

WAUPACA COUNTY CODE OF ORDINANCES
Chapter 10
Public Nuisances

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10.01 PURPOSE AND INTENT

The purpose and intent of this ordinance is to protect Waupaca County, its residents and guests, and the environment by abating and prohibiting hazards which result from unreasonable activity or use of property that interferes with health, safety, or general welfare. Furthermore, this ordinance intends to promote the general welfare by regulating public nuisances which detract from the permanency of desirable home surroundings, orderly land development, and the neighboring land owner's use and quiet enjoyment of the property. To meet these stated goals, no person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the County.

10.02 SEVERABILITY CLAUSE

Each section, paragraph, sentence, clause, word, or provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the ordinance nor any part thereof other than that affected by such a decision. Any subsequent change to Wis. Stats. or Administrative Codes are incorporated by reference hereto.

10.03 PUBLIC NUISANCE DEFINED

A public nuisance means any unreasonable activity or property condition or use of property, which continues for such length of time as to pose a threat to public health, safety or the general welfare as follows:

- 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. 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.
- D. Allowing the accumulation of "junk" as defined in Section 10.05 below.

10.04 PUBLIC NUISANCES AFFECTING HEALTH

Public nuisances affecting health are largely regulated under the Waupaca County Public Health Ordinance, Chapter 52, Waupaca County Code of Ordinances, under the administration of the Department of Health and Human Services.

10.05 PUBLIC NUISANCES AFFECTING REAL PROPERTY

- A. "Public view" means observation from any location exterior to the property.
- B. "Junk" means any of the following that are visible from public view:
 - 1. Scrap metal, glass, paper products, metal alloy, wood, perishables, refuse, aluminum, steel, tires, concrete, synthetic material, including but not limited to tanks, barrels, cages, pallets, wire/cable, furniture, culverts, bricks, appliances, electronics, plastics, batteries, hot tubs, bathroom fixtures, plumbing products, or bottles.
 - 2. Any junked, ruined, dismantled, wrecked, unlicensed, unregistered or inoperative motor vehicle, including but not limited to buses, vans, trucks, cars, and recreational vehicles and parts thereof.
 - 3. Any junked, ruined, dismantled, or wrecked machinery or lawn and garden equipment, including but not limited to farm equipment, construction equipment, campers, snowmobiles, boats, bicycles, trailers, motorcycles and parts thereof.
 - 4. Construction/building materials or all or parts of dismantled buildings or structures, including but not limited to abandoned mobile homes and manufactured homes.
- C. No person, group of persons, company, firm, corporation or any other entity shall store any junk outside a building and within public view for a period of any part of five (5) or more days during any thirty (30) day period.
- D. This ordinance does not regulate or place limitations on junk that is screened from public view in a manner that is well maintained and compatible with the surrounding environment. Screening could include a solid fence, an evergreen planting of no less than eight feet in height, behind or inside closed buildings, or in natural depressions. Covering junk with tarps or like materials is not considered screened.
- E. This ordinance does not regulate or place limitations on any properly zoned and licensed junk yard/salvage dealer, or other junk, waste disposal or storage activity for which a valid license is obtained from the State of Wisconsin with proper permits issued and in full force and effect.

- F. This ordinance is not intended to prohibit the proper outside storage of licensed and operable motor vehicles, and up to two unregistered vehicles.
- G. Any public nuisance affecting real property that also results in a public nuisance affecting health shall be forwarded to the Waupaca County Health and Human Services Department for review and enforcement.

10.06 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 of Section 10.03.

- A. **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.
- B. **Fireworks:** All use or display of fireworks except as provided by State laws and County ordinances.
- C. **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 County.
- D. **Obstructions of Streets or Highways; Excavations:** All obstructions of streets, alleys, highways, sidewalks or crosswalks and all excavations in or under the same except as permitted by the ordinances of the County or 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 do not conform to the permit.
- E. **Unlawful Assemblies:** Any unauthorized or unlawful use of property abutting on a public street, alley, highway or sidewalk or of a public street, alley, highway or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets, highway, or sidewalks.
- F. **Shining Artificial Lights on Wild Animals:**
 - 1. No person shall shine artificial lights from a motor vehicle with the intent of observing, pursuing or disturbing any deer or other wild animals, other than when authorized by the State hunting regulations, outside the incorporated limits of any village or city within Waupaca County, between 10:00 p.m. and sunrise.

