

## Chapter 206

### NUISANCES AND LITTERING

**[HISTORY: Adopted by the Town Board of the Town of Scott 1-13-2009. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Construction site erosion control — See Ch. 73.  
Explosives and blasting — See Ch. 112.  
Nonmetallic mining — See Ch. 182.  
Sewers and sewage disposal — See Ch. 260.  
Solid waste — See Ch. 282.  
Storage tanks — See Ch. 291.

#### ARTICLE I General Nuisances

##### **§ 206-1. Public nuisances prohibited.**

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

##### **§ 206-2. Public nuisances defined.**

A public nuisance is a thing, act, occupation, condition, or use of property which continues 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 any street, alley, highway, navigable body of water, or other public way.

##### **§ 206-3. Public nuisances affecting health.**

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances as defined within this chapter:

- A. Adulterated food: all decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Carcasses, unburied: 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.

- C. Insects or vermin, breeding places for: accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any material in which flies, mosquitoes, disease-carrying insects, rats, or other vermin can breed.
- D. Water, stagnant: all stagnant water in which flies or other insects can multiply.
- E. Privy vaults and garbage cans: privy vaults and garbage cans which are not fly-tight.
- F. Weeds, noxious: see § 66.0407, Wis. Stats., and as defined in the Town of Scott Weed Ordinance.
- G. Pollution, water: the pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage or industrial wastes or other substances.
- H. Odors, noxious: any use of property, substances, or things within the Town emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia, or stench 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.
- I. Pollution, street: any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, or public place within the Town.
- J. Pollution, air: the escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust, or other atmospheric pollutants within the Town or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Town.
- K. Abandoned wells: all abandoned wells not securely covered or secured for public use.
- L. Obstruction of watercourse, etc.: any obstruction in or across any watercourse, drainage ditch, or swale.
- M. Deposit of garbage, refuse, etc.: the deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by ordinance. Garbage cannot be placed out for pickup prior to 24 hours before such scheduled pickup.

**§ 206-4. Public nuisances offending morals and decency.**

The following acts, omissions, places, conditions, and things are 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 definitions of this chapter:

- 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; any building in which gambling, prostitution, or liquor and fermented malt beverage violations occur or which is used for the purpose of unlawfully selling, serving, storing, keeping, or giving away controlled substances as defined in Ch. 961, Wis. Stats. (Uniform Controlled Substance Act). No person shall knowingly keep, control, or operate a disorderly house, or knowingly be an inmate of, frequent, patronize, or be found within any disorderly house. In addition to the forfeiture provisions of this chapter, the operation of any disorderly house shall be deemed to be a public nuisance and may be enjoined by the Town.

- B. Gambling devices: all gambling devices and slot machines.
- C. Unlicensed sale of liquor and beer: all places where intoxicating liquor or fermented malt beverages are sold, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for by the ordinances of the Town.<sup>1</sup>
- D. Continuous violation of Town ordinances: any place or premises within the Town where Town Code 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 state laws.

**§ 206-5. Public nuisances affecting peace and safety.**

The following acts, omissions, places, conditions, and things are 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 definitions of this chapter:

- A. Dangerous 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 Town Code 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, official traffic control devices, railroad signs, or signals 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.

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<sup>1</sup>. Editor's Note: See Ch. 140, Intoxicating Liquor and Fermented Malt Beverages.

- E. Low-hanging tree limbs: all limbs of trees which project over and less than 14 feet above any public sidewalk or street.
- F. Dangerous trees: all trees which are a menace to public safety or which are the cause of substantial annoyance to the general public.
- G. Fireworks: all use or display of fireworks except as provided by state laws.
- 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. Low-hanging wires and cables: all wires and cables over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.<sup>2</sup>
- J. Noisy animals or fowl: the keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing, or the making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.
- K. Obstruction of streets; excavations: all obstructions of streets, alleys, sidewalks, or crosswalks, and all excavations in or under the same, except as permitted by Town codes, but including those which, although made in accordance with such codes, 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 and unguarded pits, wells, etc.: all open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley, or sidewalk.
- M. Abandoned refrigerators or ice boxes: all abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which cannot be opened by pushing from inside by a small child.
- N. Repeated or continuous violations: repeated or continuous violations of the Town Code or state laws relating to the storage of flammable liquids.
- O. Structure or material which constitutes a fire hazard: any structure, material, or condition which constitutes a fire hazard or will impair the extinguishing of any fire.
- P. Ice and snow removal: all ice not removed from the public sidewalks and all snow not removed from public sidewalks within 24 hours after it has ceased to fall thereon. When ice is formed on the sidewalk so that it cannot be removed, it shall be kept sprinkled with ashes, salt, sand or like material.<sup>3</sup>
- Q. Illegal deposit of snow or other substances: placing, depositing, plowing onto, or otherwise putting snow or other substance onto the traveled portion of a public or private roadway or other property which endangers the safety of persons traveling

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

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

such roadway or property. Town or county employees, while engaging in snow removal operations or acting in the performance of their positions, are exempt from this subsection.

