

**Town of Florence Ordinance No. 10-23-00**  
**Amended 04-11-11**  
**Amended 02-13-2012**

**DEFINING AND PROHIBITING  
PUBLIC NUISANCES**

*All items in italics were amended on April 11, 2011*

*Items in bold were amended on 02-13-2012*

WHEREAS, it is in the interests of the public that certain nuisances be defined as public nuisances.

WHEREAS, the Town Board of the Town of Florence has power under Village Powers pursuant to Section 60.22(3), to enact ordinances defining and prohibiting public nuisances.

*WHEREAS, the Town of Florence’s Vision Statement of June 2010 includes access for visitors and residents to a variety of year-round outdoor sports and activities, which is available through the untarnished, pristine public forests, lakes and rivers in the Township of Florence.*

*WHEREAS, the above mentioned document states that “the Township is also a county government seat that supports public health, family services, environmental protection, and a strong commitment to economic development.”*

*THEREFORE, the Town Board of Supervisors believes that our community itself should present a “first impression” as untarnished and free of man-made nuisances as possible.*

*THEREFORE, the purpose of this ordinance shall be to protect public health, safety and welfare, and prevent the depreciation of property values due to a person’s actions or inaction concerning their property constituting a violation of the conditions of this ordinance.*

NOW THEREFORE, Town Board Supervisors of the Town of Florence, Florence County, Wisconsin, does hereby ordain as follows:

**SECTION 1: PUBLIC NUISANCES PROHIBITED**

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

*Applicability: The ordinance applies to every residential, nonresidential, or mixed occupancy building and the land on which it is situated within the Township of Florence. All residential, nonresidential, or mixed occupancy buildings and the land on which they are situated shall comply with the provisions of this ordinance, whether or not such building shall have been constructed, altered, or repaired before or after the enactment of this ordinance.*

**SECTION 2: DEFINITIONS**

(A.) PUBLIC NUISANCE; *GENERAL*. A public nuisance is an object, act, occupation, condition or use of property which is *dangerous or has the potential to be dangerous to human life or health, safety or welfare, or cause the depreciation of property values; and whatever renders or has the potential to render the soil, air, water, or any article of food or drink unwholesome or impure and*

*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) unlawfully and substantially interfere with, or 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 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.) Carcasses of animals, birds or fowl not intended for human consumption or food which is not buried or otherwise disposed of in an appropriate sanitary manner within 24 hours after the death of such animal, bird, or fowl. *Carcasses from deer legally obtained during hunting season shall be removed no later than January 15.*

(2.) Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, *animal waste*, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(3.) Privy vaults and garbage cans which are not fly-tight.

(4.) All noxious weeds and other rank growth of vegetation—including, *but not limited to un-cut grass in a length exceeding 5 inches.*

(5.) **All dogs and cats running at large.** *Violations and Enforcement of this nuisance will follow the steps and penalties as laid out in Ordinance #08-23-10 Dogs Running At Large.*

(6.) All abandoned wells not securely covered or secured from public use. *All abandoned wells shall be certified as legally abandoned by a Wisconsin licensed well driller.*

(7.) 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 Florence.

(C.) PUBLIC NUISANCE 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 streets, sidewalks, public grounds, or places frequented by the public, so situated or constructed as to endanger the public safety.

(2.) All unauthorized signs, signals, markings 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 an official traffic control device, or railroad sign or signal 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, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highway from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk. Any such obstruction which falls within a vision clearance triangle extending 25 feet horizontally along each street 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 eight (8) feet above the surface of a public sidewalk or fourteen (14) feet above the surface of the portion of the street, highway, or alley 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 or structures *that are so abandoned, damaged, decayed, dilapidated, unsanitary, unsafe or vermin/animal infested that it creates a serious hazard to the health or safety of the residents, neighbors or the public.*

(7.) All wires over streets, alleys, highways 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. *Violations and Enforcement of this nuisance will follow the steps and penalties as laid out in Ordinance #08-28-00 Prohibiting of Excessive Noise.*

(9.) The keeping or harboring of any animal or fowl which be 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 streets, alleys, highways, sidewalks or crosswalks and all excavation in or under the same, except as permitted by the ordinances of the Town of Florence or which although made in accordance with such ordinances, are kept or maintained for unreasonable or illegal length of time after the purpose thereof has been accomplished.

(11.) All open and unguarded pits, wells, excavation, or unused, basements freely accessible from any public street, alley, highway, or sidewalk.

(12.) All abandoned refrigerators 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, and all septic tanks, installed or non-installed.

(13.) Repeated or continuous violations of the ordinance of the Town or Wisconsin Statutes relating to the use or storage of flammable liquids.

(14.) *Noxious Odors, etc.* Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gasses, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town, as determined by the town board. Normal agricultural activity shall be exempt from item # 14.

(D.) **PUBLIC NUISANCE AFFECTING JUNKED AND ABANDONED VEHICLES.** *The following acts, omissions, places, conditions, and objects are hereby declared to be public nuisances affecting junked and abandoned vehicles; however such enumeration shall not be construed to exclude other nuisances affecting junked and abandoned vehicles coming within the provisions of subsection (A.) of this section:*

(1.) **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 (5) days if upon public property, or for a period exceeding thirty (30) 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 not to exceed one year, after which such vehicles must be enclosed by screening or live planting.

