

**PUBLIC NUISANCES**  
**TOWN OF SUMNER ORDINANCE P100-2010-0612**

The Town Board of the Town of Sumner does ordain, in the interest of the public health, safety and welfare, as follows:

1. PUBLIC NUISANCES PROHIBITED: - No person shall erect construct, cause, continue, maintain or permit to exist any public nuisance within the Town.

2. PUBLIC NUISANCES DEFINED: - A public nuisance is a thing, 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, or

D. 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 or the use of public property.

3. PUBLIC NUISANCES AFFECTING HEALTH: - The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances although this itemization shall not be considered to be exclusive and other nuisances fitting the definition set forth above shall also be prohibited:

A. BREEDING PLACES FOR VERMIN, ETC.: 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, except for storage of manure or fertilizer in connection with farm operations.

B. WEEDS AND GRASS: All noxious weeds as defined in Sec 66.96 (2) Wis. Stats. shall be destroyed. The Town may cause all such noxious weeds to be destroyed and the costs thereof charged to the property pursuant to Sec 66.60 (16) (a), Wis. Stats., and the person (s) charged with control of said property or the owner, but not both, may be penalized pursuant to this ordinance, Section V111 and 1X.

C. NOXIOUS ODORS, ETC.: Any use of property, substances or things within the Town emitting or causing any foul, offensive, nauseous, noxious or disagreeable odors, gases or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort or injure the health of any appreciable number of persons within the Town.

4. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY: The following act, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, without limitation because of enumeration.

A. OBSTRUCTION OF INTERSECTIONS: All trees, hedges billboards or other obstructions which prevent person driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

B. DILAPIDATED BUILDING: All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

C. NOISY ANIMALS OR 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 neighbors.

5. ABATEMENT OF PUBLIC NUISANCES:

A. ENFORCEMENT: The Town Constable, or any duly appointed building inspector, health officer, other appropriate law enforcement personnel, or any other person at the direction of the Town Board, shall enforce the provisions of this chapter and they shall make periodic inspections and inspections upon complaint to insure 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 have satisfied himself that a nuisance does in fact exist.

B. SUMMARY ABATEMENT: If the inspecting officer shall determine that public nuisance exists within the Town and that there is a great an immediate danger to the public health, safety, peace or decency, the Town Board 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 a public nuisance exists on private premises, but that the nature of the nuisances is not such as to threaten great and immediate danger to the public health, safety, peace 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 ten (ten) days, the proper officer shall cause the nuisances to be removed as provided in Sub. (B).

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 within the laws of the State of Wisconsin.

E. COURT ORDER: Except when necessary under sub. B., no 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 abatement of the public nuisance.

6. COST OF ABATEMENT: In addition to any other penalty imposed by this chapter for the erection, contrivance, 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 and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

7. PENALTY: Any person who violates any provision of the chapter or any section, or causes a public nuisance shall be fined in an amount of not less than **\$75.00** and not more than **\$125.00** per person, per section violated, together with the costs of prosecution. Each day the violation exists shall be considered a separate violation, subject to a separate penalty, as set forth herein.

8. THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER PASSAGE AND PUBLICATION, as provided by law.

DATED THIS 12TH DAY OF June, 2010.  
TOWN OF SUMNER

BY: \_\_\_\_\_ John Dohner, Chairman

BY: \_\_\_\_\_ Judy Block, Supervisor I

BY: \_\_\_\_\_ Frank Micale, Supervisor II

ATTEST: Clerk, Town of Sumner \_\_\_\_\_ Barbara Mc Gann

Published this          of June, 2010