

TOWN OF MEENON

Burnett County
Webster, Wisconsin 54893

ORDINANCE DEFINING AND PROHIBITING PUBLIC NUISANCES

No. 4-88

WHEREAS, it is in the interests of the public that certain nuisances be defined as public nuisances,

WHEREAS, the Town Board of the Town of Meenon has power under Village powers pursuant to section 60.18(2) Wisconsin State Statutes, to enact ordinances defining and prohibiting public nuisances,

NOW THEREFORE, Town Board of Supervisors of the Town of Meenon, Burnett County, Wisconsin, does hereby ordain as follows:

SECTION 1: PUBLIC NUISANCES PROHIBITED: No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance with-in the Town of Meenon, Burnett County, Wisconsin.

SECTION 2: DEFINITIONS

A. PUBLIC NUISANCE: A public nuisance is an object, 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, or obstruct, or tend to obstruct or render dangerous for passage any road, alley, highway, navigable body of water or other public way or the use of public property.

B. PUBLIC NUISANCES AFFECTING HEALTH: The following acts, omissions, places, Conditions, and objects are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances or hazards coming within the definition of sub-section A of this section:

1. All decayed, harmfully adulterated, or unwholesome food or drying food Sold or offered for sale to the public.
2. Carcasses or animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in an appropriate sanitary manner within 24 hours after the death of such animal, bird, or fowl.
3. Accumulations of decayed animal or 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. Privy vaults and garbage cans which are not fly-tight.
5. All noxious weeds and other rank growth of vegetation.
6. All animals running at large.
7. All abandoned wells not securely covered or secured.
8. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any road, ditch, or right-of-way, or public place within the Town of Meenon.

C. PUBLIC NUISANCE AFFECTING PEACE AND SAFETY: The following acts, omissions, places, conditions, and objects are hereby declared to be public nuisances affecting peace and safety; however, such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of section A, of this section.

1. All signs and billboards, awnings, and other similar structures over or near roads, public grounds, or places frequented by the public, so situated or constructed as to endanger the public safety.
2. 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.
3. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public roads, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk. Any such obstruction which falls within a vision clearance triangle extending twenty-five feet horizontally along each street line from their intersection and within a vertical clearance of six feet shall be presumed to be a violation of this subsection.
4. All limbs of trees which project over, and are less than fourteen feet above the surface of the portion of the road, highway, or right-of-way.
5. The use or display of fireworks except as provided the laws of the State of Wisconsin and ordinances of the Town.
6. All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use or occupancy.
7. All wires over streets, alleys, highways, or public grounds, which are strung less than fifteen feet above the surface thereof.
8. All loud, discordant, and unnecessary noises or vibrations of any kind, which greatly annoy or disturb a neighborhood or any considerable number of people within the Town. 10:00 p.m. to 7:00 a.m. shall be quiet time.
9. The keeping or harboring of any animal or fowl which might be frequently or habitually howling, yelping, barking, crowing, or making other noises, which greatly annoy or disturb a neighborhood or any considerable number of people within the Town.
10. All obstructions of roads, highways, and rights-of-way, and all excavations in or under the same, except as permitted by the ordinances of the Town

of Meenon, 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.

11. All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public road.
12. 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. PUBLIC NUISANCES – OTHER: The following acts, omissions, places, Conditions and objects are hereby specifically declared offending the comfort, Health, repose, or safety of the Town of Meenon; but such enumeration shall not Be construed to exclude either nuisances within the definition of subsection A of this section.

1. All property owners within the Town of Meenon who all their property to accumulate trash, litter, or rubbish shall be considered to be in violation of this subsection.
2. “Litter” as used in this ordinance includes, but is not limited to, trash and wastepaper lying scattered about; and an untidy accumulation of objects of any kind.
3. “Trash” as used in this ordinance includes, but is not limited to, something or object(s) worth little or nothing or something or object(s) in a crumbled, broken or inoperable condition.
4. “Rubbish” as used in this ordinance includes, but is not limited to, waste materials and refuse of every character and kind, collected and/or accumulated, excluding properly maintained compost piles.

SECTION 3: JUNKED AND ABANDONED VEHICLES

A. JUNKED AUTOMOBILES, ETC.: No disassembled, inoperable, unlicensed, Junked, or wrecked motor vehicles, truck bodies, tractors, trailers, or appliances shall be stored or allowed to remain in the open upon public or private property, within the Town for a period exceeding five days if upon public property, or for a period exceeding thirty days if upon private property. Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed 90 days, after which such vehicles must be enclosed by a screening or live planting.

