

TOWN OF KILDARE
SUMMARY OF PUBLIC NUISANCES (ORDINANCE NO. 19)

Blighted Premises	Any structure, building, improvement due to fault) design/construction, failure to maintain, accumulation of junk/garbage/rubbish
Attractive Nuisance	Artificial condition presenting unreasonable risk of harm to children, such as vacant buildings, abandoned wells, unprotected excavations/basements, abandoned refrigerators/freezers with doors, unsound fences/structures. abandoned/untitled/unlicensed motor vehicles with unlocked doors/windows! trunks
Public Health	Unburied carcasses: accumulation of garbage/refuse/rubbish/rotting lumber/packing materials/scrap metals where insects/vermin can breed: stagnant water. noxious weeds: air and water pollution: noxious odors: highway pollution: animals at large: accumulations of garbage/refuse/rubbish/recyclable waste existing for more than 10 days and not enclosed
Public Peace/Safety	Signs/billboards: gang graffiti: unauthorized traffic signs: obstructions of streets/excavations: flammable liquids: open wells/basements/excavations: abandoned refrigerators/similar containers with lids that cannot be released from inside: tree limbs over public streets: dead trees which could fall on public streets: fireworks: noisy animals/fowl
Loud/Unnecessary	Horns/signaling devices longer than 3 seconds: radios/stereos/etc. between Noises 10:00 PM-7:00 AM: loudspeakers/amplifiers for advertising: animals/birds which bark/chirp for long periods of time: excessively loud vehicle mufflers/exhaust systems: loud construction work between 9:00 PM-7:00 AM
Public Morals/ Decency	Disorderly houses: gambling devices: unlicensed sale of liquor/beer: illegal drinking/drugs
Buildings/Structures	Illegal buildings: dilapidated structures: maintenance to prohibit rodents: dilapidated/rundown fences: abandoned/untitled/unlicensed motor vehicles not stored in a completely enclosed structure

TOWN OF KILDARE
ORDINANCE NO. 19

AN ORDINANCE REGULATING PUBLIC NUISANCES

The Town Board of the Town of Kildare, Juneau County, Wisconsin, in order to promote the public health, safety, general welfare and good order of the Town of Kildare, and for its inhabitants, pursuant to its police powers inherent to it as a Town and granted to it by the electors of the Town pursuant to the provisions of Section 60.10(2)(c) and Section 60.22(3) of the Wisconsin Statutes, does ordain as follows:

Section 1

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

Section 2

PUBLIC NUISANCE DEFINED: The following acts, omissions, places, conditions and things are hereby declared to be public nuisances:

- (1) Common Law. Any public nuisance known as common law or in equity jurisprudence.
- (2) In General. Any act, occupation, condition, or use of property (real or personal) 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.
- (3) Code Violations. Any place or premises within the Town where Town ordinances or state laws relating to the public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (4) Blighted Premises. Any structure, building, improvement or premises which is a menace to public health, safety, morals or welfare in the present condition, or which endangers life or property by threat of fire or other hazard, due to any of the following reasons:
 - (a) Faulty design or construction;
 - (b) Failure to maintain the premises; or
 - (c) The accumulation thereon of junk, garbage or rubbish.
- (5) Attractive Nuisance. Any artificial condition existing on land which presents an unreasonable risk of harm to children, who, because of their youth, may not discover the condition or realize the risk of intermeddling or coming within the area of danger, and the utility to the possessor of maintaining the condition and the burden of eliminating the danger are slight as compared to the risk to children. Attractive nuisances shall include, but are not limited to, the following:

- (a) Vacant buildings or structures which possess unsecured doors or windows;
- (b) Abandoned wells or shafts which are not securely sealed or covered;
- (c) Basements and excavations which are unprotected or unfenced;
- (d) Abandoned refrigerators or freezers which do not have the doors removed therefrom;
- (e) Structurally unsound fences and structures;
- (f) Abandoned, untitled or unlicensed motor vehicles which possess unsecured doors, windows or trunks.

