

TOWN OF WESCOTT ORDINANCE DEFINING AND  
PROHIBITING PUBLIC NUISANCES AND  
REPEALING ORDINANCE 6-81 AS AMENDED  
DECEMBER 1991, ORDINANCE 2000-05 AND  
ORDINANCE 2002-7

NO. 2019-03

WHEREAS, it is in the interests of the public that certain nuisances be defined as public nuisances

WHEREAS, the Town Board of the Town of Wescott has power under village Powers pursuant to Section 60.22(3), to enactment ordinance defining and prohibiting public nuisances,

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of WESCOTT, SHAWANO COUNTY, Wisconsin

**Public nuisances defined.**

- A.** A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
- (1)** Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
  - (2)** In any way render the public insecure in life or in the use of property.
  - (3)** Greatly offend the public morals or decency.
  - (4)** 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.
- B.** 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 "public nuisance" of this section:

- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) 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 24 hours after death.
- (3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (4) Privy vaults and garbage cans which are not flytight.
- (5) Noxious weeds, as defined in § 66.0407(1)(b) and § 23.235(1)(a), Wis. Stats., invasive species as defined in Ch. NR 40, Wis. Adm. Code, and rank growth of other vegetation, that exceed eight inches in height. Rank growth of vegetation and noxious weeds adversely impact public health and safety and can decrease adjacent property values. This subsection applies to properties zoned or used for residential, commercial and industrial purposes, including vacant lots in platted subdivisions. Exceptions include gardens, cultivated flower beds, environmentally sensitive areas, and natural landscaping,
- (6) All domestic animals running at large.
- (7) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town or within one mile therefrom 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.
- {9} The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (10) Any use of property, substances or things within the Town of Wescott emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench 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.

- (11) All abandoned wells not securely covered or secured from public use.
- (12) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- (13) Failure of a property owner or tenant to keep a structure or exterior property free from rodent infestation. Where rodents are found, approved processes shall promptly exterminate them, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**C.** 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 enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of "public nuisance" of this section:

- (1) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (2) 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 of Wescott.
- (3) Any place or premises within the Town of Wescott where Town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (4) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

**D.** 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 definition of "public nuisance" of this section:

- (1) 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 their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.

- (2) All trees, hedges, 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. All limbs of trees which project above the surface of a public sidewalk or street or above any other public place shall be kept trimmed to a reasonable height to allow for safe use and passage.
- (3) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- (4) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (5) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (6) loud, discordant and unnecessary noises or vibrations of any kind.  
Quiet time is observed between the hours of 11p and 7a. During this time, all loud activities including, but not limited to music, bands, and use of loud equipment is expected to cease.
- (7) 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.
- (8) All obstructions of streets, alleys, sidewalks or crosswalks 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.
- (9) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (10) All abandoned refrigerators, iceboxes or other appliances from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (11) Any unauthorized or unlawful use of property abutting on a

public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

- (12) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.
- (13) Any violation of the ordinances of the Town of Wescott and the laws of the State of Wisconsin and the Administrative Code of the State of Wisconsin adopted by reference under Chapter 291, Fires and Fire Prevention, of this Code, particularly but without limitation Ch. Comm 10, Wis. Adm. Code, as relates to the storage of flammable liquids, etc.
- (14) Any construction debris or materials. unsightly debris, trash, wood, brick, washing machines, refrigerators or junk such as may tend to depreciate property values or be detrimental to the appearance, neatness and cleanliness of the neighborhood, provided that nothing in this subsection shall prohibit reasonable storage of construction materials during the construction of any building or structure.
- (15) No person may keep any undomesticated or wild animal which poses a threat to the public health or safety. Any such animal that is within the town at any time shall be safely and properly caged and restrained so that the animal cannot escape confinement onto property of another or attack any person validly on the owner's property.
- (16) Any outdoor swimming pool that has at least three feet of water must have at least a four-foot-high fence, or a solid structural cover which is locking. Such covers shall be in place whenever the pool is not in use and/or supervised by an adult.

### **Junked vehicles.**

**A.** Definitions. Terms used in this section shall have the following meanings:

#### **OWNER**

Includes owner, owners, tenants, lessees and/or occupants.

#### **JUNKED VEHICLE**

All junked, disassembled, inoperable or wrecked motor vehicles, or parts thereof, unless otherwise allowed by Chapter 18 of the Zoning Code.

- B.** Abatement by owner. The owner of any property within this Town upon which a vehicle as hereinabove defined is stored or permitted to remain and also the owner of any such vehicle shall, jointly and severally, abate said nuisance by the prompt removal of such vehicle into a completely enclosed building authorized to be used for such storage purposes, if within the limits of the Town, or otherwise remove the same to a location outside the Town.
- C.** Vehicles upon private property. Whenever the Town Chairperson or his/her designee shall find any such vehicle placed or stored in the open upon private property within the limits of the Town, the owner of such property and the owner of the vehicle, if he or she can be located, may be given a three-day written notice by certified mail to remove the same. If such vehicle is not removed within the time specified, the Town may have it removed by a junk or auto salvage dealer. The owner of the property upon which the vehicle had been placed or stored and the owner of the vehicle, if he can be located, shall be jointly and severally liable for the cost of removal by such dealer.
- D.** Storage costs. If such vehicles are claimed by the owner, the junk or salvage yard shall charge a reasonable fee for handling and storing.
- E.** Salvage yard excepted. The provisions of Subsection B shall not apply to auto salvage yards and/or junkyards that are duly authorized under the ordinances of the Town and have been issued a permit to operate as such salvage yard and/or junkyard under this Code.
- F.** Disposal of unclaimed vehicles. When any such vehicle has been removed and placed in storage by the Town as herein provided and such vehicle is not claimed within 30 days after such storage, it shall be sold by the Town. If the proceeds of such sale are insufficient to pay the costs for the removal and storage, said owners jointly and severally shall be liable to the Town for the balance of the costs. If the proceeds are in excess of costs, the balance shall be paid to said owners.
- G.** Violation of this section shall be subject to a penalty as prescribed in § 175.25(5), Wis.Stats.

