

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE TOWN OF WINCHESTER

NUISANCES**§ 1. Public nuisances prohibited.**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Winchester.

§ 2. Public nuisance 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.
- 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, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 2:

- A. Adulterated food. All decayed, harmfully adulterated or 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 food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death. Burial of any said carcass shall be a minimum of 1,000 feet from any residence.
- C. 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.
- D. Cleanup of animal waste. It shall be unlawful for any person in immediate control of any dog or cat or other household pet to permit fecal matter, which is deposited by such animal while off of its own premises, to remain on any public property or private property, which is not owned or occupied by such person. It shall be solely the responsibility of the person in control of said animal to immediately, after deposit, remove all fecal matter and dispose of the same. A proper disposal of the fecal matter shall be to place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by such person.
- E. Animals at large. All animals running at large.

F. Stagnant water. All stagnant water in which mosquitoes, flies, or other insects can multiply.

G. Weeds and Other Vegetation.

- (1) Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given:
 - a) Destroy. The complete killing of weed plants above the surface of the ground by the use of chemicals or by cutting at such time and in such manner as will effectively prevent such plants from maturing to the bloom or flower stage.
 - b) Preservation or restoration area. Any lands managed to preserve or restore native Wisconsin grasses and forbs, native trees, shrubs, wildflowers and aquatic plants; an old field succession of native and non-native plants, or a combination of these. Includes formerly farmed areas left to grow wild but does not include farmland left temporarily fallow for agricultural reasons.
 - c) Turf Grass. Grass commonly used in regularly-cut lawns or play areas such as, but not limited to, bluegrass, fescue and ryegrass blends.
- (2) No person shall permit turf grass areas to grow to a height exceeding eight (8) inches above soil level on land that (s)he owns, occupies, or controls.
- (3) Every person shall destroy all noxious weeds on land that (s)he owns, occupies, or controls. The term “noxious weeds” as used herein includes Canada thistle, leafy spurge, field bindweed (Creeping Jenny), wild parsnip and any others that may, from time to time, be added to the noxious weed list by the WI Department of Natural Resources.
- (4) No person shall plant or cultivate the following nuisance plant species on land which (s)he owns, occupies, or controls: multiflora rose, burdock, garlic mustard, purple loosestrife, glossy or common buckthorn, box elder, black locust, and any others that may, from time to time, be added to the nuisance plant list in by the Town.
- (5) The Town Chairperson, or his(her) designee, shall give a seven (7) day written notice to the owner, occupant, or person in control of any land containing turf grass areas in excess of eight (8) inches in height, or any noxious or intentionally planted or cultivated nuisance plants, directing him(her) to forthwith comply with the provisions of this section.
- (6) Exceptions to the requirements specified in § 3(G) are specifically granted for the following:
 - a) Any land owned or leased by the Wisconsin Department of Natural Resources or owned by the Town that are preserved as natural areas by design.
 - b) Wooded areas or in tree lines where the distance between trees effectively prevents mowing of vegetation.
 - c) Controlled plantings (beds) of:
 - i. Biennial or perennial native wildflowers and/or grasses intentionally planted in beds as a “prairie garden” or “rain garden;”
 - ii. Ornamental grasses.
 - d) On platted lands (subdivisions or developments) where covenants and restrictions specifically approved by the Town Board allow or require lots to remain in their natural or “rough” state.
 - e) Any parcel exceeding three (3) acres in size, and currently in “agricultural use”, as defined in Chapter 91, Wis. Stats.
- (7) If any owner, occupant, or person in control of any such land fails, within seven days, to cut such vegetation, or to destroy such noxious or invasive weeds, then the Town will abate the violation, by mowing the vegetation or destroying such noxious or

invasive weeds, and the costs of abatement, together with the costs of enforcement and administration shall be billed to the landowner. Such costs shall be placed on the tax roll as a special charge to be collected in the manner of other taxes, unless such lands are exempt.

H. Littering.

- (1) Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given:
 - a) Litter. Garbage, refuse, and rubbish as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.
 - b) Refuse. All putrescible and nonputrescible solid wastes including but not limited to ashes, street cleanings, dead animals, and all other abandoned personal property, and solid market waste, and industrial waste.
 - c) Rubbish. Nonputrescible and solid wastes, both combustible and noncombustible, including but not limited to circulars, leaflets, pamphlets, wrappers, handbills, newspapers, and other printed or nonprinted paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, and other similar materials.
- (2) Litter in public places. No person shall throw, deposit, or cause to be placed litter upon any street, sidewalk, alley, or other public place within the Town.
- (3) Litter in public waters. No person shall throw or deposit litter in any fountain, pond, wading pool, river, bay, or other body of water in a public or private place or elsewhere within the Town.
- (4) Litter on occupied private property. No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, alley, or other public place or any private property.

I. Street and parking lot pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

J. Water pollution. The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, industrial wastes, or other substances.

K. Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits or in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

L. Noxious odors, etc. Any use of property, substances or things within the Town causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the Town except as it applies to the Wisconsin Right to Farm Law.

M. Storage of junk.

- (1) No disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or allowed to remain in the open on any non-Agricultural District parcel within the Town for more than two weeks.

- (2) The accumulation or storage of refrigerators, furnaces, washing machines, stoves, or similar appliances, junk, wood, brick, cement block, or other unsightly debris which may tend to depreciate property values in the area or create a nuisance or hazard shall not be allowed on any lot or parcel of land within the Town except when completely housed or visually screened from public view.

§ 4. 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 § 2:

- 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, except as permitted by state law.
- C. 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 as provided for by state law.
- D. Continuous 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, continuously, repeatedly and intentionally 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.

§ 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 § 2:

- A. Signs, billboards, etc. All signs, 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 ordinances 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 which purport to be or may be mistaken as an official traffic control device or which, because of their color, location, brilliance or manner of operation, interfere 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 10 feet above the surface thereof and all limbs which project over a public street less than 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 or public grounds which are strung less than 15 feet above the surface thereof.
- J. 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 a neighborhood or any considerable number of persons within the Town.
- K. Obstructions of streets; 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.
- L. Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- M. Abandoned refrigerators, iceboxes, or freezers. Any abandoned refrigerators, iceboxes, or freezers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- N. Flammable liquids. Repeated or continuous violations of the ordinances of the Town or laws of the state relating to the storage of flammable liquids.

§ 6. Abatement of public nuisances.

A. Summary abatement.

- (1) Notice to owner. If the inspecting officer determines that a public nuisance exists within the Town and that there is a great and immediate danger to public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted, and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than 24 hours or greater than seven days and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.

(2) Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

- B. Abatement by court action. If the inspecting officer determines 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 inspector shall file a written report of such findings with the Town Chairperson, who, upon direction of the Town Board, shall cause an action to abate such nuisance to be commenced in the name of the Town in Winneconne Municipal Court in accordance with the provisions of Ch. 823, Wis. Stats.
- C. Court order. Except where necessary under Subsection A, an officer hereunder shall not 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.
- 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.

§ 7. Recovery of abatement costs.

In addition to any other penalty imposed by this chapter 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.

§ 8. Enforcement; violations and penalties.

- A. Enforcement. The Fire Inspector, Building Inspector, Zoning Administrator, Town Chairperson and/or his/her designee 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 § 6 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- B. General penalty. Any person who shall violate any provision of this chapter shall be subject to a penalty as identified on the Town of Winchester Fee Schedule as amended from time to time.

Passed and approved this 1st day of July 2024.

TOWN OF WINCHESTER

By: 
Matthew J Olson, Town Chairman

ATTEST: 
Holly Stevens, Clerk