonably disturbs the comfort and repose thereof. Protective security lighting, landscape lighting, or architectural lighting may be operated at all hours of the night provided that it is directed and shielded to avoid interfering with the peaceful enjoyment of adjoining or neighboring property or unreasonably disturbing the comfort and repose thereof.
- (r) Any Nuisance. Any nuisance so defined by the Wisconsin Statutes.

25.5 Abandoned Vehicles and Storage of Junk.

- (a) No person shall leave an unsheltered accumulation of storage of old, unused, unlicensed, stripped, junked, and/or other automobiles not in good and safe operating condition, any other vehicles, machinery, implements, equipment, any parts thereof, and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured is declared to be a nuisance and dangerous to the public health, safety, and well-being.

- (b) The owner, tenant, lessee and occupants of any lot upon which such accumulation or storage is made, and the owner and lessee of the items involved in such storage, all referred to collectively as “owners,” shall jointly and severally abate the nuisance by promptly moving such items into completely enclosed buildings within the Town, or by moving the items to a location outside the Town.

25.6 Public Nuisance Offending the Morals and Decency.

The following acts, omissions, places, conditions, 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 within the definition of Section 25.02.

- (a) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for by the Ordinances of the Town.
- (b) **Continuous Violations of Town Ordinances.** Any place or premises within the Town where Town Ordinances or State Law relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated.

25.7 Abatement of Public Nuisances.

- (a) **Enforcement.** The Building Inspector, Code Enforcement Officer or other Town Officer as designated by statute or appointment by the Town Board, shall enforce those provisions of this Ordinance that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
- (b) **Summary Abatement.** If the inspecting officer determines 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 Board may direct the proper officer to cause the same to be abated and will charge the

cost thereof to the owner, occupant or person causing, permitting, or maintaining the nuisance, as the case may be.

- (c) **Abatement After Notice.** If the inspecting officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance(s) to be removed.
- (d) **Other Methods Not Excluded.** Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with State Law.
- (e) **Court Order.** No officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, the Town by the Town Board shall apply, to any court having jurisdiction, for an order assisting the abatement of the public nuisance.

25.8 Cost of Abatement.

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

25.9 Penalty.

Any person who shall violate any provision of this Ordinance or permit or cause a public nuisance shall be subject to a penalty as follows in Section 25.10, Penalty Provisions.

25.10 Penalty Provisions.

- (a) **General Penalty.** 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 – Penalty.** Any person who shall violate any provision of this Ordinance shall, upon conviction thereof,

forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, including the Town's attorney's fee, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid but not exceeding ninety (90) days.

- (2) Second Offense – Penalty, Any person guilty of violating any part of this Ordinance who shall previously have been convicted of a violation of the same part of this Ordinance within the previous one (1) year period shall, upon conviction for such second or subsequent offense, forfeit not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

- (b) Continued Violations, Each violation and each day a violation 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 this Ordinance.

25.11 Prior Ordinance(s).

Any previous ordinance or resolution of the Town Board contrary or in conflict with the regulations contained in this ordinance is hereby amended or rescinded as may be necessary to fully and completely effectuate the regulations contained herein.

25.12 Effective Date.

This Ordinance shall take effect the day after passage and the permanent filing hereof with the town Clerk as provided by law.

This Ordinance was adopted on the 7th day of February 2022.

This Ordinance was passed and permanently filed with the undersigned Town Clerk on the 19th day of February 2022.

Attest:

Julie Wicker, Town Clerk