

**Town of Williamstown
Dodge County, Wisconsin**

PUBLIC NUISANCE ORDINANCE

Ordinance No. 2015-04

SECTION 1.0 PURPOSE

The Town Board of the Town of Williamstown deems it in the public interest and welfare to establish regulations prohibiting public nuisances as defined herein.

SECTION 2.0 AUTHORITY

The Town has the authority to adopt this ordinance under Wis. Stat. § 60.22, Chapter 823 of the Wisconsin Statutes, and its general police powers.

SECTION 3.0 ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate and enforce against those persons who are not in compliance with this Ordinance in the Town of Williamstown.

SECTION 4.0 APPLICABILITY

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Williamstown.

SECTION 5.0 DEFINITIONS

For the purposed of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words “shall”, “will”, and “must” are always mandatory. The words “may” and “should” are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section shall be interpreted based on common usage.

5.1 Public Nuisance - General

A public nuisance is a thing, act, occupation, condition or use of property, activity or action of a person, group of persons or other legal entity which exists and continues for such a length of time as to:

- (a) Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Unreasonably offend the public morals or decency;
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render

dangerous for passage any roadway, navigable body of water or other public way or the use of public property.

5.2 Public Nuisances Affecting Health

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of subsection 5.1:

- (a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within twenty- four (24) hours after death of such animal, bird or fowl.
- (c) Accumulation of decayed animals, wood, vegetable matter, trash, rubbish, packing materials, scrap metal, construction materials, demolition materials, tires, nonfunctional equipment, or any material whatsoever in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed.
- (d) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, dust or other atmospheric pollutants or particulates from the premises of the party generating the particulates into public areas or other private areas within the Town in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Town.
- (e) The pollution of any public or private well, cistern, stream, marsh, ditch, lake, canal or other body of water by sewage, animal waste, industrial wastes or other harmful substances.
- (f) Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, unwholesome, noxious or disagreeable odors, gases, effluvia or stenches, liquids or substances offensive to the physical senses of an ordinary person possessed with ordinary tastes and susceptibilities or which otherwise does annoy, discomfort, injure or inconvenience the health of persons within the Town. This definition shall not apply to odors produced through the normal farming practices.
- (g) All abandoned wells, septic tanks, and cisterns not securely covered or not closed pursuant to applicable state law in order to prevent contamination or serious injury.
- (h) Any use of property which shall cause any nauseous unwholesome liquid or substance to flow into or upon a public roadway, road right of way or sidewalk.
- (i) All stagnant water located in an unnatural setting in which mosquitoes, flies or other insects can multiply.
- (j) Privy vaults and garbage cans which are not fly-tight.

(k) All noxious weeds and other rank growth of vegetation.

5.3 Public Nuisances Affecting Peace and Safety

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection 5.1.

- (a) All loud, discordant and unnecessary noises or vibrations of any kind that continue over a substantial period of time.
- (b) The keeping or harboring of any animal, bird or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall unreasonably annoy or disturb neighbors or other residents of the Town. This is intended to cover, among other animals, dogs that are penned up, tied up or kenneled.
- (c) All animals running at large including but not limited to dogs, cats, chickens, sheep, goats, geese, pigs, and cattle. "Running at Large" for purposes of this ordinance shall include an animal which is not on a leash or confined to an enclosed area that travels beyond the parcel boundaries of the animal owner.
- (d) The keeping of ice shanties, semi-trailers, outdoor privies, storage units (such as Pods), and other similar items for extended periods of time (more than 30 days) in public view, such as may create a hazard or may tend to depreciate the property value in the area, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished. Violations of this provision shall not occur with regard to improvements or personal property which may be visible during the winter months but is otherwise screened by foliage during the balance of the year unless in the opinion of the Town Board the items do create a significant hazard or depreciation of property value.
- (e) All open and unguarded pits, wells, excavations or unused basements accessible by the public, or even by a trespassing individual. This does not include naturally occurring waterways or ponds or artificial ponds that would not normally present a hazard because they are not deep enough or are located in or as part of a garden.
- (f) All obstructions of roadways or walkways and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- (g) Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles, or machinery (including unused or inoperable farm equipment) or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of

items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a hazard.

