

## Chapter 342

### NUISANCES

**[HISTORY: Adopted by the Town Board of the Town of Middle Inlet 7-13-2000. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Citations — See Ch. 14.  
Animals — See Ch. 203.  
Highways — See Ch. 285.

#### **§ 342-1. Public nuisances prohibited.**

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Middle Inlet, Marinette County, Wisconsin.

#### **§ 342-2. Public nuisance defined.**

A public nuisance is an object, 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, or 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.

#### **§ 342-3. Public nuisances affecting health.**

The following acts, omissions, places, conditions and objects are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances or hazards coming within the definition of § 342-2 of this chapter:

- A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Carcasses of animals, birds 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.
- C. Accumulation 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. Privy vaults and garbage cans which are not flytight.
- E. All noxious weeds and other rank growth of vegetation.
- F. All animals running at large.
- G. All abandoned wells not securely covered or secured from public use.
- H. Any use of property which shall cause any nauseous, unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town of Middle Inlet, Marinette County, Wisconsin.

**§ 342-4. 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 § 342-2 of this chapter:

- A. All signs and billboards, awnings and other 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. 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.
- C. Any obstruction which falls within a vision clearance triangle as defined in § 285-15, Vision corners, of this Code shall be presumed to be a violation of this section.<sup>1</sup>
- D. All limbs of trees which project over and less than eight feet above the surface of a public sidewalk or 14 feet above the surface of the portion of the street, highway, or alley traveled by vehicles.
- E. The use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- F. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
- G. All wires over streets, alleys, highways, or public grounds which are strung less than 15 feet above the surface thereof.
- H. All loud, discordant, and unnecessary noises or vibrations of any kind which greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- I. The keeping or harboring of any animal or fowl which by frequently or habitually howling, yelping, barking, crowing, or making other noises greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.
- J. All obstruction of streets, alleys, highways, sidewalks or crosswalks and all excavation in or under the same, except as permitted by the ordinances of the Town of Middle Inlet or which, although made in accordance with such ordinances, are kept or maintained for unreasonable or illegal length of time after the purpose thereof has been accomplished.
- K. All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley, highway or sidewalk.
- L. All abandoned refrigerators 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.
- M. Repeated or continuous violations of the Town or the Wisconsin Statutes relating to the use or storage of flammable liquids.

**§ 342-5. Property maintenance.**

The following acts, omissions, places, conditions and objects are hereby specifically declared to be public nuisances affecting the comfort, health, repose or safety of the Town of Middle Inlet, but such enumeration shall not be construed to exclude other nuisances within the definition of § 342-2 of this chapter:

- A. All owners of property located within a residential area of the Town of Middle Inlet who fail to keep their premises free of litter, debris, trash, or rubbish shall be in violation of this subsection.
- B. All property owners within the Town of Middle Inlet who allow their property to accumulate trash, litter or rubbish shall be considered to be in violation of this subsection.
- C. As used in this section, the following terms shall have the meanings indicated:

LITTER — Includes, but is not limited to, trash and wastepaper laying scattered about and an untidy accumulation of objects of any kind.

RUBBISH — Includes, but is not limited to, something or object(s) worth little or nothing, or something or object(s) in a crumbled, broken or inoperable condition.

TRASH — Includes, but is not limited to, waste materials and refuse of every character and kind, collected and/or accumulated.

**§ 342-6. Junked vehicles and appliances; abandoned vehicles.**

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES,

**TRUCK BODIES, TRACTORS OR TRAILERS** — Motor vehicles in mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

**INOPERABLE APPLIANCE** — Any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.<sup>2</sup>

**MOTOR VEHICLE** — As defined in § 340.01(35), Wis. Stats.

**UNLICENSED** — As referring to motor vehicles, truck bodies, tractors, or trailers, means motor vehicles, truck bodies, tractors, or trailers which do not bear lawful license plates.