(a.) 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 upon the public streets or highways.

(b.) The term “unlicensed” as referring to motor vehicles, truck bodies, tractors, or trailers as used in this ordinance shall be defined as follows: motor vehicles, truck bodies, tractors, or trailers which do not bear *current* lawful license plates.

(c.) The term “motor vehicle” *as used in this ordinance includes but is not limited to antique vehicles, aircraft, all-terrain vehicles (ATVs), golf carts, garden tractors, mobile homes, boats, trailers, lawn mowers, motorcycles, snowmobiles, cars, trucks, vans and including all other items of personal property. . .as defined and found in Section 340.01(35) of the Wisconsin Statutes.*

(d.) The term “appliance” as used in this ordinance *includes, but is not limited to any household or office device, instrument, utensil, apparatus, or machine that utilizes power, including, but not limited to, any stove, clothes washer or dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, computer or peripheral device, or other home or office electronic device.*

(2.) **ABANDONED VEHICLES, ETC.** No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street, highway, 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 street or highway or on any public or private property within the Town of Florence

without the permission of the owner for a period of more than seventy-two (72) hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(E.) *PUBLIC NUISANCE AFFECTING TREES AND SHRUBS.* *The following acts, omissions, places, conditions, and objects are hereby declared to be public nuisances affecting trees and shrubs; however such enumeration shall not be construed to exclude other nuisances affecting trees and shrubs coming within the provisions of subsection (A.) of this section:*

(1.) It shall be the policy of the Town of Florence 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 of persons, the streets, highway, alleys, sidewalks or property of the Town; to promote the beauty and general welfare of the Town; to protect trees and shrubs located in the public areas of the town from undesirable and unsafe planting, removal, treatment and maintenance practices; and to control the spread of tree disease.

(2.) DEFINITIONS.

(a.) Bush or shrub: a low-spreading woody plant with several permanent stems.

(b.) 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.

(c.) Public trees and shrubs: all trees or shrubs planted in or on any park or other property owned or controlled by the town or on any street, highway, alley, sidewalk within the public right-of-way, including terrace trees and shrubs, but excluding school sites.

(3.) No person shall plant any bush, shrub or tree in any public easement, street, road, alley, highway, or terrace.

(4.) 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 eight (8) feet above the surface of a public sidewalk or fourteen (14) feet above the surface of the street, highway, alley traveled by vehicles. Shrubs shall be trimmed so that they do not overhang any street, alley, highway, or sidewalk. 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 private or public street, road, alley, sidewalk, or highway.

(5.) DAMAGE TO TREES AND SHURBS ON PUBLIC PROPERTY. No person shall maliciously injure any trees growing on any public street, road, alley, or highway or impede the free passage of water or air to such trees. Similar provisions apply to trees and shrubs located in or on public parks and other public property.

(a.) No person shall remove or cause to be removed any tree *or* shrub from any public property.

(b.) The owner or occupant of any private lands abutting on any public property may 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 Supervisor or Chairperson, providing in doing so there is compliance with provisions of the Ordinance.

(F.) PUBLIC NUISANCE AFFECTING HOUSING OR KEEPING OF UNDOMESTICATED OR WILD ANIMALS. *The following acts, omissions, places, conditions, and objects are hereby declared to be public nuisances affecting housing or keeping of undomesticated or wild animals; however such enumeration shall not be construed to exclude other nuisances affecting housing or keeping of undomesticated or wild animals coming within the provisions of subsection (A.) of this section:*

(1.) No person may keep any undomesticated carnivore or omnivore, including but not limited to any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarondi, hyena, coyote, alligator, elephant, rhinoceros, poisonous snake, hippopotamus, eagle, possum, raccoon, bear, or any other like dangerous wild animal, reptile, bird or creature that has a history of attacking humans or domesticated pets is prohibited in any place except in:

(a.) a safely and properly maintained zoological park open to the public that has prior approval by the Town Board after presenting a business plan and specifying safety measures for patrons

(b.) a viable circus business

(c.) a scientific or education institution following tax exemption guidelines

(d.) a commercial research laboratory, a veterinary hospital run by a licensed person with an appropriate doctorate degree

(e.) a town designated pound or animal refuge

(f.) fish in an indoor aquarium not in a public place

(g.) in a well-secured vehicle while being transported without delay to or from any unrestricted place

(2.) Any such animal that is within the Town at any time shall be safely and properly caged and restrained so that the animal cannot escape confinement onto property of another or attack any person validly *on* the other owner's property.

(3.) Failure to meet any such standards designed to protect the public from harm shall be in violation even if any attempt was made to domesticate such animal(s). The Chairperson or his/her designee is authorized to interpret specific standards using these guides, while applying them to specific facts.

(4.) However, any owner found in violation as to what constitutes adequate security measures may appeal in writing, by letter or otherwise, to the Town Board, at least one week prior to the scheduled board meeting. No town board appeal is allowed as to the presence of any named animal herein.