- (h) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (i) Any unauthorized or unlawful use of property abutting on a public roadway, road right of way or sidewalk which causes people to gather so as to obstruct traffic and free use of the roadway, sidewalks or dedicated right of ways.
- (j) Any parking of any type of vehicle, trailer, or container within the road right of way.
- (k) Any parking of any type of vehicle whether registered or not, trailer, or container within the front yard setback except on a legally installed hard surfaced driveway for a period of more than twenty-four (24) hours.
- (l) The burning of trash, rubbish, furniture or any other materials that the burning of which is prohibited by the Wisconsin Department of Natural Resources. "Rubbish" includes but is not limited to waste materials and refuse of every character and kind collected and/or accumulated.
- (m) All owners of property located within the Town who fail to keep their premises free of litter, debris, trash or rubbish shall be in violation of this subsection.
- (n) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

5.4 Town

Town means the Town Board or any other Town of Williamstown official(s) authorized by the Town Board to act on behalf of the Town of Williamstown.

SECTION 6.0 ABATEMENT OF PUBLIC NUISANCES

6.1 Inspection of Premises

Whenever a complaint is made to a member of the Town Board that a public nuisance exists within the Town, the Town Board or its designee may inspect, or cause to be inspected, the premises complained of, but only if the complaining party is willing to identify him or herself and, upon reasonable request, is willing to put the complaint in writing. The investigation of all complaints shall be done in a timely manner considering the nature of the complaint and the availability of Town Board members. The inspector(s) shall make a written report of the findings to the Town Chairman. Whenever practicable, photographs shall be made of the premises and shall be filed in the office of the Town Clerk.

6.2 Notice to Owner

If the Chairman or Town Board determines that a public nuisance exists within the Town, they shall direct the Clerk to provide notice to the person causing, permitting or maintaining

such public nuisance or the owner *or* occupant of the premises where such nuisance exists. It should be provided that the notice shall be in writing delivered either personally or mailed to the owner of the property on which the nuisance exists and if different from the owner, a copy of the notice shall also be mailed to the person causing, permitting or maintaining the nuisance. The notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant to abate or remove such nuisance within three (3) days or within twenty-four (24) hours if there is immediate danger to the public health, safety, peace, morals or decency of the Town. The notice shall also state that unless such nuisance is so abated, the Town shall 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.

6.3 Abatement by Town

If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the Town shall cause the abatement or removal of such public nuisance in whatever means the Town shall determine are reasonable and in accordance with the laws of the State of Wisconsin,

6.4 Abatement by Court Action

If the Town shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten immediate danger to the public health, safety, peace, morals or decency, the Town may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit court of Dodge County.

6.5 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 the laws of the State of Wisconsin.

SECTION 7.0 COSTS OF ABATEMENT

In addition to any other penalty imposed, any and all costs incurred by the Town, including but not limited to costs related to the abatement of the nuisance, court costs, legal fees, and similar expenses, will be assessed against the party causing, permitting or maintaining the nuisance or the owner or occupant of the premises where such nuisance exists, and collected in accordance with all applicable provisions of Wisconsin law, including the right to assess a lien against the real estate or collected as a special charge under Wis. Stat. § 66.0627.

SECTION 8.0 PENALTIES

Any person who violates any provision of this ordinance or any order, rule or regulation made hereunder shall upon conviction, be subject to forfeitures of not less than \$25.00, nor more than \$500.00 for each offense that the person has been found guilty of, together with the costs of prosecution, including reasonable attorney's fees incurred by the Town. For purposes of calculating forfeitures, each day that a violation continues shall constitute a separate offense. Furthermore, the Town shall be permitted to withhold the issuance of licenses, authorities, grants

or permits until the nuisance has been abated and all penalties and costs satisfied.

SECTION 9.0 INTERPRETATION AND SEVERABILITY

9.1 Interpretation

The provisions of this ordinance are not intended to supersede or modify provisions of existing Zoning Ordinances or other rules, regulations and ordinances adopted by the Town and in no event shall this Ordinance be interpreted to preempt Chapter 15 of the Town of Williamstown Zoning Ordinance, as amended from time to time. Where the provisions of this ordinance impose greater restrictions than any statute, ordinance or covenant, the provisions of this ordinance shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this ordinance, the provisions of such statute, other regulation, ordinance or covenant shall prevail. The 1970 ordinance titled “An Ordinance Defining and Prohibiting Public Nuisances and Providing a Penalty” and Ordinance No. 87-1 titled “An Ordinance Prohibiting Public Nuisances” are hereby repealed.

9.2 Severability

It is hereby declared to be the legislative intent that should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than that so declared to be invalid.

SECTION 10.0 EFFECTIVE DATE

This ordinance is effective on publication. The town clerk shall properly publish this ordinance, as required under s. 60.80, Wis. Stats. Adopted this _____ day of _____, 2015.

Donald Hilgendorf, Chairman

Allen Schellinger, Supervisor 1

Loris Geschke, Supervisor 2

Attest:

Mary Dessereau, Clerk