

- 2) Second Offense/Penalty. Any person guilty of violating this subsection or any part of this subsection who shall previously have been convicted of violation of the same ordinance or subsection shall upon conviction thereof forfeit not less than ten dollar (\$10.00) not more than four hundred dollars (\$400.00) for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid but not to exceed six (6) months.
- 3) Each day of violation of this ordinance shall constitute a separate offense.
- 4) This ordinance may be enforced by the citation procedure. The following bond schedule is hereby established for use of citation pursuant to this ordinance.

ORDINANCE TITLE	OFFENSE	DEPOSIT & COSTS
First violation of Public Nuisance Ordinance	1 st - \$50	*Current court costs
Second violation of Public Nuisance Violation	2 nd - \$75	*Current court costs

notice upon a person causing, permitting or maintaining such nuisance, whether an owner or occupant of the premises where such nuisance is caused, permitted or maintained. If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupants thereof, as well as direct mail notice to the last known owner of said property. Such notice shall direct the person causing, permitting, or maintaining such nuisance, or the owner or occupant to the premises to abate and remove such nuisance with 24 hours and shall state that unless such nuisance is so abated, the Town may cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance.

- b) Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person caused the nuisance cannot be found, the enforcement officer in the case of health nuisances and other cases shall cause the abatement or removal of such public nuisance.
- 3) Abatement by Court Action. If the Enforcement Officer shall determine 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 file a written report of his findings with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Rusk County in accordance with the provisions of Chapter 823 of Wisconsin Statutes. In the alternative, the Chairperson may direct the Enforcement Officer to issue one or more citations for each day of violation for a said time period, and to report back to whether compliance has occurred.
- 4) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Big Bend or its officials in accordance with laws of the State of Wisconsin.

1.6 COSTS OF ABATEMENT

In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abatement of any public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. If notice to abate the nuisance has been given to the owner previously, such cost shall be assessed against the real property where such violation occurred as a special charge unless paid earlier.

1.7 ENFORCEMENT PROVISIONS

- 1) First Offense/Penalty. Any person who shall violate this subsection, shall, upon conviction thereof, forfeit not less than one dollar (\$1.00) or no more than two hundred dollars (\$200.00) together with the cost of prosecution and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid but not exceeding ninety days.

highways, or property of the Town; to promote the beauty and general welfare of the Town; to protect trees and shrubs located in public areas of the Town from undesirable and unsafe planting, removal, treatment, and maintenance practices; and to control the spread of tree disease.

a) Definitions

- 1) Bush or shrub: low-spreading woody plant with several permanent stems.
 - 2) Tree: a woody perennial plant with one main stem or trunk having a diameter of at least two inches, one foot above the ground, and which is capable of attaining a height in excess of ten feet above the ground.
 - 3) Public trees and shrubs: all trees or shrubs planted on any park or other property owned or controlled by the Town or on any road, highway, or ditch within the public right of way.
- B) No person shall plant any bush, shrub or tree in any public easement, road, or highway.
- C) TRIMMING. The owner or occupant of any private property shall keep all trees standing on such property so trimmed that no bough or branch thereof shall hang lower than fourteen feet above the surface of a road or highway. Shrubs shall be trimmed so that they do not overhang and road or highway. The owner or occupant of any private property shall remove or cause to be removed any dead tree or dead or broken bough or branch on a tree standing on such private property and overhanging any public road or highway.
- D) DAMAGE TO TREES AND SHRUBS ON PUBLIC PROPERTY. No person shall maliciously injure any trees or shrubs located in public parks or other public property or impede the free passage of water or air to such trees.
- 1) No person shall remove or cause to be removed any tree or shrub from any public property.
 - 2) The owner or occupant of any private property abutting on any public property may himself maintain and protect any tree standing on such public property at his or her own risk and where no objection has been voiced by any Town Board Supervisors or Chairperson, providing in doing so, there is compliance with provisions of the ordinance.

1.5 ABATEMENT OF PUBLIC NUISANCES

- 1) Inspection of Premises. Whenever complaint is made to the Town Chairman or to a Town Enforcement Officer that a public nuisance exists within the Town of Big Bend, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Town Chairman. Whenever practicable, the Town Enforcement Officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.
- 2) Summary Abatement
 - a) Notice to Owner. If the Enforcement Officer shall determine 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 Town Chairperson may direct the enforcement officer to serve a

- 1) All property owners within the Town of Big Bend who allow their property to accumulate trash, litter, or rubbish shall be considered to be in violation of this subsection.
- 2) "Litter" as used in this ordinance includes, but is not limited to, trash and wastepaper lying scattered about; and an untidy accumulation of objects of any kind.
- 3) "Trash" as used in this ordinance includes, but is not limited to, something or object(s) worth little or nothing or something or object(s) in a crumbled, broken or inoperable condition.
- 4) "Rubbish" as used in this ordinance includes, but is not limited to, waste materials and refuse of every character and kind, collected and/or accumulated.