R. Any nuisance: any nuisance so defined by the Wisconsin statutes.

**§ 206-6. Smoke and air contaminants.**

A. Smoke.

- (1) Dense smoke. The emission of dense smoke from the smokestack of any engine or from the smokestack or chimney of any building within the Town is hereby declared to be a public nuisance and is prohibited.
- (2) Stationary engine. The owner, lessee, or occupant of any building, or the fireman, engineer, or any other person having charge or control of any furnace or stationary engine who shall cause, permit, or allow dense smoke to issue or be emitted from the smokestack or chimney connected with any such furnace or stationary engine within the Town shall be guilty of creating a public nuisance and of violating the provisions of this section.
- (3) All soot prohibited. The emission of soot, cinders, or coal dust from any chimney, stack, furnace, or from any building within the Town is hereby declared to be a public nuisance and is prohibited.

B. Air contaminants. No operation or use shall cause, create, or allow air contaminants at the emission point or within the bounds at the property which exceed federal or state air pollution regulations.

**§ 206-7. Sound amplifiers.**

- A. The use of sound amplifiers outside buildings within the Town is prohibited without a permit from the Town. A sound amplifier shall not be operated after 10:00 p.m. or before 7:00 a.m. or in the vicinity of churches while services are being conducted, or near schools that are in session. The Town may order a reduction in the volume of an amplifier on complaint being made by a citizen or when such loudspeaker is a nuisance because of volume, the method in which it is being used, at the location in which it is being operated.
- B. Between the hours of 10:00 p.m. and 7:00 a.m., no person may operate a radio, juke box, or other electric sound amplification device emitting sound from any business premises within the Town that is audible on residentially zoned property under normal conditions from a distance of 75 feet or more beyond the lot line of any business premises described which emits a sound, unless the electric sound amplification device is being used to request assistance or warn against unsafe conditions.

**§ 206-8. Vibration.**

The use of any property or portion thereof which is zoned in any industrial district classification causing earth-shaking vibrations such as are created by uses including, but not limited to, drop forges and hydraulic surges, shall be controlled in such manner as to prevent transmission beyond the lot line of earth-shaking vibrations perceptible without the aid of instruments.

**§ 206-9. Storage of junk.**

- A. The unsheltered accumulation or storage of old, unused, stripped, junked, and inoperable motor vehicles not in good and safe operating condition, any other vehicles, machinery, implements, equipment, any parts thereof, and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured within the Town is declared to be a public nuisance and dangerous to the public health, safety and well-being of Town residents.<sup>4</sup>
- B. The owner, tenant, lessee, and occupants of any lot upon which such accumulation or storage is made and the owner and lessee of the items involved in such storage, all referred to collectively as "owners," shall jointly and severally abate the nuisance by promptly moving such items into completely enclosed buildings authorized to be used for such storage purposes, if the same can be found within the Town, or otherwise by moving the items to a location outside the Town.
- C. Whenever the owners fail to abate the nuisance, the Town shall move such items to a location of its selection, and the expense thereof shall be billed to the owners, jointly and severally, which bill shall be coverable through tax roll. When such items have been removed and placed in storage by the Town, they shall be sold by the Town after the lapse of such time as is provided. If the proceeds of such sale are insufficient to pay the costs of abatement, the owners shall be jointly and severally liable to the Town for the balance of the costs, to be recoverable in a suit of law. If the proceeds are in excess of costs, the balance shall be paid to the owners or deposited with the Town for its use.

**ARTICLE II**  
**Littering**

**§ 206-10. Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings given:

**GARBAGE** — Waste resulting from the handling, cooking, processing, preparation, serving, storage, and consumption of food, including animal, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, and the generation of offensive and noxious gases or odors.

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

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.

RECEPTACLES, PRIVATE AND PUBLIC — Private receptacles are containers made of durable, rust-resistant, watertight, rodentproof, and easily cleaned material with close-fitting flytight covers. Public receptacles are litter containers which are placed on Town roadways or fastened to poles and maintained by the Town and marked as "litter receptacles."

