

Chapter 24

PUBLIC NUISANCES Public Nuisances Prohibited

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

No person, whether as an occupant of, user of or owner of real estate in the Town of Tilden shall allow any public nuisance to exist or to be created upon or to remain upon that real estate, nor shall any person create or allow to remain any nuisance upon any public property in the town, including but not limited to town highways.

Section 1: Public Nuisance Defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such 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.** 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.** Whereas the Town of Tilden is primarily an agricultural area, the carrying on of normal farming activity, including but not limited to hours of operation, dust, odors, noise, insects, lawful use of agricultural products or chemicals, or spreading of manure shall specifically not be considered public nuisances. The right to farm and the desire to protect, preserve and promote agriculture is the public policy of the Township.

Section 2: Definitions.

A. Appliance - means any household or office device, instrument, utensil or apparatus or machine that utilizes power, including, but not limited to any stove, washer, dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, any computer or peripheral device or other electronic device.

B. Clean Wood - means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservative and does not contain resins or glues as in plywood or other composite wood products.

C. Commercial Kennel - dogs held for breeding, for the sale of their litters, for the care of other people's dogs

D. Incinerator - mean a container, devise or vessel used for the partial or total destruction of combustible materials by means of burning.

E. Motor Vehicle - Any vehicle manufactured, built, used or designed to be self propelled along a highway and which can be used for transporting people, animals or material.

F. Motor Vehicle, Junked and Inoperable - A motor vehicle as defined herein that is not operable, that has been wrecked, that is unlicensed, that could not be safely or legally operated on a public highway, that has become the habitat for rodents, vermin, insects or other animals, that has not been moved for a continuous period of time of more than 60 days in succession, or that in any way constitutes a threat to the public health, safety or welfare.

G. Open Burning - means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chimney.

H. Parts - Any component or constituent materials incorporated into the design of a motor vehicle and/or whose designed function is to form a portion of a motor vehicle.

I. Public nuisance - means a thing, act, occupation, condition, or use of property that continues in the town for such length of time as to do any of the following:

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 attempt 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.

J. Refuse - means any waste material except clean wood.

Section 3: Public Nuisances Affecting Health.

The following acts, omission, 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 A.

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

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

C. Accumulations of Refuse. Accumulations of significant amounts of old cans, lumber, elm firewood, garbage and other refuse.

D. Refuse. Leaves, grass, refuse, disposable or breakable cans or bottles or other waste materials deposited on public streets, or right of ways of the roads in the Township.

E. Illegal Buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Township relating to materials and manner of construction of buildings and structures within the Township.

F. 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 color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.

G. 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.

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

I. Abandoned Appliances and Refrigerators. All abandoned refrigerators 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.

Section3: Abatement of Public Nuisances.

A. Summary Abatement.

1. Notice to Owner. If the Town Chairman or designee determines that a public nuisance exists within the Township and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period of not less than twenty-four (24) hours or greater than seven (7) days and shall state that unless such nuisance is so abated, the Township will cause the same to be abated and will charge the cost thereof to the

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

2. **Abatement by Township.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty enforcement shall cause the abatement or removal of such public nuisance.

B. Abatement by Court Action. 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, the inspector or sanitarian shall file a written report of such findings with the Town Chairman, who upon direction of the Town Board shall cause an action to abate such nuisance to be commenced in the name of the Town in Chippewa County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.

C. Court Order. Except where necessary under Subdivision (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.

D. Other Methods Not Excluded. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Township or its officials in accordance with the laws of the State of Wisconsin.

Section 4: 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 Township shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost may be assessed against the real estate as a special charge.

Section 5: Enforcement; Penalty.

A. Enforcement. The Town Chairman or designee shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under Section C to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.

B. General Penalty. See Chapter 2.