

2024-003 AN ORDINANCE AMENDING TOWN OF
CLAYTON ORDINANCE NO. 9
(ORDINANCE OF PUBLIC NUISANCES)

WHEREAS, pursuant to the authority conferred by chapters 60 and 61 Wis. Stats., the Town Board of the Town of Clayton, Winnebago County, Wisconsin, on July 5, 1988, adopted an ordinance on public nuisances as ordinance no. 9 declaring certain uses, conditions and activities as public nuisances to promote the public health, safety and welfare; and

WHEREAS, the Town Board of the Town of Clayton finds updates to the language are required to reflect the addition of the Town Administrator position as an extension of the ordinance enforcement authority of the Town Board of the Town of Clayton,

NOW THEREFORE, the Town Board of the Town of Clayton, Winnebago County, Wisconsin does hereby ordain that ordinance no.9, Public Nuisances be amended as follows:

TOWN OF CLAYTON
STATE OF WISCONSIN
ORDINANCE ON PUBLIC NUISANCES
ORDINANCE NO. 9

SECTION 1. PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, continue, maintain or permit to exist any public nuisance within the Town of Clayton.

SECTION 2. PUBLIC NUISANCE DEFINED. A public nuisance is a think, 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 render dangerous for passage any street, ally, highway, navigable body of water or other public way or the use of public property.

SECTION 3. PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 2 of this ordinance.

- a. Adulterated Food: All decayed, harmfully adulterated 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 foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
- c. Breeding Places for Vermin, etc.: Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, packing material, scrap metal

- or any other material whatsoever, in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
- d. Stagnant Water: All stagnant water in which mosquitoes, flies or other insects can multiply;
 - e. Garbage Cans: Garbage cans which are not fly-tight;
 - f. Noxious Weeds: All noxious weeds and other rank growth of vegetation;
 - g. Street Pollution: Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, highway, sidewalk or public place within the Town of Clayton.
 - h. Animals at Large: All animals running at large as defined in the Town of Clayton ordinance prohibiting animals running at large;
 - i. Accumulations of Refuse: Accumulations of old cans, lumber, elm, firewood and other refuse;
 - j. Air Pollution: The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons ordinary sensibilities or to threaten or cause substantial injury to property.

SECTION 4. PUBLIC NUISANCES OFFENDING MORAL AND DECENCY:

The following acts, omissions, places, conditions and things are hereby specifically declared to be a public nuisance 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 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 or gambling.
- b. Gambling Devices: All gambling devices and slot machines;
- c. Unlicensed Sale of Liquor or Beer: All places where intoxicating liquors or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Town.
- d. Continuos 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, continually and repeatedly violated;
- e. 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.

SECTION 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 Section 2 of this ordinance.

- a. Signs, Billboards, etc.: 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;

- b. Illegal Buildings: All buildings erected, repaired or altered in violation of the provisions of the ordinance of the Town relating to materials and manner of construction of buildings and structures within the Town.
- c. 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 of which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal;
- d. Obstruction of Intersections: All trees, hedges, billboards 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;
- e. Tree Limbs: All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street, alley or highway less than fourteen (14) feet above the surface thereof;
- f. Dangerous Trees: All trees which are a menace to public safety or are the cause of substantial annoyance to the general public;
- g. Fireworks: All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- h. 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;
- i. Wires Over Streets: All wires over streets, alleys, highways or public grounds which are strung less than fifteen (15) feet above the surface thereof;
- j. Noisy Animals of 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;
- k. Obstructions of Streets:
 - 1. Excavations: 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, or which do not conform to the permit;
 - 2. Open Excavations: All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley, highway or sidewalk.
- l. Abandoned Refrigerators: All abandoned refrigerators or iceboxes from which the doors or other covers have not been removed or which are not equipped with a device for opening from the inside;
- m. Flammable Liquids: Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids;
- n. Unremoved Snow: All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this code.
- o. The Keeping of Dangerous, Wild or Exotic Animals:
 - 1. Definitions: "Dangerous Animal" means and includes any mammal or reptile which is not naturally tame but is of a wild nature or disposition and

which, because of its size, vicious nature or other characteristic would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. "Wild Animal" means and includes animals that usually live independent of humans, including but not limited to: otter, beaver, muskrat, marten, fisher, raccoon, fox, weasel, opossum, badger, wolf, coyote, bobcat, cougar, lynx, deer, moose, eagle, poisonous snakes and bear. "Exotic Animal" means and includes, but is not limited to: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, alligator, crocodile, caymans, meerkats, poisonous snakes or reptiles not native to Wisconsin.

2. Exceptions: The provisions of this section shall not apply to the keeping of dangerous, wild or exotic animals in the following cases: a safely and properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, pound, shelter, licensed game farm under Section 29, Wis. Stats., or in a well-secured vehicle while being transported without delay to or from any such authorized place or through the Town.

SECTION 6. ABATEMENT OF PUBLIC NUISANCES:

- a. Enforcement: The Town Constable, the Chief of the Fire Department, the Building Inspector, **Town Administrator** and the Town Board shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections, and inspections upon complaint, to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- b. Summary Abatement: 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 Board Chairman, upon the recommendation of the appropriate department head, may direct the proper officer 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;
- c. Abatement After Notice: If the inspecting officer shall determine that 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 to remove the same within ten (10) days. If such nuisance is not removed within the said ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Section 2 of this ordinance;
- d. Other Methods Not Excluded: Nothing in this chapter 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.

SECTION 7. 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, such cost shall be assessed against the real estate as a special charge.

ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF CLAYTON _____, _____, 20_____

Russell D. Geise, Town Chair

Kelsey Faust-Kubale, Town Clerk