(G.) 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 Florence; but such enumeration shall not be construed or exclude either nuisances within the definition of subsection (A.) of this section.

(1.) All owners of property who fail to keep their premises free of litter, debris, trash, **junk** or rubbish shall be in violation of this subsection.

(2.) All property owners within the Town of Florence who allow their property to accumulate trash, litter or rubbish shall be considered to be in violation of the subsection.

(3.) “Litter” as used in this ordinance includes, but is not limited to, trash and wastepaper lying scattered about; and untidy accumulation of objects of any kind.

(4.) “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.

(5.) “Rubbish” as used in this ordinance includes, but is not limited to, *combustible and noncombustible materials, including but not limited to, the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass crockery, and dust, and other similar materials. The definition does not include recyclables or garbage properly disposed of in approved containers.*

(6.) *“Junk” as used in this ordinance includes, but is not limited to, worn out or discarded material, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, 5 or more used tires, discarded building materials, old furniture, or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Town property values, health, safety or general welfare.*

(7.) *Storage of Junk prohibited. No person, except a person duly authorized to do so under a County Junk Yard License, shall accumulate, store, or allow any junk outside of any building on any real estate located in the Township. . . except when such items are determined by the Town Board to be stored or housed out of public view and are treated and maintained so as not to become a public nuisance.*

(8.) *Pet/Animal Waste Nuisance. In following Town of Florence Pet/Animal Waste Ordinance #04-11-11, all pet owners and keepers are required to immediately and properly dispose of their pet’s solid waste deposited on any property, public or private, not owned or possessed by that person.*

*(a.) No person will walk, ride, lead, or control any dog, cat, horse, cow, sheep, swine, reptile, any fowl, or any other animal on any street, sidewalk, alley, park, or other public place, unless the person is carrying a proper container to dispose of excreted animal waste.*

*(b.) It shall be solely the responsibility of the person in control of said dog or cat to immediately, after deposit, remove all fecal matter and dispose of the same.*

*(c.) Proper container shall be interpreted to be a pail, bag, box or other object of non-porous material suitable for holding animal waste.*

*(d.) A proper disposal of the fecal matter shall be to place it in a proper receptacle or bury it on property owned or occupied by such person.*

*(e.) Violations and Enforcement of this nuisance will follow the steps and penalties as laid out in Ordinance #04-11-11 Pet/Animal Waste.*

### SECTION 3. ABATEMENT OF PUBLIC NUISANCES

#### (A.) Inspection of premises.

(1.) Whenever complaint is made to the Town Chairperson or to a Town Supervisor that a public nuisance exists within the Town of Florence, the Chairperson or Supervisor shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his or her findings to the Town Clerk.

(2.) Whenever practicable, the Town Chairperson or Supervisor shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk. Further the Chairperson may designate the Town Enforcement Officer or Constable to act on his or her behalf.

#### (B.) Summary Abatement.

##### (1.) Notice to Owner.

(a.) If the Town Chairperson or his/her designee shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, the Town Chairperson may direct the enforcement officer, constable, *process server or Clerk's Office* to serve a 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.

(b.) 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 occupant 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 within 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.

(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 Chairperson or Town Enforcement Officer or Constable in the case of health nuisances and other cases shall cause the abatement or removal of such public nuisance.

(C.) Abatement By Court Action. If the Chairperson shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great immediate danger to the public health, safety, peace, morals or decency, he/she shall file a written report of his or her findings with the Town Clerk who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Florence County in accordance with the provisions of chapter 823 of the Wisconsin Statutes. In the alternative, the Chairperson may direct the Enforcement Officer or Constable, *Process Server or Clerk's Office* to issue one or more citations for each day of violation for a said time period, and to report back whether compliance has occurred.

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

#### SECTION 4. 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 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.

#### SECTION 5. ENFORCEMENT PROVISIONS

(A.) First Offense/Penalty. Any person who shall violate this subsection, shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) and no more than Two Hundred Dollars (\$200.00) together with the cost of prosecution.

(B.) Second *and Additional Offense(s)*/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 Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) for each such offense, together with the cost of prosecution.

(C.) Each day of violation of this ordinance shall constitute a separate offense.

(D.) This Ordinance may be enforced by the citation procedure as authorized by the Town of Florence (Wis. Stat. 66.0113). The following bond schedule is hereby established for use of citation pursuant to this Ordinance.

<u>ORDINANCE TITLE</u>	<u>OFFENSE</u>	<u>DEPOSITS &amp; COSTS</u>
First violation of the Public Nuisance Ordinance	1 <sup>st</sup> -- <u>\$1.00 -- \$200.00</u>	plus current court costs
Second <i>and Additional</i> violation(s) of the Public Nuisance Ordinance	2 <sup>nd</sup> -- <u>\$10.00 -- \$500.00</u>	plus current court costs

Dated this 13th day of February, 2012

\_\_\_\_\_  
Tim Bomberg, Chairman

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John Holbrook, Supervisor

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Shane McLain, Supervisor

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Jessica Klumpp, Deputy Clerk/Treasurer