

Ordinance No: 07-02
Public Nuisance Ordinance

STATE OF WISCONSIN
Town of Morrison Brown County

SECTION 1 – TITLE/PURPOSE

The title of this ordinance is the Town of Morrison **Public Nuisance Ordinance**. The purpose of this Ordinance is to regulate for public health and safety reasons public nuisances and certain uses and activities in the Town.

SECTION 2 – AUTHORITY

The Town Board has the specific authority under ss. 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25, and Chapter 823, Wis. stats., and the general authority under its Village Powers under s. 60.22 (3), Wis. stats., to adopt this Ordinance.

SECTION 3 – ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate the storage, treatment, disposal, and discharge of certain junk and other items, uses and activities in the Town.

SECTION 4- PUBLIC NUISANCE PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Morrison, Brown County, Wisconsin.

1. Definition of District; Whenever the word “District” appears herein, it shall refer to and apply only to those areas within the boundaries of the Morrison & Lark Sanitary District within the Town of Morrison, Brown County, Wisconsin.

SECTION 5 - 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:

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; or
3. Greatly offend the public morals or decency.

SECTION 6 - 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 1.02.

1. Unburied Carcasses. 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 twenty four (24) hours after death.
2. Breeding Places for Vermin, etc. Accumulations of decaying animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any materials in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
3. Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
4. Noxious Weeds. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed one (1) foot. The Town may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property under Section 66.60(16), Wisconsin Statutes.
5. Water Pollution. 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.
6. 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, gasses, 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, as determined by the town board. Normal agricultural activity shall be exempt from item # 6.
7. 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.
8. Abandoned Vehicles.
 - a. Vehicle Abandonment Prohibited. No person shall leave unattended any motor vehicle, trailer, semi trailer or mobile home on any public street, or highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonable appear to have been abandoned. When any such vehicle has been left unattended on any Town street or on any public or private property within the District without the permission of the owner for more than forty eight (48) hours, the vehicle is deemed abandoned and constitutes a public nuisance.
 - b. Removal and Impoundment of Abandoned Vehicles. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of, except that, if the Town Constable or his duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Town prior to expiration of the impoundment period upon determination by the Town Constable or his duly authorized representative that the vehicle is not wanted for evidence or other reason.
9. Storage of Junk, etc., Regulated. No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, bricks, cement blocks, wood, junk tires or other unsightly debris which may tend to depreciates property values in the area or create an unattractive hazard, or other nuisance, deemed a nuisance by the Morrison Town Board.

10. Dangerous wild animal areas. Any place in the Town where live dangerous wild animals are kept, sold, or in any manner controlled or possessed on private or public land without written approval of the Town Board and the animals are not removed or destroyed within 72 hours after receipt of written notice to remove from the Town Board unless written approval of the Town Board is obtained within said time. To constitute a dangerous wild animal, under this paragraph, the species of animal must pose a threat to the safety of persons within the Town, including a keeper of such animal, as determined by the Town Board. It is not necessary that the Town Board find that a specific animal is dangerous in order to find a nuisance under this paragraph. For purposes of this Ordinance dangerous wild animals include, but are not limited to, all of the following species of animals:

a. Class Mammalia

- i. Order Chiroptera. (Any Bat species)
- ii. Order Artiodactyla (Hippopotamuses, giraffes, camels, deer) Excludes domestic cattle, swine, sheep, goats, alpaca, and llama.
- iii. Order Carnivora.
 1. Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals) Excluding domestic cats.
 2. Family Canidae. (Wolves, coyotes, foxes, and jackals) Excluding domestic dogs.
 3. Family Ursidae. (All Bears)
 4. Family Mustelidae. (Weasels, skunks, martins, minks) Excluding ferrets.
 5. Family Procyonidae. (Raccoons, coatis)
 6. Family Hyaenidae. (hyenas)
 7. Family Viverridae. (Civets, genets, mongooses)
- iv. Order Edentata. (Anteaters, armadillos, sloths)
- v. Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders)
- vi. Order Perissodactyla. (Rhinoceroses, tapirs) Excluding horses, donkeys and mules)
- vii. Order Primates. (Lemurs, monkeys, chimpanzees, gorillas)
- viii. Order Proboscidae. (Elephants)
- ix. Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs) Excluding guinea pigs, rats, mice, gerbils, and hamsters.