1. The phrase “Disassemble, inoperable, junked, or wrecked motor vehicles, truck bodies, tractors, trailers,” as used in this section is defined as follows: motor vehicles, truck bodies, tractors, or trailers, in such a state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public roads or highways.
2. The term “unlicensed”, as referring to motor vehicles, truck bodies, tractors, or trailers as used in this ordinance shall be defined as follows: motor vehicles, truck bodies, tractors, or trailers which do not bear lawful license plates.
3. The terms “motor vehicle” as defined in Section 340.01(35) of the Wisconsin State Statutes.

4, The term “appliance” as used in this ordinance shall be defined as any stove, washer, or refrigerator which is no longer operable in the sense for which it was manufactured.

B. ABANDONED VEHICLES, ETC.: No person shall have any unattended motor Vehicle, trailer, semitrailer, or mobile home on any public road, highway, or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any street or highway or on any public or private property within the Town of Meenon without the permission of the owner for a period of more than seventy-two hours, the vehicle is deemed abandoned and constitutes a public nuisance.

SECTION 4: TREES AND SHRUBS: It shall be the policy of the Town of Meenon to regulate and control the planting, transplanting, removal, maintenance, and protections of public and private trees and shrubs on Town of Meenon rights-of-ways to eliminate and guard against dangerous conditions which may result in injury to persons using the roads, highways, alleys, or property of the Town; to promote the beauty and general welfare of the Town; to protect trees and shrubs located in the public areas of the Town from undesirable and unsafe planting, removal, treatment and maintenance practices; and to control the spread of tree diseases.

A. DEFINITIONS:

1. Bush or Shrub: a low-spreading woody plant with several permanent stems.
2. Tree: a woody perennial plant with one main stem or trunk having a diameter of at least two inches, one foot above the ground, and which is capable of attaining a height in excess of ten feet above the ground.
3. Public trees and shrubs: all trees or shrubs planted onto any park or other property owned or controlled by the Town or any street, highway, within the public right-of-way, including terrace trees and shrubs.

B. NO PERSON SHALL PLANT ANY BUSH, SHRUB, OR TREE IN ANY PUBLIC EASEMENT, ROAD, ALLEY, HIGHWAY, OR TERRACE.

C. DAMAGE TO TREES AND SHRUBS ON PUBLIC PROPERTY: No person shall maliciously injure any trees growing on any public street, road, alley, or highway or impede the free passage of water or air to such trees. Similar provisions apply to trees and shrubs located on public parks and other public property.

1. No person shall remove or cause to be removed any tree or shrub from any public property.
2. The owner or occupant of any private abutting on any public property may himself maintain and protect any tree standing on such public property, providing in so doing there is compliance with the provisions of this ordinance.

SECTION 5: ABATEMENT OF PUBLIC NUISANCES

1. Inspection of premises. Whenever a complaint is made to the Town Chairperson or to a Town Enforcement Officer that a public nuisance exists within the Town of Meenon, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of, and shall make a written report of his findings to the Town Chairman. Whenever practicable, the town Enforcement Officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.
2. Summary Abatement:
 - (a) Notice to owner - if the Enforcement 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 Chairman may direct the Enforcement Officer to serve on the person causing, permitting, or maintaining such nuisance upon the owner or occupant of the premises which such nuisance is caused, permitted, or maintained and to post a copy of such notice on the premises. Such person 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 twenty-four hours and shall state that unless such nuisance is so abated the Town will 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.
 - (b) 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 Enforcement Officer in the case of health nuisances and other cases shall cause the abatement or removal of such public nuisance.
3. Abatement by Court Action - if the Enforcement 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 file a written report of his findings with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Burnett County in accordance with the provisions of Chapter 823 of the Wisconsin State Statutes.
4. Other Methods Not Excluded - nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Meenon, or its officials in accordance with the laws of the State of Wisconsin.

SECTION 6: 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, 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 of abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge. Penalties as follows:

This ordinance shall be enforced by citation. The following bond schedule is hereby established for use by citation pursuant to this ordinance.

First Violation: \$200.00 plus any legal fees or court costs incurred by the township.

Second Violation: \$300.00 plus any legal fees or court costs incurred by the township.

Subsequent Violations: \$500.00 plus any legal fees or court costs incurred by the township. If the defendant is found guilty, they will pay court costs initiated by the township.

Time frame within 3 consecutive years.

SECTION 7: ENFORCEMENT BY CITATION PROCEDURE: This ordinance shall be enforced by citation procedure of enforcement of town Ordinance as adopted by Ordinance #6-88. As part of this ordinance, it is hereby directed that the following be established for the use of citations issued under this ordinance.

Suzanna M. Eytcheson,
Town Clerk

Dated: 12/18/2023

Chris Sybers, Chairman
Tom O'Brien, Supervisor
Randy Strese, Supervisor