

ORDINANCE #2024-01  
TOWN OF GREEN VALLEY,  
SHAWANO COUNTY, WISCONSIN  
**PUBLIC NUISANCE ORDINANCE**

<p style="text-align:center"><b>Initiation of this Ordinance requires an affirming vote of both Supervisors and the Chair to proceed with invoking action.</b></p>
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Section 1.   Public Nuisances Prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any Public Nuisance within the boundaries of the Town of Green Valley, Shawano County, Wisconsin.

Section 2.   Public Nuisances Defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time to:

- (a)   Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- (b)   In any way render the public insecure in life or in the use of property; or
- (c)   Greatly offend the public morals or decency; or
- (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.

Section 3. Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other public health or comfort nuisances coming within the definition of Section 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 buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (c) Breeding Places for Vermin, Etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any materials in which flies, mosquitos, disease-carrying insects, rats, or other vermin may breed.
- (d) Water Pollution. The pollution of any private or public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, or other substances.
- (e) Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, ditch, sidewalk or public place within the Town.
- (f) Sewerage Odor(s). Any collection, transportation, pumping, treatment, storage, conveyance handling or final disposition of sewage which allows or causes any fowl, offensive, noisome, nauseous, noxious or

disagreeable odors, gases, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health or comfort of any person(s) within the Town.

Section 4.        Public Nuisance Affecting Peace and Safety.

The following acts, omissions, places conditions and things are hereby declared to be public nuisance 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 Section 2.

- (a)    Animals. All non-native reptiles and animals that are housed in the Town.
- (b)    Dilapidated Buildings. All buildings or structures that are so out of repair as to be dangerous, unsafe, or unsanitary for human use.
- (c)    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 cross walk.
- (d)    Low Hanging Tree Limbs. All limbs of trees which project over a public sidewalk less than eight (8) feet above the surface thereof, or less than ten (15) feet above the surface of a public street.
- (e)    Fireworks. All use or display of fireworks except as provided by State Laws and Town Ordinances.

- (f) 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, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.
- (g) Lowing Hanging Wires and Cables. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground.
- (h) Noises or Vibrations. All unnecessary, loud and discordant, noises, or vibrations of any kind.
- (i) Obstructions of Streets; Excavation. All obstructions of streets, alleys, sidewalks, or cross walks and all excavations in or under the same, except as permitted by Ordinances of the Town of which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- (j) 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.
- (k) Abandoned Refrigerators, Freezers Etc. All abandoned refrigerators or freezers from which the doors and other covers have not been removed or which cannot be opened by pushing from the inside by a small child.

- (l) Structure of Material Which Constitutes a Fire Hazard. Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire.
- (m) 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.
- (n) Unauthorized Traffic Signs. All unauthorized signs, signal, marking 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.
- (o) Abandoned Autos Trailers, Etc. Automobiles, trailers, semi-trailers, motor homes, or mobile homes which are abandoned, as defined in Section 5 of this Ordinance.
- (p) Storage of Junk, Etc., Regulated. No person shall openly display junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, or other unsightly debris which substantially depreciates property values in the neighborhood.

- (q) Shining Buildings. "Shining" means the casting of rays of a light on a building or other area for the purpose of illuminating, locating or attempting to illuminate. "Lights" include flashlights, automobile lights and any other type of illumination. "Building" means and includes any structure which on any occasion houses either persons or animals. No person shall engage in shining in the Town. A person casting rays of light is presumed to be shining in violation of this Ordinance.
- (r) Any Nuisance. Any nuisance so defined by the Wisconsin Statutes.

Section 5. Abandoned Vehicles and Storage of Junk

- (a) No person shall leave visible to the public or to individuals on other properties an accumulation of storage of old, unlicensed, stripped, junked, or other automobiles not in good and safe operating condition, any other vehicles, machinery, implements, equipment, any parts thereof, or personal property of any kind such is no longer safely usable for the purposes for which it was manufactured is declared to be a nuisance and dangerous to the public health, safety, and well-being.
- (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.

