

**TOWN OF SEVASTOPOL**  
Door County, Wisconsin

**ORDINANCE No. 02 - 2010**  
**PUBLIC NUISANCE**

The Town Board of the Town of Sevastopol does ordain the Public Nuisance ordinance as follows:

**1. PUBLIC NUISANCE PROHIBITED.**

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

**2. DEFINITIONS.**

**A. Public Nuisance.** A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such a length of time as to;

- 1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- 2) In any way render the public insecure in life or in the use of property;
- 3) Greatly offend the public morals or decency;
- 4) Unlawfully or 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;

**B. Public Nuisances Affecting Health.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumerations shall not be construed to exclude other health nuisances coming within the definition herein;

- 1) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal;
- 2) Privy vaults and garbage cans which are not covered;
- 3) All animals running at large;
- 4) Pollution of any well or cistern, stream, lake, bay, canal or other body of water by sewage, waste or other substances;
- 5) Any use of property, substances or things within the Town of Sevastopol emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, stenches or dust extremely repulsive to the physical sense of an ordinary person which annoy, cause discomfort, injure or inconvenience to the health of any appreciable number of persons within the Town of Sevastopol;
- 6) 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 of Sevastopol;

**C. Public Nuisances Affecting Peace and Safety.** The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting the comfortable enjoyment of life, health and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace, safety, health and the comfortable enjoyment of life coming within the provisions of this ordinance.

- 1) 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;

- 2) All buildings erected, repaired or altered within the Town of Sevastopol in violation of the provisions of the ordinance of the town, county or state relating to the materials and manner of construction of buildings and structures within said district;
- 3) 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 its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal;
- 4) The defacing, mutilation, destruction or removal of any official traffic control device, sign or signal, informational sign, street sign or fire number placed by the town, county or state within the Town of Sevastopol;
- 5) 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;
- 6) All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk, street or highway or less than 10 feet above any other public place;
- 7) All use or display of fireworks except as provided by the laws of the State of Wisconsin and approved by the Town of Sevastopol;
- 8) All buildings or structures so old, dilapidated or out of repair so as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
- 9) All loud, discordant or unnecessary noises or vibrations of any kind;
- 10) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping or barking, crowing or making of other noises shall greatly annoy or disturb another or others within the Town of Sevastopol;
- 11) All obstructions of streets, highways, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Town of Sevastopol or which, although made in accordance with the rules of the Town of Sevastopol are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished;
- 12) All open and unguarded pits, wells, perk test holes, excavations or unused basements freely accessible from any public street, alley, sidewalk or right of way;
- 13) All abandoned refrigerators, freezers or iceboxes from which the doors or other covers have not been removed or which are not equipped with a device for opening from the inside;
- 14) Any unauthorized or unlawful use of property abutting on any public street, alley, sidewalk, right of way or of a public street, alley, sidewalk, or right of way which causes large crowds of people to gather obstructing traffic and free use of the streets, alleys, sidewalks or rights of way;
- 15) Repeated or continuous violations of the ordinances of the Town, County or the State relating to the storage of flammable liquids;
- 16) All parking of utility, maintenance or any other vehicle or equipment on public streets, alleys or highways unless the vehicle or equipment is completely off the traveled portion of the street, alley or highway;  
**Exemption:** Emergency vehicles, utility and maintenance vehicles while working within the public rights of way shall be exempt from this ordinance;
- 17) All private driveways and parking lots which do not have an overhead clearance of 14 feet from the roadbed surface and an unobstructed width of 12 feet for the safe passage of emergency and service vehicles;

### 3. ABATEMENT OF PUBLIC NUISANCES.

**A. Inspection of Premises.** Whenever a complaint is made to the Town Chairperson or Nuisance Committee Chairperson that a public nuisance exists in the Town of Sevastopol, said Chairperson shall promptly notify the constable, sheriff, deputy sheriff or other law enforcement group, health officer or building inspectors who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of the findings to said Chairperson. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file same in the office of the Town Clerk.

**B. Summary Abatement.**

**1) Notice to Owner.** If the inspecting officer shall determine that a public nuisance exists within the Town of Sevastopol and that there is great and immediate danger to the public health, peace, morals or decency, the Town Chairperson or Nuisance Committee Chairperson may direct said enforcement officer to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises upon which said nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance forthwith 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, permitting or maintaining 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 inspecting officer shall cause the abatement or removal of such public nuisance.

**C. Abatement by Court Action.** If the inspecting officer shall determine that a public nuisance exists on private premises, but the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, decency, comfort or enjoyment of life, the inspecting officer shall file a written report of his/her findings with the Town Chairperson or Nuisance Committee Chairperson who shall cause an action to abate such nuisance to be commenced in the name of the Town of Sevastopol in the Circuit Court of Door County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes.

**D. Other Methods Not Excluded.** Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Sevastopol or its officials in accordance with the laws of the State of Wisconsin.

**4. COST OF ABATEMENT.**

In addition to any other penalty imposed by this ordinance, 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.

**5. PENALTY.**

**A. First Offense Penalty.** Any person who shall violate this ordinance or any part thereof shall upon conviction thereof forfeit not less than (\$100.00) one hundred dollars nor more than (\$500.00) five hundred dollars, for each such offense, together with the cost of prosecution. Each day of violation shall be considered a separate and distinct violation.

**B. Second Offense Penalty.** Any person guilty of violating this ordinance or any part thereof who shall previously have been determined to be in violation of this ordinance shall forfeit not less than (\$500.00) five hundred dollars nor more than (\$1000.00) one thousand dollars for each such offense, together with the cost of prosecution. Each day of violation shall be considered a separate and distinct violation.

C. **Default in Payment of Penalties.** Default in payment of penalties, forfeitures and costs shall be collected by the Town of Sevastopol in an action pursuant to the provisions of Chapter 823, Chapter 66, and any other applicable Wisconsin Statute.

**BE IT RESOLVED** that the foregoing ordinance be adopted and shall become effective upon passage and publication.

Submitted by:

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Chuck Tice, Chairperson, Nuisance Committee