

ORDINANCE: O-11-1 Misc.
Town of Stockton,
Portage County, Wisconsin

RE: Public Nuisance Ordinance

Section I Nuisances Prohibited

No person, persons, firm or corporation shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Stockton, Portage County, Wisconsin.

Before authorizing legal action against the person responsible for a public nuisance, the Stockton Board of Supervisors will evaluate the cost and risk/reward of such action. Whenever possible such legal cost shall be levied against the property owner responsible for the nuisance.

No action taken by the Stockton Board of Supervisors against a perpetrator of a public nuisance as defined in this ordinance shall be taken except by a unanimous vote of the Stockton Board when a quorum is present.

Section II Definition

A public nuisance is a thing, act, occupation, condition or use of property that 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.

Section III Public Nuisances Affecting Health

The following acts, omission, places, conditions and things are hereby specifically declared to be public nuisances:

- 1) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- 2) 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.

- 3) All noxious weeds and other rank growth of vegetation.
- 4) Uncut grass of a height or length, within residential and business areas, that could cause a fire hazard or a hazard to public health. In the event a violation of this nature is discovered, the Town of Stockton shall issue a written order to the owner or the tenant of the land involved to cut the excessive high grass within three (3) days from the date of the order, and provide that in the event such grass is not cut within three (3) days from the date of the order the Town shall cut the grass and assess the property involved as a special tax.
- 5) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust within the Town limits in such quantities as to endanger the health of persons of ordinary sensitivities or to threaten or cause substantial injury to property.
- 6) No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that are injurious to human, plant or animal life or to property, or that unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, toxic, or deleterious emission, either alone or in combination with others.
- 7) 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.

Section IV Public Nuisances Offending Morals and Decency

The following acts, omission, 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 Section II of this ordinance.

- 1) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or a license as provided for by Wisconsin State law.
- 2) Any place or premises within the Town of Stockton where town ordinances or state laws relating to public, health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
- 3) 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 the Ordinances of the Town of Stockton.

Section V 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 Section II of this Ordinance.

- 1) All ice not removed, sanded, or treated from public sidewalks, and all snow not removed from public sidewalks within twelve (12) hours after it has ceased to fall thereon.
- 2) 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.
- 3) All buildings erected, repaired or altered within the Town of Stockton in violation of the provisions of the Town relating to materials and manner of construction of buildings and structures within said Town.
- 4) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken for official traffic control devices placed or maintained upon or in view of any manner of operation, interferes with the effectiveness of official device, sign or signal.
- 5) All trees, hedges, billboards, fences 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.
- 6) All limbs of trees which project over and less than 15 feet above the surface of a street or less than 10 feet above any public place or public sidewalk.
- 7) All wires over streets, alleys or public grounds that are strung less than 15 feet above any public place or public sidewalk.
- 8) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinance of the Town of Stockton.
- 9) All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- 10) All loud, discordant and unnecessary noises or vibrations of any kind, including the keeping or harboring of any animal or fowl which by request 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.
- 11) All obstructions of streets, alleys, sidewalks, or crosswalk, 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.
- 12) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley or sidewalk.
- 13) Any unauthorized or unlawful use of property abutting a public street, alley, or sidewalk obstructing traffic or free use of such street, alley or sidewalk.

Section VI Responsibility for Nuisances by Other Government Agencies. Primary contact agency is listed.

<u>Nuisance</u>	<u>Enforcing Agency</u>
1) Contaminated food or drink sold or given to public	a) Portage County Health and Human Services (PCHHS) b) State Department of Health
2) Stagnant water where insects can multiply	a) PCHHS b) State Department of Health
3) Animal running at large or creating disturbance	a) Portage County Humane Society b) Portage County Sheriff's Department c) Municipality
4) Pollution of any ground water, public wells, streams, lake, canal or body of water by sewage, creamery, industrial water or other substance	a) PCHHS b) State Department of Natural Resources (DNR) c) State Conservation Warden
5) Unused wells temporarily or permanently abandoned.	a) DNR b) Possibly Planning and Zoning Department
6) Application of any pesticide in such manner to endanger health	a) Department of Agriculture, Trade and Consumer Protection (DATCP) b) PCHHS
7) Houses or structures used for gambling or prostitution or promiscuous sexual activity	a) Portage County Sheriff's Department b) Portage County Clerk c) P & Z
8) Gambling device/slot machine not permitted by Wisconsin Law	a) Portage County Sheriff's Department
9) Repeated or continuous violations of Wisconsin Law relating to the storage of flammable liquids	a) State Department of Commerce

Section VII Enforcement Procedures

Depending upon the nature of the incident and the response of the property owners the typical enforcement action will follow a progressive approach to correct the violation.

- a) Personal contact (on-site visit, phone call)
- b) Formal letter or notice
- c) Contact by Stockton attorney
- d) Order by the Town Board
- e) Order by the Circuit Court

All procedures will follow Wisconsin Statutes.

Section VIII Penalties

- 1) First Offense. Any person who violates the Ordinance shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County jail until the forfeiture and costs are paid, but not exceeding sixty (60) days.
- 2) Second and Subsequent Offenses. Any person who has previously been convicted of a violation of the Ordinance shall upon conviction of a second or subsequent violation of this Ordinance, forfeit not less than \$200.00 nor more than \$1,000.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County jail until the forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- 3) Separate violations. Each day of violation of this Ordinance constitutes a separate offense.
- 4) Injunctive Relief. In addition to any other relief available to it under the law, the Town Board may seek injunctive relief from a court of record to enjoin further violations of this Ordinance.
- 5) Costs of Abatement. In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the Town may be collected under this ordinance or sec. 823.06, Wis. Statutes, as a debt or expense from the owner or occupant of the real property for causing, permitting or maintaining a public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Town to enjoin or abate the public nuisance as a special charge under sec. 66.0627, Wis. Statutes, unless paid earlier.

Section IX Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Adopted: _____

Revision Adopted: _____

Publication: _____

For the Town of Stockton Board

Mike Bronk, Chairperson

Attest: _____
Marie Helminiak, Clerk