Section 6. Public Nuisance Offending the 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 within the definition of Section 2.

- (a) 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 Ordinances of the Town.
- (b) Continuous Violations of Town Ordinances. Any place or premises within the Town where Town Ordinances or State Law relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly, and intentionally violated.

Section 7. Abatement of Public Nuisances.

- (a) Initiation of Process. The enforcement process will typically begin with a complaint filed by a resident on the Town's complaint form. However, the Town reserves the right to initiate the enforcement process without a complaint in such circumstances as it may determine appropriate.

- (b) Inspection. Upon Receipt of a complaint, the Town will conduct an inspection of the subject property. At this step in the process numerous photographs and/or videos of the property will be taken.
- (c) Enforcement. The Building Inspector, Town Attorney, or other Town Officer as designated by Town Board, shall enforce those provisions of this Ordinance that come within jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
- (d) Abatement Notice. If, following the inspection, the Town determines that a public nuisance does exist within the Town and there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Board can proceed with abatement process, and may direct the proper officer to 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.



- (e) Abatement After Notice. 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, he shall service notice (Violation Letter) on the person causing or maintaining the nuisance to remove the same within thirty (30) days. If such nuisance is not removed within the such thirty (30) days, the proper officer shall cause the nuisance(s) to be removed.
  
- (f) Other Methods Not Excluded. Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with State Law.
  
- (g) Court Order. No officer hereunder shall 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, is such permission is denied, the Town by the Town Board shall apply to any court have jurisdiction, for an order assisting the abatement of the public nuisance.

Section 8. Cost of Abatement.

In addition to any other penalties imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating the public nuisance by the Town, including attorney's fees, 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 cost shall be assessed against the real estate as a special charge. If the Town is forced to perform the cleanup, it can place costs on the owner's tax bill.

Section 9. Penalty.

Any person who shall violate any provision of this Ordinance or permit or cause a public nuisance shall be subject to a penalty as follows in Section 10. Penalty Provisions.

Section 10. Penalty Provisions.

(a) General Penalty. Any person who shall violate any of the provisions of this Ordinance shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (1) First Offense-Penalty. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit no less than fifty (\$50.00) no more than five hundred dollars (\$500.00), together with the costs of prosecution, including the Town's attorneys' fees, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid but not exceeding ninety (90) days,

(2) Second Offense-Penalty. Any person who shall violate any part of this Ordinance who shall previously have been convicted of a violation of the same part of this Ordinance within the previous one (1) year period shall, upon conviction for such second or subsequent offence forfeit not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

(b) Continued Violations. Each violation and each day a violation occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance.

(c) Execution Against Defendant's Property.  
Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any Court for violation of any Ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

Section 11. Prior Ordinance(s).

Any previous Ordinance or solution of the Town Board contrary or in conflict with the regulations contained in this Ordinance is hereby amended or rescinded as may be necessary to fully completely effectuate the regulations contained herein.

Section 12. Severability

If any clause, part, or section of this Ordinance, or the application of any clause, part, or section of this Ordinance to any particular circumstance shall be adjudged invalid, such invalidity shall not affect nor invalidate the remainder of this Ordinance or the application of any other clause, part, or section of this Ordinance to the same or any other circumstance.

Section 13. Effective Date

This Ordinance shall take effect the day after passage and the permanent filing hereof with the Town Clerk as provided by law.

Adopted this 14th day of August, 2024.

By: \_\_\_\_\_  
Terry Tipton, Chairman

\_\_\_\_\_  
Gary Uelmen, Supervisor

\_\_\_\_\_  
Brandon Nygaard, Supervisor

Attested by: \_\_\_\_\_

Janalee Jenerou, Clerk

Posted in the following places  
for 30 days following passage on:

Roll Call Vote: Aye: 3 Nay: 0

\_\_\_\_\_  
Community Center in Advance  
Fire Station in Pulcifer  
Cluster Mailboxes in Green Valley