

Ordinance 2014-0804 Revised
PUBLIC NUISANCE ORDINANCE

Section I Public Nuisances Prohibited

No person, persons, firm or corporation shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Hull, Portage County, Wisconsin.

The review and action by the Hull Board of Supervisors under this ordinance is usually complaint driven by Hull households and/or neighborhood. Under most circumstances the public nuisance is brought to the attention of Hull officials through a written petition from citizens residing in the neighborhood impacted by the nuisance. The petition shall state the nuisance, be signed, dated and with addresses. The petition may lead to a public information meeting where all affected neighbors can discuss the nuisance and seek removal and/or reconciliation of the issue(s). The Town Board reserves full discretion in investigating, prosecuting and resolving any public nuisance complaint.

“Whenever a complaint, usually initiated by a written petition from affected citizens, is made to the Hull Town Board of Supervisors (the “Town Board”) that a public nuisance under this ordinance exists within the Town, the Town Board by a simple majority vote will decide if such complaint merits further investigation. If the Town Board decides further investigation is appropriate, then the Town Chair, Town committee or other agents of the Town Board shall promptly inspect or cause to be inspected the premises complained of and shall make a written report of its findings to the Town Board, which report shall thereafter be filed with the Town Clerk and kept of record in the office of the Town Clerk. Whenever practicable, the Town Chair, Town committee or other agents of the Town Board shall cause photographs to be made of the premises for inclusion in the written report to the Town Board. ‘Other agents’ shall include, but not be limited to, the assessor, building inspector or anyone else so designated by the Town Board to enforce Town ordinances. Under such circumstance, the Town Chair, Town committee or other agents shall be deemed to be ‘peace officers’ for purposes of § 66.0119(1)(b), Wis. Stats.” Further, the Portage County Sheriff’s Department is authorized herein to assist Town’s peace officers in enforcing any special inspection warrants issued under §66.0119, Wis. Stats., by keeping the peace during such inspections.

In the event a complaint is made to the Town Board that a public nuisance exists under this ordinance within the Town and that such public nuisance in the estimation of the Town Chair or the Chair’s designee, poses a great, immediate and substantial danger or threat to the public health or safety, then the Town Chair or such Chair’s designee, is authorized to promptly inspect or cause to be inspected the complained of premises without obtaining any Town Board approval to do so. Under such circumstance, the Chair and the Chair’s designee are also deemed to be “peace officers” for purposes of §66.0119(1)(b), Wis. Stats.

“Once the Town Board determines that a violation of this ordinance exists, the Town Board will evaluate the cost and risk/reward of taking legal action against the responsible person(s). Whenever possible, such legal cost shall be levied against the property owner(s) responsible for the nuisance.

No legal action taken by the Town Board against the perpetrator of a public nuisance as defined in this ordinance shall be taken except by a unanimous vote of the Town Board when a quorum is present.”

Section II Definition

A public nuisance is a thing, act, occupation, condition or use of property that 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.

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

Section III Public Nuisances Affecting Health

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances:

- 1) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- 2) 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.
- 3) All noxious weeds and other rank growth of vegetation.
- 4) Uncut grass of a height or length, within residential and business areas, that could cause a fire hazard or a hazard to public health. In the event a violation of this nature is discovered, the Building Inspector shall issue a written order to the owner or the tenant of the land involved to cut the excessive high grass within three (3) days from the date of the order, and provide that in the event such grass is not cut within three (3) days from the date of the order the Town shall cut the grass and assess the property involved as a special tax.
- 5) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust, air borne and water borne industrial or air borne and water borne agricultural chemicals within the Town limits in such quantities as to endanger the health of persons of ordinary sensitivities or to threaten or cause substantial injury to property.
- 6) No person shall cause or allow emissions of air borne contaminants to the outdoor atmosphere of such quantity, characteristic or duration that are injurious to human, plant or animal life or to property, or that unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, spray, toxic, or deleterious emission, either alone or in combination with others.
- 7) No person shall cause or allow discharge of solid, liquid or gaseous contaminants to the soil, surface water and groundwater of such quantity, characteristic or duration that are injurious to human, plant or animal life or to property, or that unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific groundwater quality standards or discharge limits, this prohibition applies, but is not limited to any solid, liquid or gaseous substance, toxic or deleterious discharge, distribution, or spray, either alone or in combination with others.
- 8) Any use of property which shall cause any nauseous, toxic, or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town and that may seep, perk, flow, or leach into the groundwater.