## **PROPERTY MAINTENANCE**

Maintenance duties and responsibilities of owners/occupants and operators. Every owner/occupant or operator, or if the occupant has assumed responsibility under any written lease, shall, either personally or by agent, improve and maintain all properties within the scope of this code under his, her, or its control to comply with the following requirements:

1. Every premises shall be maintained in a clean, sanitary, and safe condition and comply with all applicable legal requirements of the State of Wisconsin, county in which it is located, and the Town of Wescott.

2. Premises shall be kept clear of refuse, such as brush, weeds, broken glass, garbage, trash, animal feces, and debris. Animal feces must be removed within a reasonable amount of time.
3. Natural growth, such as dead and dying trees and limbs, or other natural growth which, by reason of rotting or deteriorating conditions, or storm damage, constitutes a hazard to persons in the vicinity shall be removed. Trees shall be kept pruned and trimmed to prevent such conditions.
4. Overhangs, such as loose and overhanging objects, which by reason of location above ground level constitute a danger of falling on persons in the vicinity, shall be repaired or removed.
5. Sources of infestation shall be removed.
6. Every foundation, roof, exterior wall, window, and floor shall be reasonably weathertight and rodentproof and shall be kept in proper repair and be capable of affording privacy. All inside and outside stairways, floors, roofs, foundations, load-bearing walls, and every porch and every appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be maintained in sound condition and good repair.
7. All exterior surfaces of buildings and fences made of materials not inherently resistant to or chemically treated to prevent deterioration shall be periodically coated with paint or other suitable preservative which provides adequate resistance to weathering, unless a variance is otherwise granted from the Board of Appeals.
8. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair and shall be maintained free of broken glass, loose shingles or boards, crumbling stone, brick or concrete, excessive peeling paint, or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved and fire and safety hazards eliminated and adjoining properties protected from blighting influences.
9. Exterior building walls shall not have any holes, loose boards, or any broken, cracked or damaged finish, which may admit rain, cold air, dampness, rodents, or insects.
10. Neglected premises visible to the public. It shall be the duty of any person owning or controlling any premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner. It shall be a violation of this subsection to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter.
11. Areas around business premises. The owner/occupant or person in control of a public place, including but not limited to restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, hospitals, and clinics shall at all times keep the premises clean of all litter and shall take measures, including regular cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises. It shall be a violation of this subsection to abandon, neglect, or disregard the condition or appearance of such premises so as to permit it to accumulate litter.

12. Abandoned garbage. It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage, which has been containerized in accordance with a contract for its removal, to allow that refuse, waste or garbage to remain uncollected for longer than seven days or, in any case, until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place.

#### **Abatement of Public Nuisances.**

- A. **Inspection of Premises.** The Town may, at the discretion of the Town Board of Supervisors, make or direct periodic inspections and inspections upon complaint to ensure that the provisions of this ordinance are not violated.
- B. **Notice to Owner.** If the Town Board, or designee, 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 a reasonable period of time, as determined by the Town Board, or its designee.
- C. **Abatement by Town.** If the nuisance is not abated within the time provided in the written notice to the person causing, permitting or maintaining such a nuisance, or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement may cause the abatement or removal of such public nuisance.
- D. **Abatement by Court Action.** If the Town 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, the Town may cause an action to abate such nuisance to be commenced in the name of the Town in the Shawano County Circuit Court
- E. **Court Order.** Except where necessary under Subsection (A), 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, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- F. **Other Methods Not Excluded.** Nothing in this Chapter 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.

#### **Cost of Abatement.**

In addition to any other penalty imposed by this Chapter 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.



### **PENALTY**

- (1) Any person who shall violate any provision of this section shall, upon due conviction thereof, forfeit not less than an amount set forth in the corresponding resolution for each such offense, together with the costs of prosecution, and in default of the payment of such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed 30 days.
- (2) In addition to imposition of a fee for services constituting a special charge against the real estate imposed under this section, the Town may pursue injunctive relief against the owner in the Circuit Court for Shawano County. All legal costs and attorney fees incurred by the Town for enforcement of this section, pursuant to any remedy available, shall be payable to the Town by the owner of the premises. Judgment for such obligations may be obtained by the Town in either the Small Claims Court or Circuit Court for Shawano County.



### **Repeal of Previous Ordinances.**

This ordinance repeals Ordinance 6-81 amended and adopted January 4, 1991, Ordinance 2000-05 adopted June 13, 2000 and Ordinance 2000-7 adopted July 23, 2000.

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

This ordinance takes effect upon adoption and posting or publications as provided by law, pursuant to 60.80, Wis. Stat.

\_\_\_\_\_  
Brian Moesch, Chairperson    Yes    No

\_\_\_\_\_  
Terry Moede, Supervisor    Yes    No

\_\_\_\_\_  
Vacant

\_\_\_\_\_  
Bruce “Duffy” Schultz, Supervisor    Yes    No

\_\_\_\_\_  
Marlene Brown, Supervisor    Yes    No

\_\_\_\_\_  
Attest: Angela Vreeke, Clerk

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Published in the Shawano Leader on: \_\_\_\_\_

Posted in the following locations on:

\_\_\_\_\_ 1) Town Hall, Lake Drive 2) Town Office, Old Keshena Rd 3) Town  
Fire Station, Lake Drive