- B. Junked automobiles. No disassembled, inoperable, unlicensed, junked, or wrecked motor vehicles, truck bodies, tractors, trailers or appliances shall be stored or allowed to remain in the open upon public or private property within the Town for a period that exceeds five days if upon public property or for a period that exceeds 30 days if upon private property. Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed one year, after which such vehicle(s) must be enclosed by a screening or live planting.
- C. Abandoned vehicles. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street, highway, or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any street or highway or on any public or private property within the Town of Middle Inlet without the permission of the owner for a period of more than 72 hours, the vehicle is deemed abandoned and constitutes a public nuisance. Vehicles abandoned in violation of this subsection shall be removed and disposed of in accordance with § 342.40, Wis. Stats., which is adopted by reference and incorporated in this subsection.<sup>3</sup>

**§ 342-7. Trees and shrubs.**

It shall be the policy of the Town of Middle Inlet to regulate and control the planting, transplanting, removal, maintenance, and protection of public and private trees and shrubs in the Town in order to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, highways, alleys, sidewalks or property 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 diseases.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**BUSH or SHRUB** — A low-spreading woody plant with several permanent stems.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**PUBLIC TREES AND SHRUBS** — All trees and shrubs planted on any park or other property owned or controlled by the Town or on any street, highway, alley, or sidewalk within the public right-of-way, including terrace trees and shrubs, but excluding school sites.

**TREE** — A woody perennial plant with one main stem or trunk having a diameter of at least two inches, one foot above the ground, and which is capable of attaining a height in excess of 10 feet above the ground.

- B. No person shall plant any bush, shrub or tree in any public easement, street, road, alley, highway, terrace, or right-of-way thereof.
- 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 eight feet above the surface of a public sidewalk or 14 feet above the surface of the street, highway, alley, or road traveled by vehicles. Shrubs shall be trimmed so that they do not overhang any street, highway, alley, road, or sidewalk. 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 street, highway, alley, road, or sidewalk.
- D. **Damage to trees and shrubs on public property.** No person shall maliciously injure any trees and shrubs growing on any public street, highway, alley, road or sidewalk, or impede the free passage of water or air to such trees or shrubs. Similar provisions apply to trees and shrubs located on public parks or other public property.
  - (1) No person shall remove or cause to be removed any tree or shrub from any public property.
  - (2) The owner or occupant of any private property abutting on any public property may himself maintain and protect any tree standing on such public property at his or her own risk, and where no objection has been voiced by any Town Board Supervisor or Chairperson, providing, in doing so there is compliance with the provisions of this chapter.<sup>4</sup>

**§ 342-8. Abatement of public nuisances.**

- A. **Inspection of premises.** Whenever a complaint is made to a Town Board Supervisor or the Chairperson that a public nuisance exists within the Town of Middle Inlet, the Town Board Supervisor or Chairperson shall promptly and forthwith inspect or cause to be inspected the premises complained of. A Supervisor conducting an inspection shall make a written report of his or her findings to the Chairperson. Whenever practicable, the party conducting the inspection shall cause photographs to be made of the premises and shall file same in the office of the Town Clerk-Treasurer.<sup>5</sup>

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

B. Summary abatement.

- (1) Notice to owner. If the party conducting the inspection 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 Chairperson shall direct serving a notice upon the person causing, permitting, or maintaining such nuisance, whether an owner or occupant of the premises where such nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant thereof, as well as direct mail notice to the last known owner of said property. Such notice shall direct the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises to abate and remove such nuisance within a time period as directed by the Chairperson 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. [Amended 6-10-2004]
- (2) Abatement by the Town. If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be located, the Town of Middle Inlet, in the case of health nuisances and other cases, shall cause the abatement or removal of such public nuisance.

C. Abatement by court action. If the party conducting the inspection 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, he/she shall file a written report of his/her findings with the Chairperson. The Chairperson may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Marinette County in accordance with the provisions of Ch. 823, Wis. Stats. In the alternative, the Chairperson may direct additional inspection(s) to determine whether compliance has occurred.

D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town of Middle Inlet or its officials in accordance with the laws of the State of Wisconsin.

**§ 342-9. Costs of abatement.**

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 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. If notice to abate the nuisance has been given to previously, such cost shall be assessed against the real property where such violation occurred as a special charge, unless paid earlier.

**§ 342-10. Violations and penalties.** [Amended 6-10-2004<sup>6</sup>]

Violators shall be cited and subject to the penalty in Chapter 1, General Provisions, § 1-4.

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<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).