(6) Public Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, affecting public health, but such enumeration shall not be construed to exclude other health nuisances:

- (a) Adulterated Food: All decayed, harmfully adulterated or unwholesome food sold or offered to the public for human consumption;
- (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 appropriate sanitary manner within 24 hours after death;
- (c) Breeding Places for Vermin, Etc.: Accumulation of decayed animal or vegetable matter, garbage, refuse, rubbish, rotting lumber, packing materials, scrap metal or any materials whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
- (d) Stagnant Water: All stagnant water in which mosquitoes, flies or other insects can breed;
- (e) Privy Vaults and Garbage Cans: Privy vaults and garbage cans which are not fly-tight.
- (f) Noxious Weeds: All noxious weeds;
- (g) Air Pollution: The emission or escape into the open air of such quantities of smoke, ash, dust, soot, cinders, acid or other flumes, dirt or other material of noxious gases in such place or manner that causes or is likely to cause injury, detriment or nuisance to any appreciable number of persons within the Town;
- (h) Water Pollution: The pollution of any public well or cistern, stream, lake, canal or other body of water;
- (i) Noxious Odors, Etc.: Any use of property, substances or things within the Town emitting or causing any foul, offensive, poisonous, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to ordinary persons, or which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town. This is not intended to interfere with the normal and customary activity of established working farms;
- (j) Highway Pollution: Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, highway, gutter, alley, sidewalk or public place within the Town;
- (k) Animals at Large: All animals running at large. An animal is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person;
- (l) Accumulations of Waste: Accumulations of garbage, refuse, rubbish or recyclable waste which exist for more than ten (10) consecutive days and which are not stored completely in an enclosed structure.

(7) Public Peace and Safety. The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting peace and/or safety, but such enumeration shall not be construed to exclude other nuisances:

(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, which are so situated or which because of color, location, brilliance or manner of operation can be constructed as to endanger the public safety;

(b) Gang Graffiti: The display of gang graffiti.

(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 an official traffic control device, railroad sign or signal, or which because of its color, location, brilliance or manner of operation interfere with the effectiveness of any such official device, sign or signal;

(d) Obstructions of Streets and Excavations: All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this Code or which, although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or do not conform to the permit issued;

(e) Flammable Liquids: Repeated or continuous violations of this Code or State law relating to the storage of flammable liquid.

(d) Open Cisterns, Wells, Basements or Other Dangerous Excavations: Any open cisterns, cesspools, wells, unused basements, excavations, swimming pools or other dangerous openings, unless such places are filled, securely covered or fenced in such manner as to prevent injury, provided any cover shall be of a design, size and weight that the same cannot be removed by small children;

(g) Abandoned Refrigerators: Any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside;

(h) Tree Limbs: All limbs of trees which project over a public sidewalk less than ten (10) feet above, the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof~

(i) Dead Trees: All dead or dying trees and tree limbs, which are so situated that the tree or limb could fall on a public or private street, alley, sidewalk, parking lot, house, garage, playground equipment or other structure. A tree or limb shall be presumed to be dead or dying if 50% or more of the tree or limb does not have leaves on it during the growing season;

(j) Fireworks: All use or display of fireworks, except as provided by the laws of the State of Wisconsin;

(k) Wires Over Streets: All wires over streets, highways, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof;

(l) Noisy Animals or Fowl: The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or other noise which greatly annoys or disturbs a person of ordinary sensibilities or any considerable number of persons within the Town;

(m) Loud and Unnecessary Noises:

(1) General Prohibition: No person shall make, continue or cause to be made or continued, any loud and unnecessary sound or noise tending to annoy or disturb a person of ordinary sensibilities in or about any public street, highway, alley, park or private residence.

(2) Specific Acts Prohibited: The following acts are declared to constitute loud and unnecessary noises in violation of this section, but the following list should not be deemed to be exhaustive or inclusive:

(a) Horns, Signaling Devices: The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle in the Town for longer than three (3) seconds in any period of one (1) minute, except as a danger warning.

