

TOWN OF MAPLE GROVE
MANITOWOC COUNTY, WISCONSIN
ORDINANCE NO. 1996-1
PUBLIC NUISANCE ORDINANCE

AN ORDINANCE TO DEFINE AND PROHIBIT PUBLIC NUISANCES

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 Maple Grove has power under Village Powers pursuant to Section 60.22(3), to enact ordinances defining and prohibiting public nuisances.

NOW, THEREFORE, Town Board of the Town of Maple Grove, Manitowoc County, Wisconsin, does hereby ordain as follows:

1.01. PUBLIC NUISANCES PROHIBITED

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Maple Grove, Manitowoc County, Wisconsin.

1.02. DEFINITIONS AND DESCRIPTIONS

(A) PUBLIC NUISANCE. 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; or
- (4) unlawfully and substantially interfere with, or obstruct, or tend to obstruct or render dangerous for passage any road, 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 things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of subsection (A) of this section:

- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in appropriate sanitary manner within 24 hours after the death of such animal, bird or fowl.
- (3) 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) 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 from public use.
- (8) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any road or public place within the Town of Maple Grove.

(C) PUBLIC NUISANCES 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 subsection (A) of this section:

(1) All signs and billboards, awnings and other 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 or highway from obtaining a clear view of traffic when approaching an intersection. Any such obstruction which falls within a vision clearance triangle extending 25 feet horizontally along each road line from their intersection and within a vertical clearance of 6 feet shall be presumed to be a violation of this subsection.

(4) All limbs of trees which project over and less than 15 feet above the surface of a public road or highway.

(5) The use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town of Maple Grove.

(6) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.

(7) All wires over a road, highway, or public grounds which are strung less than 15 feet above the surface thereof.

(8) All loud or unnecessary noises which unreasonably disturb the peace and good order of the neighborhood or unreasonably disturb or annoy persons using or occupying property in the neighborhood.

(9) The keeping or harboring of any animal or fowl which, by frequently or habitually howling, yelping, barking, crowing, or making other noises, shall unreasonably disturb the peace and good order of the neighborhood or unreasonably disturb or annoy persons within the Town.

(10) All obstruction of roads or highways and all excavation in or under the same, except as permitted by the ordinances of the Town of Maple Grove 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, or which do not conform to the permit.

(11) All open and unguarded pits, wells, excavations, or unused basements accessible from any public roads or highways.

(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.

(13) Repeated or continuous violations of the ordinances of the Town of Maple Grove or Wisconsin Statutes relating to the use or storage of flammable liquids.

1.03. JUNKED AND ABANDONED VEHICLES

(A) **JUNKED AUTOMOBILES.** No disassembled, inoperable, unlicensed, junked, or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, vehicle parts or tires, or appliances shall be stored or allowed to remain unenclosed upon property within the Town for a period exceeding thirty (30) days, unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance.

(1) The phrase "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers," as used in this section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers, in such 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 current license plates.

(3) The term "motor vehicle" is defined in Section 340.01(35) of the Wisconsin Statutes.

(4) The term "inoperable appliance" as used in this ordinance shall be defined as any stove, washer, refrigerator, microwave oven, or other similar household appliance, which is no longer operable in the sense for which it was manufactured.

(B) **ABANDONED VEHICLES.** No person shall have unattended any motor vehicle, trailer, semi-trailer, or mobile home on any public roads, highways, or public or private property in the Town of Maple Grove 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 in the Town of Maple Grove on any road or highway or on any public or private property without the permission of the owner of the property for a period of more than seventy-two (72) hours, the vehicle is deemed abandoned and constitutes a public nuisance. The term "unattended" is defined as follows: unmoved from its location with no obvious sign of continuous human use.

1.04. TREES AND SHRUBS

It is the policy of the Town of Maple Grove to regulate and control the planting, transplanting, removal, maintenance, and protection of trees and shrubs in or upon all public areas in the Town in order to eliminate and guard against dangerous conditions which may result in injury to persons using the roads, highways, or public areas 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 disease.

(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, bushes, and shrubs: all trees, bushes, or shrubs planted on any park or other property owned, controlled or leased by the Town or on the right-of-way of any road or highway.

(4) Public area: a public park and other land owned, controlled or leased by the Town, the right-of-way of any town road or highway.

(B) PLANTING PROHIBITED. No person shall plant any bush, shrub or tree in any public area in the Town of Maple Grove.