Section IV Public Nuisances Affecting Property Values

- 1) Definitions. For the purpose of this section, the following words and phrases shall have the meanings assigned to them as follows. Words and phrases not herein otherwise defined shall have the meanings accepted by common use.
 - a) Blighting influence. A condition having an adverse effect on surrounding properties.
 - b) Debris. Broken concrete, bricks, blocks, or other mineral matter, bottles, porcelain and other glass or crockery, boxes, lumber, posts, sticks, or other wood, paper, rags, cardboard, rubber, plastic, wire, tin and metal items, discarded household goods or appliances, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon a neighborhood or the Town of Hull in general.
 - c) Junk. Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle, garden tractor, lawn mower or snow blower, or other machinery of any kind, or any part thereof, whether salvageable or not. An unlicensed motor vehicle shall be construed to be a junked motor vehicle.
 - d) Rubbish. Any combustible or noncombustible waste materials, except garbage, which would not be considered debris.
 - e) Vehicle. Any automobile, truck, van, recreational vehicle, bus, race car, motorcycle, snowmobile, tractor, boat with trailer, or trailer. All-terrain vehicles, riding lawn mowers, and lawn tractors are considered vehicles and limited as described in subsection (2)(e) below.
 - f) Depletion. To cause by taking or use the permanent reduction in the availability of a shared resource held in the public trust.
- 2) Declaration of public nuisances. The following acts, omissions, places, conditions, and things are specifically declared to be public nuisances affecting property values; but such enumeration shall not be construed to exclude other nuisances affecting property values coming within the definition of Section II (above).
 - a) Accumulation of debris, junk, rubbish or other material which has a blighting influence upon surrounding properties.
 - b) Storing personal property, which is not debris junk or rubbish, outside the home, garage or other suitable permanent building in any residential district, unless concealed from public view by a suitable enclosure. To be suitable, a building or enclosure shall be neat, attractive and in keeping with the surrounding properties so as to not have a blighting influence upon surrounding properties. Buildings as used herein shall consist of a roofed and walled structure built for permanent use. Stacked firewood shall be exempt from the enclosure requirements of this subsection.
 - c) Deteriorating fences or paved areas.
 - d) Buildings or fences in need of paint or other preservative necessary for an attractive appearance.
 - e) Outside parking of vehicles in excess of the following:
 1. Four vehicles per detached single-family residence on a lot zoned Single-Family Residential (R-2) by Portage County. See definition of vehicle at Section IV 1(e)
 2. Three vehicles per unit for two-family dwellings.

Permitted vehicle parking in front or side yards shall be allowed only on a hard surface or well-drained gravel driveway.

- f) Regarding licensed motor vehicles stored or allowed outside of any building on a single-family residential lot zoned R-2 in the Town of Hull, the number of such vehicles shall not exceed the number of legally licensed motor vehicle drivers who occupy and reside at the property for a period of more than 14 days plus one additional vehicle. 'Motor vehicle' as used herein, means a vehicle which is self-propelled. In case of a conflict with subsection 2(e)1 above, such as there being four licensed motor vehicle drivers residing at the property and five licensed motor vehicles stored outside, this subsection shall control.
 - g) Parking vehicles which exceed 30,000 pounds or gross weight, 30 feet in length or 11 feet in height on a public street in any residential district, unless loading or unloading goods or performing service at or in the adjacent residence.
 - h) Parking or servicing vehicles, except those recreational vehicles commonly referred to as motor homes and fifth-wheel trailers, which exceed 30,000 pounds of gross weight, 30 feet in length or 11 feet in height on private property in any residential district.
 - i) Using any vehicle for dwelling purposes.
 - j) Parking construction equipment on any public street or on private property, unless such equipment is being used for a Town project or other construction project pursuant to valid Town permits.
 - k) Parking any trailer, including, but not limited to, boat, camper or construction trailers, on a public street for more than 48 hours per week.
 - l) Taking and use of groundwater which results in significant depletion or degradation of the quantity or quality of groundwater resources shared by neighboring properties. Specific changes in quantity and quality shall be verifiable from historic monitoring and testing data.
- 3) Collector of special interest vehicles. Pursuant to §341.266, Wis. Stats, a collector may store unlicensed, operable or inoperable vehicles and parts on the collector's property provided the vehicles and parts cars and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

Section VI 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 Section II of this ordinance.

- 1) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or a license as provided for by Wisconsin State law.
- 2) Any place or premises within the Town of Hull where town ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
- 3) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the Ordinances of the Town of Hull.

Section VII 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 provisions of Section II of this Ordinance.

