

AN ORDINANCE AMENDING SECTION 5.04 (2)(b)(8) OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN PUBLIC NUISANCE

NOW THEREFORE, the Town Board of the Town of Sheboygan does hereby ordain as follows:

Section 1. Repealing and Recreating Code. The provisions of Section 5.04(2)(b)(8), Public Nuisances Affecting Health, of the Municipal Code of the Town of Sheboygan, Public Nuisance, is hereby repealed and recreated to read as follows:

5.04 Public Nuisance.

(2) (b)(8) Public Nuisances Affecting Health

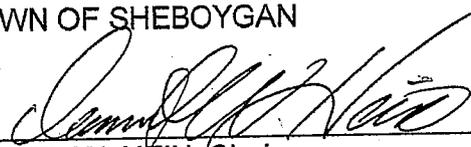
The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits or within one mile therefrom in such quantities as to endanger the health of person of ordinary sensibilities or to threaten or cause substantial injury to property. The Town of Sheboygan prohibits anyone from burning any of the following material under any conditions:

- a. Wet, combustible rubbish, such as wet cardboard or paper
- b. Oily substances, such as oily or greasy rags, oil filters, etc.
- c. Asphalt, such as asphalt shingles or tar paper
- d. Plastics of any kind, including plastic bottles and plastic bags
- e. Rubber products, including tires and hoses.

Section 2. Effective Date: This Ordinance shall take effect upon adoption and publication.

Adopted this 19st . Day of July, 2005.

TOWN OF SHEBOYGAN



DANIEL W. HEIN, Chairman

I hereby certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Sheboygan on the 21st . Day of June, 2005.

CAROL J. HOLFELTZ, Clerk

Date of Publication: _____

5.04 Public Nuisance.

(1) Public Nuisances Prohibited: No person, persons, firm or corporation shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

(2) Definitions:

(a) Public Nuisance. A public nuisance is a thing, 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 of decency;
4. 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.

(b) Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed, to exclude other health nuisances, coming within the definition of subsection (a) of this section:

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
2. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
3. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitos, disease-carrying insects, rats or other vermin may breed.
4. All stagnant water in which mosquitoes, flies or other insects can multiply.
5. Privy vaults and garbage cans which are not fly-tight.
6. All noxious weeds and other rank growth of * See next Page
7. All animals running at large.
8. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

9. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.

10. Any use of property, substances or things within the Town, excluding animal manure, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stench 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.

11. All abandoned wells not securely covered or secured from public use.

(c) Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (a) of this section:

1. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse or gambling.

2. All gambling devices and slot machines.

3. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town.

4. Any place or premises within the Town where town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

5. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the ordinances of the Town.

(d) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby 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 provisions of subsection (a) of this section:

1. All ice not removed from public sidewalks and all snow not removed from public sidewalks within 12 hours after it has ceased to fall thereon.

2. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated as to endanger the public safety.

3. All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town, relating

to materials and manner of construction of buildings and structures within said district.

4. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.

5. 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.

6. All limbs of trees which project over a public sidewalk, less than 8 feet above the surface thereof or less than 10 feet above the surface of a public street.

7. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.

8. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

9. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.

~~10.~~ All loud, discordant and unnecessary noises or vibrations of any kind.

11. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.

12. 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 or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.

13. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

14. 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.

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

16. Repeated or continuous violations of the ordinances of the Town or laws of the

I hereby certify that the foregoing Ordinance was
duly adopted by the Town Board of the Town of Sheboygan
on the 19th day of October, 1993.

Carol J. Holfeltz
CAROL J. HOLFELTZ, Town Clerk

Posted: 10/20/93