REFUSE — All putrescible and nonputrescible solid wastes, including ashes, street cleanings, dead animals, and all other abandoned personal property and solid market and industrial waste. Refuse includes animal offal, the droppings from pet animals, manure, and night soil.

RUBBISH — Nonputrescible and solid wastes, both combustible and noncombustible, including, but not limited to, circulars, leaflets, pamphlets, wrappers, handbills, newspapers, and any other printed or nonprinted paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, and other similar materials.

**§ 206-11. 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 except in public receptacles provided by the Town.

**§ 206-12. Placement of litter in receptacles.**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner and in such containers as will prevent it from being carried or deposited by the elements upon any street, sidewalk, alley, or other public place or upon private property within the Town.

**§ 206-13. Sweeping litter into gutters prohibited.**

No person shall sweep into or deposit in any gutter, street, alley, or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying the property shall keep the sidewalks, entrance walks, parking lots, and parking areas in front of or upon their premises free of litter.

**§ 206-14. 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.

**§ 206-15. 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 the owner or person in control of private property may maintain authorized 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.

**§ 206-16. Owner to maintain premises free of litter.**

- A. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in an authorized private receptacle for collection.
- B. Littering at razing or removal site. No person or owner shall leave litter, building debris, excavations, or ground piles on property on which a building is being razed or from which a building has been moved. If work is not being done in a satisfactory manner or is not progressing, thus causing a public safety hazard and nuisance, the Building Inspector, after a written notice specifying a definite period within which persons concerned shall clean up the property and level off the ground to the adjoining level, shall cause such work to be done; and the cost thereof shall be borne by the property or the property owner.

**§ 206-17. Litter on vacant lots.**

No person shall throw or deposit litter on any open or vacant private property or public property within the Town, whether owned by such person or not.

**§ 206-18. Animal and other offensive wastes.**

It is expressly recognized that animal offal, the droppings from pet animals, manure, and night soil creates a danger to public health, safety, and welfare when deposited on the roadway, or upon the shoulders of public roadways or shoulders of private property. It shall be the responsibility of the owner of such animals to dispose of such wastes in a sanitary manner as provided above.

**§ 206-19. Litter from vehicles.**

- A. The operator of every vehicle and trailer transporting solid waste materials or other materials within the Town shall provide proper devices necessary to completely secure the solid waste or other materials. Tarps are required for materials such as paper and plastic products and other material which, because of size, weight and configuration, could blow or bounce off the vehicle. Tailgates in an upright position, backboards of at least one foot in height, ropes, chains, straps, or a combination of these devices is required to completely secure other solid waste materials or other materials to prevent blowing, bouncing, leaking, falling or spillage. Materials shall not extend above the side, front or back of the cargo-carrying portion of the vehicle unless the material is securely fastened to the vehicle.



- B. No person shall throw or discard any litter materials out of any vehicle onto any roadway or public or private property within the Town.

ARTICLE III  
**Enforcement**

**§ 206-20. Abatement of public nuisances.**

- A. Enforcement. The Town Board or its designee such as the Sheriff's Department, Zoning Administrator, Fire Chief, Weed Commissioner, Building Inspector, Constable, or any other official appointed by 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 actions shall be taken under this section 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 has satisfied himself or herself that a nuisance does in fact exist. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Clerk.
- B. Summary abatement. If the inspecting officer determines 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 inspecting officer may serve notice on the person causing or maintaining the nuisance to abate or remove such nuisance within 24 hours, and such notice 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, permitting, or maintaining the nuisance, as the case may be.<sup>5</sup>
- C. 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 Town Board or designee shall cause the abatement or removal of such nuisance. The charge for the abatement or removal shall be as set from time to time by the Board and its costs shall be charged to the property owner. If such charges are not paid by November 1 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other real estate taxes.
- D. Abatement after notice. If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals, or decency, the inspecting officer shall serve notice on the person causing or maintaining the nuisance to remove the same or file an acceptable abatement plan within 15 days. If such nuisance is not removed or an acceptable abatement plan filed with the Town, then the proper officer shall cause the nuisance to be removed after 30 days.

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

- E. Other methods not excluded. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the state.
- F. Court order. Except when necessary under this chapter, 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.

**§ 206-21. Cost 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 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 costs shall be assessed against the real estate as a special charge.

**§ 206-22. Violations and penalties.**<sup>6</sup>

Any person, firm or corporation who or which shall violate or fail to comply with any of the provisions of this chapter or any lawful order issued pursuant thereto shall be subject to a forfeiture of not less than \$50 nor more than \$500 plus court costs. Each violation and each day a violation continues or occurs shall constitute a separate offense.

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