

**TOWN OF MEEME
MANITOWOC COUNTY, WISCONSIN**

ORDINANCE NO. 2022-2

**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; and

WHEREAS, the Town Board of the Town of Meeme has power under Village Powers pursuant to Section 60.22 (3), Wis. Stat., to enact ordinances defining and prohibiting public nuisances; and

WHEREAS, the Town Board of the Town of Meeme deems it in the public interest and in the interest of the health, welfare and protection of the public, and good governance, to regulate public nuisances as provided herein;

NOW, THEREFORE, the Town Board of the Town of Meeme, Manitowoc County, Wisconsin, does hereby ordain and adopt the following as the Town of Meeme Public Nuisance Ordinance:

1.01. PUBLIC NUISANCES PROHIBITED

No person may create, erect, contrive, cause, continue, maintain, install, construct, or permit to exist a public nuisance within the Town of Meeme, Manitowoc County, Wisconsin (herein "Town").

1.02. DEFINITIONS AND DESCRIPTIONS

(A) PUBLIC NUISANCE. A public nuisance is a thing, act, occupation, condition or use of property that continues in the Town for such length of time as to do any of the following:

- (1) Substantially annoy, interfere with, 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, uses, activities, 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 provisions of subsection (A) of this section:

(1) Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) Unburied carcasses. Carcasses of animals, bird 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) Vermin breeding places. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(4) Privy and garbage cans. Privy vaults and garbage cans which are not fly-tight.

(5) Noxious weeds. All noxious weeds and other rank growth of vegetation.

(6) Animals at large. All animals running at large.

(7) Abandoned wells. All abandoned wells not securely covered or secured from public use.

(8) Road pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any road, highway, highway ditch, or public place within the Town of Meeme.

(9) Noxious odor. Any use of property where noxious odor, stench, gas or smoke escapes or is emitted into the open air which tends to or does substantially annoy, interfere with, injure, or endanger the comfort, health, repose, or safety of the public. In this subsection, "noxious odor" means an odor that is repulsive to the senses of ordinary persons in the Town and that seriously annoys or causes serious discomfort, serious injury to the health, or serious inconvenience to the health or safety of persons within the Town.

(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) Signs, billboards. 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) Unauthorized traffic signs. 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) Obstruction of intersections. All trees, hedges, billboards, or other obstructions which tend to prevent persons driving vehicles on public roads or highways from obtaining a clear view of traffic when approaching an intersection and which fall within the minimum sight triangle established by the applicable county or state uniform highway safety standards or other regulation.

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

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

(6) 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.

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

(8) Noise. 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) Noisy animals or fowl. 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) Obstructions of roads; excavations. Any obstruction located in whole or in part within the right-of-way of a road or highway and any excavation in or under the same, except as permitted by the ordinances of the Town of Meeme, or any obstruction described above which, although made in accordance with such ordinances, remains or is kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which does not conform to the permit. An obstruction includes, but is not limited to, any fence, stand, building, structure, vehicle, machinery, or other thing or object.

(11) Open excavations. All open and unguarded pits, wells, excavations, or unused basements accessible from any public road or highway.

(12) Abandoned refrigerators. All abandoned refrigerators, freezers, 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) Flammable liquids. Repeated or continuous violation of the ordinances of the Town of Meeme or Wisconsin Statutes relating to the use or storage of flammable liquids.

(14) Unremoved snow. All snow and ice deposited on Town rights-of-way and not removed or sprinkled with ashes, sawdust, sand or other chemical removers.

(15) Repeated violations. Repeated or continuous violations of any ordinance of the Town of Meeme or Wisconsin Statute relating to the public health, safety, peace, morals, or welfare.

(16) Culvert installation. Any encroachment, alteration, disturbance, addition of fill, or installation of a culvert in or under a road or highway except as complies with any permit for such activity issued pursuant to Sec. 86.07 (2), Wis. Stat.

(D) 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 definitions of subsection (A) of this section.

(1) 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 and gambling.

(2) Gambling devices. All gambling devices and slot machines, except as may be permitted by WI statute.

(3) 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.

(4) Continuous violation of 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, and repeatedly violated.

(5) Illegal drinking. 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 ordinances of the Town of Meeme.

(6) Public urination and defecation. It shall be unlawful for any person to urinate or defecate outside of designed sanitary facilities, upon any sidewalk, street, alley, highway, public parking lot, park, playground, cemetery or other public area within the Town, or upon any private property in open view of the public.

1.03. TREES AND SHRUBS

It is the policy of the Town of Meeme 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 ground, and which is capable to 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 Meeme.

(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. 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.

1.04. ABATEMENT OF PUBLIC NUISANCES

(A) **INSPECTION OF PREMISES.** Whenever a written complaint is made to the Town Chairperson or to a Meeme Town Enforcement Officer that a public nuisance exists within the Town of Meeme, 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 practical, 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; IMMEDIATE DANGER.** 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 great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairperson may direct the Enforcement Office 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 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. The failure to serve the notice as provided in this paragraph shall not affect the authority of the Town to abate the nuisance.

(C) **ABATEMENT; NONIMMEDIATE THREAT.** If the Enforcement Officer in the written report 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 Town Chairperson may direct the Enforcement Officer to serve a notice as specified under paragraph (B), except 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 ten (10) days 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. 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 Town Chairperson, 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 Meeme, or its officials in accordance with the laws of the State of Wisconsin.

1.05. 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.

1.06 ENFORCEMENT PROVISIONS

(A) PENALTY. Any person who shall violate this ordinance, shall, upon conviction thereof, pay a forfeiture as follows:

First offense	\$25
Second offense	\$50
Third offense	\$100
Fourth offense or more offenses	\$200

plus the applicable surcharges, assessments, and costs for each violation. In default of payment of such amounts such person shall be imprisoned in the County Jail until such amounts are paid but not exceeding 90 days.

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

(C) CITATION. This ordinance may be enforced by the citation procedure as authorized by ordinance.

1.07. 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.

1.08. EFFECTIVE DATE

This ordinance shall take effect upon adoption and posting or publication according to law.

Enacted: June 9, 2022

TOWN OF MEEME

By: _____
Dennis Graf, Chairperson

By: _____
Henry Langenhahn, Supervisor

By: _____
Susan Kracht, Supervisor

Attest: _____
Valerie Spindler, Clerk