

**Town of Liberty Grove
Ordinance 5-21
Public Nuisance Ordinance**

Section I. Purpose

The purpose of this ordinance is to regulate, for the public health and safety reasons, public nuisances, certain uses and activities in the Town.

Section II. Authority

The Town Board has the specific authority under Wis. Stats. § 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25, chapter 823, and general authority under its village powers under Wis. Stats § 66.22 to adopt this ordinance.

Section III. Definitions

- A. “Agent” means any person(s) authorized to act for the Town Board to aid in the regulation of public nuisances within the Town.
- B. “Machinery” means a structure or assemblage of parts that transmits forces, motion, or energy from one part to another in a predetermined way by electrical, mechanical, or chemical means. “Machinery” does not include a building.
- C. “Public nuisance” means an object, act, use, activity, occupation, place, physical condition, or use of a property that continues in the Town for such time as to do any of the following:
 - 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, obstruct, or attempt 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.
- D. “Town” means the Town of Liberty Grove, Door County, Wisconsin.
- E. “Town Board” means the Board of Supervisors for the Town of Liberty Grove, Door County, Wisconsin, and includes designees of the Board authorized to act for the Board.
- F. “Town Administrator” means the Administrator of the Town of Liberty Grove, Door County, Wisconsin.
- G. “Town Chair” means the Chairperson of the Town of Liberty Grove, Door County, Wisconsin.
- H. “Town Clerk” means the Clerk of the Town of Liberty Grove, Door County, Wisconsin.
- I. “Town Committee” means a committee established by the Town Board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the Town.
- J. “Vehicle” means every device in, upon, or by which any person or property is or may be transported. This includes, but is not limited to, all of the following:
 - 1. “Aircraft” as defined in Wis. Stats. § 29.001 (16).
 - 2. “All-terrain vehicles” as defined in Wis. Stats. § 340.01 (2g).
 - 3. “Automobiles” as defined in Wis. Stats. § 340.01 (4).
 - 4. “Farm equipment” as defined in Wis. Stats. § 100.47 (1).
 - 5. “Farm tractors” as defined in Wis. Stats. § 340.01 (16).
 - 6. “Hobbyist or homemade vehicles” as defined in Wis. Stats. § 341.268.
 - 7. “Implements of husbandry” as defined in Wis. Stats. § 340.01 (24).
 - 8. “Mopeds” as defined in Wis. Stats. § 340.01 (29m).
 - 9. “Motor bicycles” as defined in Wis. Stats. § 340.01 (30).
 - 10. “Motorcycles” as defined in Wis. Stats. § 340.01 (32).
 - 11. “Recreational vehicles” as defined in Wis. Stats. § 340.01 (48r)

12. "Road machinery" as defined in Wis. Stats. § 340.01 (52)
13. "Road tractors" as defined in Wis. Stats. § 340.01 (53).
14. "Snowmobiles" as defined in Wis. Stats. § 340.01 (58).
15. "Special interest vehicles" as defined in Wis. Stats. § 341.266.
16. "Trailers" as defined in Wis. Stats. § 340.01 (71).
17. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.

K. "Wis. Stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

Section V. Public Health or Safety

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Town a public nuisance associated with causing, or likely to cause danger, disturbance, or injury to the public health or safety. A public nuisance is declared for any act, use, activity, object, occupation, place, or physical condition not properly and timely removed after written notice to remove from the Town Board to any owner or occupant of the land where the public nuisance exists, is located, or occurred, or to any person responsible for the creation, maintenance, or providing of the public nuisance.

Section VI. Public Peace and Order

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Town a public nuisance associated with, causing, or likely to cause potential danger, disturbance, or injury to the public peace and order. The following are specifically declared to be a public nuisance:

- A. **Loud noise areas.** Any place in the Town where any unreasonably loud, discordant, and unnecessary sound conditions are located on private or public land.
- B. **Fireworks.** Fireworks require a permit, see Town ordinance 15-19.
- C. **Disorderly conduct.** Refer to Door County ordinance Chapter 31, Offenses Against Public Peace and Safety.