2. This prohibition shall not preclude owners or tenants of farmland from using motor vehicle lights while tilling the soil or harvesting crops, or in the inspection or herding of domestic animals on their own premises when in fact such domestic animals are in the area.
3. This prohibition shall not apply to law enforcement officials in the performance of their duties.
4. Any person convicted of violating this subsection shall be assessed a forfeiture of not less than \$25 nor more than \$500 plus the costs of prosecution.
5. This subsection shall not be substituted or used in place of Section 29.99, Wis. Stats, which prohibits the hunting or shooting of deer with the aid of artificial lights, with the aid of an airplane, or the illegal snaring of deer, or for violation of Sections 29.13(5), 29.48 and 29.49, Wis. Stats.

10.07 ENFORCEMENT, VIOLATIONS, AND PENALTIES

- A. **Authority:** The Waupaca County Zoning Administrator, the Waupaca County Highway Commissioner, the Waupaca County Sheriff, or their designees, shall have the duty, responsibility and authority to enforce this ordinance. Jurisdiction of “junk” related offenses shall be with the Planning and Zoning Office. Jurisdiction for peace and safety related offenses shall be with the Waupaca County Highway Department and Sheriff’s Office. The appropriate county officer shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated.
- B. **Summary Abatement:** If the inspecting officer determines that a public nuisance exists within the County and that there is great and immediate danger to the public safety, peace, or general welfare, the Chairman of the County Board 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. **Complaint Investigation:** Except when necessary under Section 10.07(B) above, 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.
 1. Where a violation complaint regarding a junk related offense is received, the Planning and Zoning Office shall follow the steps outlined below:
 - a. The code enforcement officer assigned the violation inspection shall visit the property to verify whether it is apparent that a violation exists.

- 1) The code enforcement officer shall document and inventory any junk that is visible on the property.
- b. The code enforcement officer shall send a letter to the owner of record seeking to obtain permission to perform an onsite investigation of the property within two weeks.
 - 1) If the property owner does not respond to the above letter the code enforcement officer shall send another letter (final notice) requiring the property owner to set a date for an onsite inspection of the property.
 - 2) If the property owner does not respond to the final notice the code enforcement officer shall:
 - a) If enough evidence exists that the property is not compliant with this Chapter follow the steps outlined in Section 10.07(D).
 - b) If enough evidence does not exist the code enforcement officer shall work with the Corporation Counsel Office to request a search warrant of the property and may request assistance from the Sheriff's Office to execute the search. If the search determines that a violation exists the steps outlined in Section 10.07(D) shall be followed.

D. Violation/Citation Process: Whenever a violation of this ordinance is found, the Zoning Administrator, Sheriff, Highway Commissioner, or their designees may take one or more of the following actions:

1. Where an offense relating to junk is present, the appropriate County official shall send a letter to the property owner with an inventory of junk that is expected to be removed and properly disposed of within a specified period ranging from one (1) to ninety (90) days.
 - a. The Zoning Administrator may extend this deadline to accommodate weather conditions only. Under no circumstances shall this deadline be extended for more than six (6) months.
 - b. If the deadline established for compliance in Section 10.07(D)(1) above is not met, the steps in Section 10.07(D)(2) below shall be followed.
2. Issue a citation for violation of this ordinance.
 - a. For citations issued by the Highway Department or Sheriff's Office, the District Attorney shall be responsible for legal actions related to the citation including but not limited to injunctive relief and forfeitures through the summons and complaint process.
 - b. For citations issued by Zoning code enforcement officers, proper legal action shall be brought by the Office of

Corporation Counsel including but not limited to summons and complaint procedure for forfeitures and injunctive relief.

- E. **Court Order:** The County may file a petition against the property owner for an order compelling compliance with this ordinance. In addition, the Court may order abatement of the nuisance and/or removal of the violating material, or order other appropriate relief. If the abatement or removal is at County expense, the County shall invoice the property owner for all such costs incurred. If the invoice is not paid within thirty (30) days, Waupaca County may take the action necessary to place the amount of the invoice on the tax roll as a special charge against the property.
 - 1. Any junk (as defined in Section 10.05) removed from the property pursuant to this ordinance may be sold by Waupaca County with any funds received being first used to pay or reimburse the County for costs incurred in correcting the nuisance, with any remaining proceeds returned to the property owner. If proceeds of sale do not make the County whole, any deficiency can be placed on the tax roll as a special charge as set forth in Section 10.07(E) above.

- F. **Penalties:** Any person, firm, corporation or other legal entity failing to comply with the provisions of this ordinance shall, upon conviction, forfeit up to \$500, together with applicable court costs. Each day a violation occurs or continues may be deemed by Waupaca County to be a new offense.

- G. **Other Methods Not Excluded:** The County or its officials shall construe nothing in this chapter as prohibiting the abatement of public nuisances in accordance with State laws.