(C) TRIMMING. The owner or occupant of any private property shall keep all trees standing on such property so trimmed that no bough or branch thereof shall hang lower than fifteen (15) feet above the surface of the road or highway. Shrubs shall be trimmed so that they do not overhang any road or highway. The owner or occupant of any private property shall remove or cause to be removed any dead tree or dead or broken bough or branch on a tree standing on such private property and overhanging any public road or highway.

(D) DAMAGE TO TREES AND SHRUBS IN PUBLIC AREAS. No person shall injure any trees, bushes or shrubs located on any public area. Injury to a tree, bush or shrub shall include, but not be limited to, securing, fastening or running any rope, wire, sign, or other material to, around or through it; breaking, mutilating, defacing, killing, or destroying it; closing or obstructing any open space about the base of it designed to permit access of air, water or fertilizer.

(E) REMOVAL OF TREE OR SHRUB. No person shall remove or cause to be removed any tree, bush or shrub from any public area.

1.05. ABATEMENT OF PUBLIC NUISANCES

(A) INSPECTION OF PREMISES. Whenever a written complaint is made to the Town Chairperson or to a Maple Grove Town Enforcement Officer that a public nuisance exists within the Town of Maple Grove, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of findings to the Town Chairperson. 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. A complaint shall be made on forms provided by the Town.

(B) SUMMARY ABATEMENT.

(1) Notice to Owner. If the Enforcement Officer in the written report to the Town Chairperson shall determine that a public nuisance exists within the Town and that there is a danger to the public health, safety, peace, morals or decency, the Town Chairperson may direct the enforcement officer to serve a notice upon the person causing, permitting, or maintaining such nuisance, or on the owner or occupant of the premises

where such nuisance is caused, permitted or maintained and a copy of such notice shall be posted 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 72 hours and shall state that unless such nuisance is so abated, the Town may 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, permitting or maintaining the nuisance cannot be found, the Enforcement Officer shall cause the abatement or removal of such public nuisance.

(C) 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, the Enforcement Officer shall file a written report of such findings with the Town Chairperson 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 the Circuit Court of Manitowoc County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes. In addition, the Chairperson may direct the Enforcement Officer to issue one or more citations for each day of violation for a said time period, and to report back whether compliance has occurred.

(D) ACCESS. Except where necessary under subsection (B), no Enforcement 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 or other appropriate relief.

(E) OTHER METHODS NOT EXCLUDED. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Maple Grove, or its officials in accordance with the laws of the State of Wisconsin.

1.06. 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 abatement of any 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 where such public nuisance occurred, as a special charge.

1.07. ENFORCEMENT PROVISIONS

(A) FIRST OFFENSE/PENALTY. Any person who shall violate this ordinance, shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) and no more than Two Hundred Dollars (\$200.00) together with the cost of prosecution and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid but not exceeding 90 days.

(B) SECOND OFFENSE/PENALTY. Any person guilty of violating this ordinance who shall previously have been convicted of violation of this ordinance shall upon conviction thereof forfeit not less than \$10.00 nor more than \$400.0 for each such offense,

together with the costs of prosecution and in default of payment of such forfeiture and the cost shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid but not to exceed six (6) months.

(C) DAY OF VIOLATION. Each day of violation of this ordinance shall constitute a separate offense.

(D) CITATION. This ordinance may be enforced by the citation procedure as authorized by ordinance. The following bond schedule is hereby established for use of citation pursuant to this ordinance.

ORDINANCE TITLE	OFFENSE	DEPOSITS & COSTS
Public Nuisance Ordinance	1st - \$100.00	Applicable court costs
Public Nuisance Ordinance	2nd - \$200.00	Applicable court costs

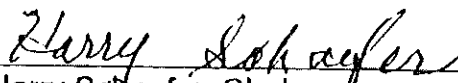
1.08. SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, as found by a court of competent jurisdiction, such finding shall not affect the provisions or applications of this ordinance which shall be given effect without the invalid or unconstitutional provision or application.


1.09. EFFECTIVE DATE

This ordinance shall take effect July 12, 1996.

TOWN OF MAPLE GROVE TOWN BOARD



Harry Schaefer, Chairperson



Kermit Bastian, Supervisor



Robert Schuh, Supervisor

ATTEST:

Kevin Fischer Clerk
Kevin Fischer, Clerk

Date Adopted: July 8, 1996

Date Posted: July 11, 1996