b. Class Reptilia

- i. Order Squamata.
 1. Family Helodermatidae. (Gila Monsters and Mexican beaded lizards)
 2. Family Varanidae. (Any monitor which will normally grow over two feet in length)
 3. Family Iguanidae. (Only green iguanas and rock iguanas)
 4. Family Boidae. (All species whose adult length may exceed eight feet)
 5. Family Colubridae. (Boomslangs and African twig snakes)
 6. Family Elapidae. (Coral snakes, cobras, mambas)
 7. Family Nactricidae. Only keelback snakes.
 8. Family Viperidae. (Copperheads, cottonmouths, rattlesnakes)
- ii. Order Crocodylia. (Crocodiles, alligators, caimans, gavials)

c. Class Aves

- i. Order Falconiformes. (Eagles, hawks, vultures)
- ii. Order Rheiformes. (Rheas)
- iii. Order Struthioniformes. (Ostriches)
- iv. Order Casuarliformes. (Cassowaries and emus)
- v. Order Strigiformes. (Owls)

d. Class Arachnida

- i. Order Scorpiones. Family Buthidae.
 - 1. Arabian fat-tailed scorpion – *Androctonus crassicauda*
 - 2. Arizona centruroides scorpion – *Centruroides exilicauda*
 - 3. Death stalker – *Leiurus quinquestriatus*
 - 4. Egyptian yellow scorpion – *Androctonus amoreuxi*
 - 5. Israeli black scorpion – *hottentotta judaicus*
 - 6. S.A. giant fat-tailed scorpion – *Parabuthus transvaalicus*
 - 7. Sinai desert scorpion – *Androctonus bicolor*
 - 8. Yellow desert scorpion - *Androctonus Australia*
- ii. Order Araneae. Family Therididae.
 - 1. Argentina red widow spider – *Latrodectus coralinus*
 - 2. Brown widow spider – *Latrodectus geometricus*
 - 3. Red-Black widow – *Latrodectus basselti*
 - 4. Red widow spider – *Latrodectus biahopi*
 - 5. Southern black widow spider – *Latrodectus mactans*
 - 6. Western widow spider – *Latrodectus Hesperus*
- e. Class Chilopoda
 - 1. Order Scolopendromorpha, Family Scolopendridae.
 - a. Amazon giant banded centipede – *Scolopendra gigantea*.
 - b. Arizona Tiger Centipede – *Scolopendra viridis*
 - c. Florida keys centipede – *Scolopendra alternans*
- f. Any Federal or State Endangered or Threatened Species.

11. Highway/Road pollution – Wisconsin State Statute 348.10 covers special limitations of loads hauled on the road. Statute 348.10(2) prohibits the operation of a vehicle unless the vehicle is constructed and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom. Loads with loose items should be secured when being transported on Town roads.

SECTION 7- PUBLIC NUISANCES OFFENDING THE 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 within the definition of Section 1.02.

- 1. Gambling Devices. All gambling devices and slot machines.
- 2. Continuous Violation of Town Ordinances. Any place or premises within the District where Town ordinances or State law relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- 3. Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.

SECTION 8 - 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 1.02.

1. **Illegal Buildings.** All building erected, repaired or altered, in violation of the provisions or the ordinances or the Town relating to materials and manner of construction of buildings and structures with the Town.
2. **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.
3. **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.
4. Any dog running at large is subject to impoundment at owner's expense.

SECTION 9 - ABATEMENT OF PUBLIC NUISANCES

1. **Enforcement.** The Building Inspector and the Health Officer 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 this subsection to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
2. **Summary Abatement.** If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Chairman may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
3. **Abatement after Notice.** 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, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisances to be removed.
4. **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 State laws.
5. **Court Order.** 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 any order assisting the abatement of the public nuisance.

SECTION 10 - 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, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

SECTION 11- PENALTY Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as follows in 1.09, Penalty Provisions.

SECTION 12 - PENALTY PROVISIONS

1. General Penalty. Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - a. First Offense - Penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$500.00, 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 such forfeiture and costs are paid, but not exceeding ninety (90) days.
 - b. Second Offense - Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one (1) year shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs or prosecution are paid, but not exceeding six (6) months.
 - c. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
 - d. Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

SECTION 13 – Severability

- a. The sections, paragraphs, sentences, clauses, articles and phrases of this ordinance are severable; if any provision is found to be unconstitutional, invalid or unenforceable, such finding shall not affect the remaining portions of this ordinance.

Adopted by: The Town of Morrison, Town Board this 13th day of November, 2007

Todd Christensen, Chairman

Attest: Colleen Magley, Clerk

Posted: 11/28/2007