- 1) All ice not removed, sanded, or treated from public sidewalks, and all snow not removed from public sidewalks within twelve (12) hours after it has ceased to fall thereon.
- 2) 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.
- 3) All buildings erected, repaired or altered within the Town of Hull in violation of the provisions of the Town relating to materials and manner of construction of buildings and structures within said town.
- 4) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken for official traffic control devices placed or maintained upon or in view of any public highway or railway crossing, which because of its color, location, brilliance or manner of operation, interferes with the effectiveness of official device, sign or signal.
- 5) All trees, hedges, billboards, fences 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.
- 6) All limbs of trees which project over and less than 15 feet above the surface of a street or less than 10 feet above any public place or public sidewalk.
- 7) All wires over streets, alleys or public grounds that are strung less than 15 feet above any public place or public sidewalk.
- 8) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town of Hull.
- 9) All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- 10) All loud, discordant and unnecessary noises or vibrations of any kind, including 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.
- 11) All obstructions of streets, alleys, sidewalks, or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the Town, 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.
- 12) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley or sidewalk.
- 13) Any unauthorized or unlawful use of property abutting a public street, alley, or sidewalk obstructing traffic or free use of such street, alley or sidewalk.

Section VIII Responsibility for Nuisances by Other Government Agencies. Primary contact agency is listed.

<u>Nuisance</u>	<u>Enforcing Agency</u>
1. Contaminated food or drink sold or given To public	a. Portage County Health and Human Services (PCHHS) b. State Department of Health
2. Stagnant water where insects can multiply	a. PCHHS b. State Department of Health
3. Animal running at large or creating Disturbance	a. Portage County Humane Society b. Portage County Sheriff's Department c. Municipality
4. Pollution of any ground water, public wells, streams, lake, canal or body of water by sewage, creamery, Industrial water or other substance	a. PCHHS b. State Department of Natural Resources (DNR) c. State Conservation Warden
5. Abandon wells not capped or secured from Public use	a. DNR b. Possibly Planning and Zoning Department in year 2010 (P&Z)
6. Application of any pesticide in such manner	a. Department of Agriculture, Trade, and Consumer

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| To endanger health | Protection (DATCP) |
| | b. PCHHS |
| 7. Houses or structures used for gambling or Prostitution or promiscuous sexual activity | a. Portage County Sheriff's Department
b. Portage County Clerk
c. P&Z |
| 8. Gambling device/slot machine not permitted By Wisconsin Law | a. Portage County Sheriff's Department |
| 9. Repeated or continuous violations of Wisconsin law relating to the storage of Flammable liquids | a. State Department of Commerce |

Section IX Enforcement Procedures

Depending upon the nature of the incident and the response of the property owners, the typical enforcement action will follow a progressive approach to correct the violation.

- a) Personal contact (on-site visit, phone call)
- b) Formal letter or notice
- c) Contact by Hull attorney/special inspection warrant/Portage County Sheriff's Department;
- d) Completion of inspection report;
- e) Public hearing or informational meeting attended by households from the neighborhood impacted by Public Nuisance
- f) Order by the Town Board
- g) Order by the circuit court

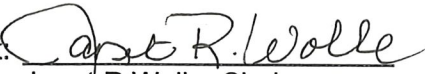
All procedures will follow Wisconsin Statutes where applicable.

Section X Penalties.

1. First Offense. Any person who violates the Ordinance shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00 for each offense, 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 the forfeiture and costs are paid, but not exceeding sixty (60) days.
2. Second and Subsequent Offenses. Any person who has previously been convicted of a violation of the Ordinance shall, upon conviction of a second or subsequent violation of this Ordinance, forfeit not less than \$200.00 nor more than \$1,000.00 for each offense, 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 the forfeiture and costs of prosecution are paid, but no exceeding six (6) months.
3. Separate violations. Each day of violation of this Ordinance constitutes a separate offense.
4. Injunctive Relief. In addition to any other relief available to it under the law, the Town board may seek injunctive relief from a court of record to enjoin further violations of this Ordinance.
5. 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 and violation of this ordinance, the cost of abatement of any public nuisance by the Town may be collected under this ordinance or sec. 823.06, Wis. Stats., as a debt or expense from the owner or occupant of the real property for causing, permitting or maintaining a public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Town to enjoin or abate the public nuisance as a special charge under sec. 66.0627, Wis. Stats., unless paid earlier.

Section XI Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

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Publication: March 17, 2017

Attest: 
Janet R Wolle, Clerk

For the Town of Hull Board


John Holdridge, Chairperson

