

# GENERAL CODE OF ORDINANCES

## CHAPTER 10 – PUBLIC NUISANCES

- 10.01 Public Nuisances Prohibited
- 10.02 Public Nuisance Defined
- 10.03 Public Nuisances Affecting Health
- 10.04 Public Nuisances Affecting Peace and Safety
- 10.05 Burning Restricted
- 10.06 Abatement of Public Nuisances
- 10.07 Cost of Abatement
- 10.08 Penalty

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

10.02 PUBLIC NUISANCE 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 for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 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 coming within the definition of §10.02:

- 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. PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not fly tight.
- E. WEEDS, NOXIOUS. All noxious weeds and other rank growth of vegetation. All weeds

## GENERAL CODE OF ORDINANCES

### CHAPTER 10 – PUBLIC NUISANCES

and grass shall be kept cut to a height not to exceed one foot.

F. POLLUTION, WATER. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances. Any notice violations should be reported to Manitowoc County Planning & Zoning or the Department of Natural Resources.

G. 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.

H. ANIMALS, LOOSE. Any animals running at large in the Town.

10.04 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 definition §10.02:

A. ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of Town ordinances relating to materials and manner of construction of buildings and structures within the Town.

B. 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.

C. LOW-HANGING TREE LIMBS. All limbs of trees which project over and less than 10' above any public sidewalk, street or other public place.

D. DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

E. FIREWORKS. All use or display of fireworks except as provided by State laws and Town ordinances. See Chapter (9.04)

F. 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.

G. LOW-HANGING WIRES AND CABLES. All wires and cables over streets, alleys or public grounds which are strung less than 15' above the surface thereof.

H. 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. See Chapter (9.07)(d)

## GENERAL CODE OF ORDINANCES

### CHAPTER 10 – PUBLIC NUISANCES

I. OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the Town, but including those which, although made in accordance with such ordinances, 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.

J. UNLAWFUL ASSEMBLIES. Any unauthorized or prohibited use of property abutting on a public street, alley or sidewalk, or of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

#### K. BLIGHTED BUILDINGS AND PREMISES.

1. Premises existing within the Town which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Town.
2. Blighted premises contribute to conditions that are dangerous to the public health, safety, morals and general welfare of the people; the conditions necessitate excessive and disproportionate expenditure of public funds for public health, and safety crime prevention, fire protection and other public services; such conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.
3. Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and shall be fostered and encouraged by this section. It is essential to the public interest that this section be liberally construed to accomplish the purposes of this subsection.

#### 10.05 OUTDOOR AND REFUSE BURNING.

##### SECTION 1: PURPOSE

1.00. Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Cooperstown, Manitowoc, County, Wisconsin due the to air pollution and fire hazards of open burning, outdoor burning and refuse burning.

##### SECTION 2: APPLICABILITY

2.00. Applicability. This ordinance applies to all outdoor burning and refuse burning within the Town of Cooperstown.

2.01. This ordinance does not apply to grilling or cooking using charcoal, wood, propane

## GENERAL CODE OF ORDINANCES

### CHAPTER 10 – PUBLIC NUISANCES

or natural gas in cooking or grilling appliances.

2.02. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this ordinance.

2.03. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

#### SECTION 3: SEVERABILITY

3.00. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

#### SECTION 4: DEFINITIONS

##### 4.00. Definitions

4.01. “Campfire” means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

4.02. “Clean Wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

4.03. “Confidential Papers” means printed material containing personal identification or financial information that the owner wishes to destroy.

4.04. “Outdoor Burning” means open burning or burning in an outdoor wood-fired furnace.

4.05. “Open Burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney.

4.06. “Outdoor Wood-fired Furnace” means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

4.07. “Refuse” means any waste material except clean wood.

#### SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE

5.00. General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Cooperstown unless the burning is specifically permitted by this ordinance.

#### SECTION 6: MATERIALS THAT MAY NOT BE BURNED

6.00. Materials that may not be burned.

6.01. Unless a specific written approval has been obtained from the Department of

## GENERAL CODE OF ORDINANCES

### CHAPTER 10 – PUBLIC NUISANCES

Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town of Cooperstown does not approve burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

6.02. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business waste.

6.03. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

6.04. Asphalt and products containing asphalt.

6.05. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

6.06. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.

6.07. Rubber including tires and synthetic rubber-like products.

6.08. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 11 of this ordinance.

#### SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

7.00. Burning leaves, brush, clean wood and other vegetative debris. Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris is allowed only in accordance with the following provisions:

7.01. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroad or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

7.02. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

7.03. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources.

7.04. Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources.

7.05. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

7.06. Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

7.07. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel,

## GENERAL CODE OF ORDINANCES

### CHAPTER 10 – PUBLIC NUISANCES

fire ring, or fire pit.