(b) Radios, Stereos: The use, operation or playing of any radio, stereo, photograph, musical instrument or other machine or device for producing or reproducing sound or music between the hours of 10:00 P.M. and 7:00 A.M. in such a manner so as to permit the sound emanating therefrom to be plainly audible at the property line of the building, structure, apartment or in which such machine or device is located.

(c) Loudspeakers, Amplifiers For Advertising: The use or operation of any radio, stereo, phonograph, musical instrument or other machine or device for producing or reproducing sound which is cast upon any public street, alley or highway for the purpose of commercial advertising or attracting the attention of the public to the building, business or enterprise from which the sound is cast.

(d) Animals, Birds: The keeping of one or more animal or bird which individually or in combination, bark or chirp frequently or for long periods of time, and which thereby create a noise plainly audible at the property line of the building, structure or apartment in which they are located.

(e) Exhaust: The ownership or operation of any motorcycle, motor vehicle, motor boat or other combustion engine which does not have an adequate muffler in constant operation and properly maintained to prevent excessive or unusual noise. The equipping of any muffler or exhaust system with a cutout, bypass or similar device, or the modifying of any muffler or exhaust system in a manner which will amplify or increase the noise emitted by the engine above that emitted by the muffler or exhaust system originally installed on the engine, shall constitute a violation of this section.

(f) Construction Work: The erection, excavation, demolition, alteration or repair of any building, including (but not limited to) the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, backhoe, caterpillar, or other similar equipment, attended by loud or unusual noise, between the hours of 9:00 P.M. and 7:00 A.M.

(g) Public Morals and Decency. The following acts, omissions, 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 which may offend public morals and decency:

(h) Disorderly Houses: All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse or gambling.

(b) Gambling Devices: All gambling machines and gambling places as defined in Chapter 945 Wis. Stats.

(c) Unlicensed Sale of Liquor or 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 required by this Code, or otherwise contrary to State law.

(d) Illegal Drinking or Drugs: Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages, or for the purpose of consuming drugs or other illegal substances, in violation of State law.

(9) Buildings, Structures and Premises. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting buildings, structures and premises, but such enumeration shall not be construed to exclude other nuisances regarding buildings and structures:

(a) Illegal Buildings: All buildings erected, repaired or altered in violation of the provisions of this Code or State law.

(b) Dilapidated Structures: All buildings or structures so old, dilapidated, abandoned or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.

(c) Rodents: Every foundation, exterior wall, roof, window, exterior door, basement hatchway and every other entrances to a structure which is not maintained to prevent the entrance and harborage of rats, mice or other vermin.

(d) Fences: Every fence which is not kept in a reasonably good state of repair and resulting in an aesthetically offensive or dangerous condition.

(e) Motor Vehicles: Abandoned, untitled or unlicensed motor vehicles which are not stored in a completely enclosed structure.

Section 3

Any person or persons violating a provision of this ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 per day together with all costs incurred by the Town as a result of the violation including reasonable attorney's fees. Upon failure to pay said forfeiture and costs and abating the cause of the violation, the person(s) shall be confined in the Juneau County Jail until said sum is paid and cause of the violation abated, but not to exceed six (6) months.

Section 4

Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 5

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 6

This ordinance shall be in force and effect from and after its passage and publication as provided by law.

INTRODUCED AND ADOPTED by the Town Board of the Town of Kildare at a regular meeting held on the 12th day of November 2003

Leo B. Schmeider

Robert Konemann Jr

Town Board, Town of Kildare
Juneau County, Wisconsin

Posted November 19, 2003 in three public places in the Town of Kildare:

1. Town Hall Bulletin Board

2. Country Corners Bar & Tackle

3. Clerk's Residence

Published November 19, 2003 in the Juneau County Star-Times

Renda Winterstein
Clerk