

PUBLIC NUISANCE ORDINANCE
ORDINANCE #: 4.07

1. **Public nuisances prohibited.**

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

2. **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. Greatly offend the public morals or decency.
- D. 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.

3. **Public nuisances affecting health.**

The following acts, omissions, places, conditions, and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming with the definition of public nuisance in Section 2 of this ordinance.

- A. Adulterated food. All decayed, adulterated, or unwholesome food or drink sold or offered for sale to the public.
- B. 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 24 hours after death.
- C. Breeding places for vermin, etc. 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. **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 in Section 2 of this ordinance.

- A. Disorderly houses. 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, gambling, or sale and/or use of controlled substances as defined in Wis. Stat. ch. 961.
- B. Unlicensed sale of liquor and beer. 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 Town ordinances.
- C. Continuous violation of Town ordinances. Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
- D. Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws or Town ordinances.

5. **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 in Section 2 of this ordinance.

- A. 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.
- B. 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.
- C. Refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- D. Open pits, basements, etc. All open and unguarded pits, wells, excavations, and basements.

6. **Abatement of public nuisance.**

- A. **Enforcement.** Whenever a complaint is made to the Town Chairperson that a public nuisance exists within the Town, the Town Chairperson shall promptly notify the Building Inspector, Fire Chief, Town official, or law enforcement officer, who shall immediately inspect, or cause to be inspected, the premises complained of and shall make a written report of his or her findings to the Town Chairperson. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the photographs in the office of the Town Clerk.
- B. **Summary abatement.**
- (1) **Notice to owner.** If the inspecting officer shall determine 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 Town Chairperson may direct the Building Inspector, Fire Chief, Town official, or a law enforcement officer, on behalf of the Town, to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall 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.
 - (2) **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.
- C. **Abatement by court action.** If the inspecting officer shall determine 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 and the owner of the property to remove the same within 10 days. If such nuisance is not removed within 10 days, he shall report such fact to the Town Chairperson, who may direct the Town Attorney to commence an action in circuit court for the abatement of the nuisance.
- D. **Other methods not excluded.** Nothing in this ordinance 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, nor as prohibiting an action to be commenced in circuit court seeking a forfeiture as provided in this ordinance.

E. Cost of abatement. In addition to any other penalty imposed by this ordinance 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.

7. **Violations and penalties.**

In addition to the remedy of abatement provided in this ordinance, any person who shall violate any provision of this ordinance, or permit or cause a public nuisance, shall be subject to a forfeiture of no less than \$125.00 plus court costs (refer to Town of Brazeau Bond Schedule), plus any related costs.