TOWN OF BLACK WOLF
WINNEBAGO COUNTY, WISCONSIN

ORDINANCE PROHIBITING PUBLIC NUISANCES – No. 08-2019

The Town Board of the Town of Black Wolf, Winnebago County, Wisconsin, does ordain as follows:

Section 1: Policy

The Town of Black Wolf declares that the prohibition of public nuisances, as defined in this Ordinance, is necessary to protect the public health, safety, and general welfare.

Section 2: Public Nuisances Prohibited

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

Section 3: Public Nuisance Defined

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

(a) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of persons of ordinary sensibilities;

(b) In any way render the public insecure in life or in the use of property;

(c) 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 or the use of public property.

(d) "Public nuisance" also includes any condition or use of premises or of building exteriors that is detrimental to the property of others or that causes or tends to cause substantial diminution in the value of the property in the neighborhood in which such premises are located.

Section 4: 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 Section 3 herein:

a) Adulterated Food. All decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public.

b) Unburied Carcasses. Carcasses of animals, birds, or fowl are intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.

c) Breeding Places for Vermin. Accumulations of decayed animal or vegetable matter (other than composting sites), trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.

d) Noxious Weeds. All noxious weeds and other rank growth of vegetation.

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

f) Noxious Odors. Any use of property, substances, or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the Town.

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

h) Animals at Large. All animals running at large.

i) Accumulations of Refuse. Accumulations of old cans, lumber, firewood, and other refuse.

j) Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property. Does not apply to burning of leaves.

k) Abandoned Wells. All abandoned wells not securely covered or secured from public use.

l) Junked Vehicles. Disassembled, dismantled, partially dismantled, inoperable, junked, wrecked, or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, or campers, in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets, highways, or waters. Farm equipment on land zoned for agricultural purposes is exempt from this subsection.

m) Abandoned Equipment. Abandoned, discarded, or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash, or debris.

Section 5: Public Nuisances Offending 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 enumerations shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Subsection 3 herein:

(a) Disorderly Houses. All disorderly houses, bawdy houses, houses of ill frame, gambling houses, and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, or gambling.

(b) Gambling Devices. All gambling devices and slot machines, other than state-authorized programs.

(c) Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor, wine or fermented malt beverages are sold without a permit or license if required by law.

(d) Continuous Violation of Town Ordinances. Any place or premises within the Town where Town or County ordinances, or state laws relating to public health, safety, peace, morals, or welfare, are openly, continuously, repeatedly, and intentionally violated.

(e) Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor, wine or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

Section 6: 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 definitions of Subsection 3 herein:

(a) Noise. All loud and unusual noises or annoying vibrations, which offend the peace and quiet of persons of ordinary sensibilities.

(b) Signs and Billboards. All signs and 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.

(c) Illegal Buildings. All buildings erected, repaired, or altered in violation of the Town's ordinances.

(d) Unauthorized Traffic Signs. All unauthorized signs, signals, markings, 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 an official traffic control device, railroad sign or signal, or which, because of its color, location, brilliance, or manner of operation, interferes with the effectiveness of any such device, sign, or signal.

(e) 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.

(f) Tree Limbs. All limbs of trees which project over a public sidewalk or ditch area or the right-of-way less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.

(g) Dangerous Trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(h) Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin.

(i) Dilapidated Buildings. All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.

(j) Wires Over Streets. All wires over streets, alleys, or public grounds which are strung less than fifteen (15) feet above the surface thereof.

(k) 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 shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.

(l) Open Excavations. All open and unguarded pits, wells, excavations, or unusesd basements accessible from any public street, alley, or sidewalk.

(m) Abandoned Refrigerators. All abandoned refrigerators or iceboxes from which the doors or other covers have not been removed and which are not equipped with a device for opening from the inside.

(n) Flammable Liquids. Repeated or continuous violations of this Ordinance or the laws and regulations of the State of Wisconsin relating to the storage of flammable liquids.

(o) Appliances and Junk. Any junk, wood, bricks, construction materials, cement, concrete blocks, abandoned vehicles, machinery 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 (except when such items are properly housed and out of public view).

(p) Unauthorized Street Use. Any unauthorized or unlawful use of property abutting on a public street, or alley, which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

Section 7: Penalty

Any person violating the provisions of this Section will be subject to forfeiture not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00). Any person subject to forfeiture under this Section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Section.

Section 8: Abatement of Public Nuisances

(a) 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 Town Constable may inspect or cause to be inspected the premises complained of. The Town Board or Town Constable may also initiate enforcement action in absence of a complaint.

(b) Notice to Owner. If the Town Board determines that a public nuisance exists within the Town, it shall provide notice to the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting, or maintaining the nuisance or the owner or occupant of the premises, to abate or remove such nuisance within three (3) days or show substantial progress in the abatement. 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.

(c) 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 may cause the abatement or removal of such public nuisance.

(d) 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.

(e) Other Methods Not Excluded. Nothing in this Section 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 9: Cost of Abatement

In addition to any other penalty imposed for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance. Such cost shall be assessed against the real estate as a special charge if not paid in 30 days.

Section 10: Severability

If any section, subsection, sentence, or phrase of this Ordinance shall be held invalid, illegal, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance; and there shall be substituted for the provision at issue a valid and enforceable provision as similar as possible to the provision at issue.

Adopted this _____ day of _____, 2019.

TOWN OF BLACK WOLF

By: _____
Frank Frassetto, Town Chairman

Attest:

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Susan M. Snyder, Town Clerk,