

**From:** [Ken Charneski](#)  
**To:** [Jennifer Poyer](#)  
**Subject:** Fw: public nuisance definitions  
**Date:** Monday, January 5, 2026 3:53:47 PM

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Maybe add this to the CLIPP packet? Members already have it.

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**From:** Ken Charneski  
**Sent:** Monday, January 5, 2026 3:10 PM  
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**Subject:** public nuisance definitions

CLIPP members,

We had discussed how to realistically define "public nuisance" in chapter 382.

I didn't think of it until recently, but the best place to look for that is in the Wisconsin higher courts. So here is what I came up with.

This first one is discussion from a court case:

"The court of appeals discussed, in an unpublished opinion, the dichotomy between the definition of public nuisance in Wisconsin and what that court referred to as the majority rule. It cited 58 Am. Jur. 2d *Nuisances* sec. 10 (1971) at 565 for the majority rule as follows:

"The difference between a public and private nuisance is that a public nuisance affects the public at large whereas a private nuisance affects an individual or a limited number of individuals only."

The court of appeals went on to state:

"It is the general rule that a finding of a public nuisance cannot be based solely upon the fact that the nuisance affects a number of persons. Generally, in order for a nuisance to be classified as a public nuisance, the nuisance must interfere [with] or affect a public right or interest."

Here is another one

"Property constitutes a public nuisance if it causes substantial "hurt,

inconvenience, or damage to the public generally, or such part of the public as necessarily comes in contact with it in the exercise of a public or common right."

The prevailing Wisconsin definition: a public nuisance is

"an unreasonable interference with a right common to the general public," i.e., a "condition or activity which substantially or unduly interferes with the use of a public place or with the activities of an entire community."

The inquiry focuses on the interest invaded (a public right) rather than merely the number of people affected; substantial numbers alone do not convert a private harm into a public nuisance—there must be interference with a public right.

- Mere annoyance (e.g., someone being offended by an odor or noise) without substantial injury to public health or welfare is not sufficient to sustain a public-nuisance prosecution.

So, between all of these, I think we can come up with a pretty good definition for our ordinance.