

**TOWN OF MARSHFIELD
FOND DU LAC COUNTY, WISCONSIN**

ORDINANCE REGULATING PUBLIC NUISANCE

IT IS HEREBY ORDAINED by the Town Board of the Town of Marshfield, Fond du Lac County, Wisconsin as follows:

I. PUBLIC NUISANCE PROHIBITED

(a) No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Marshfield, Fond du Lac County, Wisconsin.

II. PUBLIC NUISANCE 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.

(5) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

III. PUBLIC NUISANCES AFFECTING HEALTH

(a) 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 II:

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

(2) Unburied Carcasses. Carcasses of animals, birds or fowl not 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.

(3) Breeding Places for Vermin, Etc. 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.

(4) Noxious Odors, Etc. 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, other than odors produced through the operation of farming practices.

(5) Street Pollution. 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.

(6) Stray Animals. All animals running stray.

(7) Foul Odors. Any use of property, substances or things within the Town emitting or causing any foul, offensive, nauseous, unwholesome or disagreeable odors, gases, stenches, liquids or substances offensive to the physical senses to an ordinary person possessed of ordinary tastes and susceptibilities or which otherwise annoy, discomfort, injure or inconvenience the health of persons within the Town. This definition shall not apply to odors produced through the operation of farming practices.

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

(9) Junked Vehicles. As regards outside storage, 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 for six months of propulsion or of being operated upon the public streets, highways, or waters except as noted elsewhere in this ordinance.

(10) Abandoned Equipment. As regards outside storage, abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, trash or debris.

IV. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

(a) 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 Section II:

(1) Signs, Billboards, Etc. 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.

(2) Illegal Buildings. All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.

(3) 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.

(4) 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.

(5) Tree Limbs. All limbs of trees which project over a public sidewalk or ditch area of 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.

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

(7) 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.

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

(9) 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.

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

(11) Unauthorized Street Use. 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.

V. ABATEMENT OF PUBLIC NUISANCE

- (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 shall inspect or cause to be inspected the premises complained of.
- (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. 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. The Town may, in its sole discretion, require a written plan of action for abatement of the nuisance from the owner.
- (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 shall 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 of the Town may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Fond du Lac County.
- (e) Other Methods Not Excluded. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisance by the Town or its officials in accordance with the laws of the State of Wisconsin.

VI. COST OF ABATEMENT

- (a) 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.

VII. EFFECTIVE DATE

(a) This ordinance shall take effect and be in force upon its passage and publication as required by law.

Adopted this 29th day of November, 2011.

TOWN OF MARSHFIELD

By: _____
John Bord, Town Board Chairperson

Attest:

Marlene J Sippel, Town Clerk