1.3 JUNKED AND ABANDONED VEHICLES

a) Junked Automobiles etc. No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, or appliances shall be stored or allowed to remain in the open upon public or private property, within the Town for a period exceeding five days, if upon public property, or for a period exceeding thirty days if upon private property. Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period of not to exceed one year, after which such vehicles must be enclosed by a screening or live planting.

- 1) The phrase "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers" as used in this section is defined as follows: motor vehicles or mechanical ruin as to be incapable of propulsion or being operated on public roads.
- 2) The term "unlicensed" as referring to motor vehicles, truck bodies, tractors or trailers as used in this ordinance shall be defined as those which do not bear lawful license plates.
- 3) The term "Motor vehicle" is defined in Section 340.01(35) of the Wisconsin Statutes.
- 4) The term "appliance" as used in this ordinance shall be defined as any stove, washer, refrigerator or freezer which is no longer operable in the sense for which it was manufactured.

b) ABANDONED VEHICLES, ETC. No person shall have unattended any motor vehicle, trailer, semi-trailer or mobile home on any public roadway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any road or highway or of any public or private property with the Town of Big Bend without the permission of the owner for a period of more than seventy two hours, the vehicle is deemed abandoned and constitutes a public nuisance.

1.4 TREES AND SHRUBS. It shall be the policy of the Town of Big Bend to regulate and control the planting, transplanting, removal, maintenance, and protection of public and private trees and shrubs in the Town in order to eliminate and guard against dangerous conditions which may result in injury to persons using the roads,

- 2) All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway or road 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.
- 3) All trees, hedges, billboard, or other obstructions which prevent persons driving vehicles on public roads from obtaining a clear view of traffic when approaching an intersection. Any such obstruction which falls within a vision clearance triangle extending 25 feet horizontally all each road line from their intersection and within a vertical clearance of 6 feet shall be presumed to be a violation of this subsection.
- 4) All limbs of trees which project over and less than 14 feet above the surface of the portion of the road traveled by vehicles.
- 5) The use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the town.
- 6) All buildings so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
- 7) All wires over roads or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- 8) All loud, discordant, and unnecessary noises or vibrations of any kinds, which greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- 9) The keeping or harboring of any animal or fowl which is frequently or habitually howling, yelping, barking, crowing, or making other noises which greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- 10) All obstruction of roads, ditches, or highways and all excavation in or under the same, except as permitted by the ordinances of the Town of Big Bend or which although made in accordance of such ordinances, are kept or maintained for unreasonable or illegal length of time after the purpose thereof has been accomplished.
- 11) All open or unguarded pits, wells, excavations or unused basements freely accessible from any public road or highway.
- 12) All abandoned refrigerators or freezers or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- 13) Repeated or continuing violations of the ordinances of the Town or Wisconsin Statutes relating to the use or storage of flammable liquids.

d) PUBLIC NUISANCES - OTHER. The following acts, omissions, places, conditions and objects are hereby specifically declared to be public nuisances offending the comfort, health, repose or safety of the Town of Big Bend; but such enumeration shall not be construed or exclude either nuisances within the definition of subsection (a) of this section:

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PUBLIC NUISANCES

It is in the interest of the public that certain nuisances be defined as public nuisances.

1.1 PUBLIC NUISANCES PROHIBITED

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

1.2 DEFINITIONS

a) PUBLIC NUISANCE. A public nuisance is an object, act, occupation, condition or use of property which shall continue for such 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 and substantially interfere with, or obstruct, or ~~ten~~ to obstruct or render dangerous for passage any town road, highway, navigable body of water or other public way or the use of public property.

b) PUBLIC NUISANCE AFFECTING HEALTH. The following acts, omissions, places, conditions and objects are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances or hazards coming within the definition of subsection (a) of this section:

- 1) All decayed, harmfully adulterated or unwholesome food or drying sold or offered for sale to the public.
- 2) 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 the death of such animal, bird or fowl.
- 3) Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- 4) Privy vaults and garbage cans which are not fly-tight.
- 5) All noxious weeds and other rank growth of vegetation.
- 6) All animals running at large.
- 7) All abandoned wells not securely covered or secured from public use.
- 8) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, ditch, or public place within the Town of Big Bend.

c) PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions, and objects are hereby declared to be public nuisances affecting peace and safety; however, such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (a) of this section.

- 1) All signs and billboards, awnings and other structures over or near roads, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.