Section VIII. Abatement of Public Nuisances

- A. **Inspection of Premises.** Whenever a complaint is made to the Town Board, Town Chair, any appropriate Town Committee or Agent that a public nuisance, under this ordinance, exists within the Town, the premises complained of shall promptly be inspected and a written report of the findings shall be provided to the Town Board, which report shall thereafter be filed with the Town Clerk and kept of record in the Town Office. Whenever practicable, the agent designated to inspect the premises shall cause photographs to be made of the premises for inclusion in the written report to the Town Board.
- B. **Owner of Premises Responsibility.** Any owner or occupant of land in the Town is responsible for compliance with this ordinance on the owner's or occupant's land regardless of ownership of and responsibility for the uses, activities, or objects located on the land that are subject to this ordinance.
- C. **Summary Abatement.**
 1. *Notice to Owner.* If the Town Board, Town Committee or other Agent determine, by written notice to the Town Board, that a public nuisance exists under this ordinance within the Town on private or public land and that there is a great, immediate, and substantial danger or threat to the public health or safety, the Town Board, Town Chair, Town Committee, or other agent of the Town Board shall serve written order upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted or maintained. If immediate personal service cannot be made, one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises or the person who is causing, permitting or maintaining the

public nuisance, and one copy of the notice shall be served by mailing by the U.S. Postal Service of a certified, with return receipt, letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove the public nuisance within 24 hours and shall state that unless the public nuisance is so timely abated, the Town may cause, due to the emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.

2. *Abatement by Town.* If the public nuisance is not abated within the time provided in the notice under paragraph 1 or if the owner, occupant or person causing the public nuisance, if known, cannot be found, the Town Chair, Town Committee, or other agents of the Town Board, with approval of the Town Board, shall cause the abatement or removal of the public nuisance by immediately seeking for the town a court order that allows for the immediate enjoinder and abatement of the public nuisance.
- D. **Abatement by Court Action.** If the Town Board determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the Town Board shall file a written report or resolution of its findings with the Town Clerk who shall, after approval and filing of the report or resolution by the Town Board, take one or more of the following actions, as directed by the Town Board:
1. Issue and serve a written order to cease and desist the public nuisance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
 2. Issue and serve a citation for violation of this ordinance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
 3. Cause the Town Attorney to draft a formal civil complaint to be filed and served upon the alleged violator(s) based upon the alleged violation of this ordinance or the conditions of any permit as issued.
 4. Have the Town Attorney draft a formal complaint for abatement of the public nuisance under Wis. Stats. chapter 823 to be filed and served upon the alleged violator(s).
- E. **Other Methods Not Excluded.** Nothing in the ordinance may be construed as prohibiting the injunction and abatement of public nuisances against any person by the Town or its officials in accordance with the laws of the State of Wisconsin or this ordinance.

Section IX. Costs of Abatement or Disposal

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the Town may be collected under this ordinance or Wis. Stats. §823.06 as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Town to enjoin or abate the public nuisance as a special charge under Wis. Stats. §66.0627.

Section X. Enforcement and Penalties

- A. *First offense.* Any person who violates this ordinance shall, upon determination of the Town Board, forfeit not less than \$20 nor more than \$500. Default of payment of such forfeitures shall be assessed against the real property.
- B. *Second and Subsequent Offenses.* Any person guilty of violating this ordinance or any person who has previously been determined to be in violation of this ordinance shall, upon determination of the Town Board, forfeit not less than \$100 nor more than \$1,000 for each offense. Default of payment of such forfeitures shall be assessed against the real property.

C. *Separate violations.* Each day of violation of this ordinance constitutes a separate offense.

Section XI. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section XII. Effective Date

This ordinance is effective upon adoption and publication as required under Wis. Stats. § 60.80

Adopted at a regular meeting of the Town Board of the Town of Liberty Grove, Door County, Wisconsin, on this 7th day of July, 2021.

John Lowry, Town Chair

I, Anastasia P. Bell, Clerk/Treasurer of the Town of Liberty Grove, Door County, Wisconsin, hereby certify that the above is a true and correct copy of an ordinance adopted at a properly noticed, regular meeting, held on the 7th day of July, 2021 by the Town Board of the Town of Liberty Grove, Door County, Wisconsin.

Dated this 7th day of July, 2021.

Anastasia Bell, Clerk/Treasurer