7.08. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed and if in accordance with other provisions of this ordinance.

7.09. Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.

7.10. Open burning under this Section shall be conducted only after the Manitowoc County Dispatch Office (920)-683-4201 has been contacted as to where and what time the burning will take place. Call the Dispatch Office after the burn is done.

7.11. Except for campfires, open burning under this section shall only be conducted at a location at least 250 feet from the nearest building that is not on the same property.

7.12. Except for campfires and bonfires, open burning shall only be conducted from the hours of 7:00 – Dusk.

7.13. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

7.14. No materials may be burned upon any street, curb and gutter.

7.15. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Town Board.

#### SECTION 8: BURN BARRELS

8.00 Burn Barrels. A burn barrel may be used in the Town of Cooperstown only in accordance with the following provisions:

8.01. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7 of this ordinance.

8.02. The burn barrel shall be located at least 25 feet from the property line.

8.03. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

8.04. The burn barrel shall not serve a business.

#### SECTION 9: OUTDOOR WOOD-FIRED FURNACES

9.00. Outdoor wood-fired furnaces. An outdoor wood-fired furnace may be used in the Town of Cooperstown only in accordance with the following provisions as set by Manitowoc County Code under Chapter 8 subsection 8.41 “Outdoor Wood Burning Furnace” :

9.01. This section applies to detached energy systems such as an outdoor wood burning furnace or unit, but does not apply to lawfully operated barbecues, fire pits, fryers, or grills. It does not apply to the chimney attached to any structure, such as a residence or garage.

9.02 A zoning permit from Manitowoc County is required for any detached energy system.

9.03 No detached energy system may be located in a front yard.

## GENERAL CODE OF ORDINANCES

### CHAPTER 10 – PUBLIC NUISANCES

#### 9.04 Setbacks and Other Minimums

(a) A detached energy system must be setback at least 10 feet from any side or rear lot line.

(b) A detached energy system must be setback at least 200 feet from any residence on an adjacent parcel.

(c) The minimum stack height for any detached energy system is 20 feet, except that a lesser stack height which meets the manufacturer's minimum specifications is allowed for any system that is Phase 2 Qualified under the U.S. Environmental Protection Agency's 2008 Hydronic Heater Program.

(d) A detached energy system that was legally installed prior to the effective date of this ordinance may be replaced with a different unit in the same location.

9.05 The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance.

#### SECTION 10: FIRE DEPARTMENT PRACTICE BURNS

10.00 Fire department practice burns. Notwithstanding Sections 5 and 6 of this ordinance, the Town of Cooperstown Fire Department may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

#### SECTION 11: EXEMPTION FOR BURNING CERTAIN PAPERS

11.00. Exemption for burning certain papers.

11.01. Notwithstanding Subsection 6.07 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

11.02. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

11.03. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

11.04. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.01-7.03, 7.06 and 7.11-7.14 of this ordinance

#### SECTION 12 BURNING PROCEDURES

12.00. Burning procedures.

12.01. No person shall start or maintain any open burning unless they have contacted the Manitowoc County Dispatch Office at (920)-683-4201 to notify them of when you will be starting the open burn and ending it.

12.02. An outdoor campfire does not require contacting the Manitowoc County Dispatch Office if the fire complies with all other applicable provisions of this ordinance.

12.03. When weather conditions warrant, the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend open burning. Check the Department of Natural Resource website to check for possible restrictions.



## GENERAL CODE OF ORDINANCES CHAPTER 10 – PUBLIC NUISANCES

### SECTION 13: LIABILITY

13.00 Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

### SECTION 14: ENFORCEMENT AND PENALTIES

14.00. Enforcement and penalties.

14.01. The Town Board is authorized to enforce the provisions of this ordinance.

14.02. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than twenty-five dollars (\$25) or more than two hundred fifty dollars (\$250) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

#### 10.06 ABATEMENT OF PUBLIC NUISANCES

A. ENFORCEMENT. The Constable, Fire Chief, Building Inspector and Chairman 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 insure that such provisions are not violated. No action 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 that a nuisance does in fact exist.

B. SUMMARY ABATEMENT. If the inspecting officer determines that a public nuisance exists within the town and threatens great and immediate danger to the public health, safety, peace, morals or decency, the Chairman may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

C. 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, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within 10 days, the proper officer shall cause the nuisance to be removed as provided in sub. (2).

D. OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State.

E. COURT ORDER. Except when necessary under sub. (2), 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.



GENERAL CODE OF ORDINANCES  
CHAPTER 10 – PUBLIC NUISANCES

10.07 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 cost shall be assessed against the real estate as a special charge.

10.08 PENALTY. Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance, shall be subject to a penalty as provided in Chapter 15 of this General Code.

Amended May 8, 2018 Ordinance 2018-3  
Amended 121302 Ordinance 2022-07