

CHAPTER 10
PUBLIC NUISANCES

10.01 PUBLIC NUISANCES PROHIBITED: No person shall erect, contrive, cause, continue, maintain or permit to exist, any public nuisance within the Town.

10.02 PUBLIC NUISANCE DEFINED: A public nuisance is a thing, act, occupation, condition or use of property which continues 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, 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.

10.03 PUBLIC NUISANCES EFFECTING HEALTH: The following act, omissions, places, conditions and things are specifically declared to be public health nuisances: but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 10.02:

(1) ADULTERATED FOOD. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) CARCASSES, UNBURIED. Carcasses of animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) INSECTS OR VERMIN BREEDING PLACES. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquito, disease carrying insects, rats or other vermin can breed.

(4) WATER, STAGNANT. All stagnant water in which mosquitoes, flies or other insects can multiply.

(5) PRIVY VAULTS AND GARBAGE CANS: Privy vaults and garbage cans which are not flytight.

(6) WEEDS, NOXIOUS: Canada Thistle, Leafy Spurge, Field Bindweed (Creeping Jenny), unsightly and troublesome plants which are detrimental to cultivated crops, public health, public welfare and to the general appearance of the surrounding area of such uncultivated rank plants which create unpleasant or noxious odors or grow to such height as to permit the concealment of filthy deposits.

(7) POLLUTION, WATER: The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(8) ODOR, NOXIOUS: Any use of property, substances or things within the Town emitting or causing any foul, offensive, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health or any appreciable number of persons within the Town.

(9) POLLUTION, STREET: Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the town.

(10) POLLUTION, AIR: The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Town.

(11) ANIMALS, LOOSE: Any animals running at large in the Town.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY. The following acts, omissions, places, conditions and things are 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 10.02.

(1) DISORDERLY HOUSES: All disorderly houses, bawdy houses, house of ill fame, gambling houses and building or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) GAMBLING DEVICES: All gambling devices and slot machines.

(3) UNLICENSED SALE OF LIQUOR AND BEER: All places where alcohol 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) CONTINUOUS VIOLATION OF TOWN ORDINANCES. 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 and repeatedly violated.

(5) ILLEGAL DRINKING: Any place or premises resorted to for the purpose of drinking alcohol beverages in violation of State laws.

10.05 PUBLIC NUISANCES EFFECTING 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 10.02.

(1) DANGEROUS SIGNS, BILLBOARDS, ETC: All signs, billboards, awnings and other similar 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) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of the ordinances relating to materials and manner of construction of buildings and structures within the Town.

(3) UNAUTHORIZED TRAFFIC SIGNS: All unauthorized signs, signals, markings or devices placed or maintained upon or in the view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices, railroad signs or signals or which because of their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.

(4) 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.

(5) LOW HANGING TREE LIMBS: All limbs of trees which project over and less than 10' above any public sidewalk, street or other public place.

(6) DANGEROUS TREES: All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(7) FIREWORKS: All use or display of fireworks except as provided by Statute laws and Town Ordinances.

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

(9) LOW HANGING WIRES AND CABLES: All wires and cables over streets, alleys or public grounds which are strung less than 15' above the surface thereof.

(10) 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 with the Town.

(11) OBSTRUCTIONS OF STREETS: All obstruction of streets, alleys, sidewalks or crosswalks, and all excavations in or under the same, except as permitted by this General Code, but including those 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 which do not conform to the permit.

(12) UNLAWFUL ASSEMBLIES: Any unauthorized or prohibited 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.

(13) BLIGHTED BUILDINGS AND PREMISES: (a) Premises existing within the Town which are blighted because of faulty design or construction, failure to maintain them in proper state of repair, improper management or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Town.

(b) Blighted premises contribute to conditions that are dangerous to public health, safety, morals and general welfare of the people: the conditions necessitate excessive and disproportionate expenditure of public funds for public health and safety, crime prevention, fire protection and other public services; such conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

(c) Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and shall be fostered and encouraged by this section. It is essential to the public interest that this section be liberally construed to accomplish such purposes.

10.06 BURNING OF GRASS AND TRASH RESTRICTED: (1) No person shall kindle any grass fire within the Town without first securing a written permit from the Fire Warden in accordance with current regulations imposed by the Department of Natural Resources.

(2) BONFIRES REGULATED: No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or public or private grounds within the Town, within 25' of any building or within any fire lane unless the same is confined with a wire refuse burner or basket or metal enclosure with a wire cover attached to prevent the escape of sparks and burning materials.

10.07 ACCUMULATION OF USED MOTOR VEHICLES: No person, except the holder of a motor vehicle dealer's license issued under the Wisconsin Statutes, shall accumulate, store or allow to remain outside any building located within the Town for a period of more than 6 months, dump deposit or otherwise abandon upon any property or highway, street, road, alley or way within the Town any used motor vehicles as motor vehicle is defined by the Statutes or any detached part thereof for which no current registration fee has been paid under State Statutes or which, if paid, does not have properly attached thereto under Wisconsin Statute a current license plate if so required and which is in condition which would mechanically prevent its immediate operation upon any public highway or its operation thereon would be in violation of the law. Each day any used motor vehicle as herein defined or any detached part thereof shall be accumulated or stored or allowed to remain contrary to these provisions shall constitute a separate and distinct offense.

Section 10.08 SEXUAL OFFENDER RESIDENCY RESTRICTIONS

1) Purpose. This ordinance is a regulatory measure intended to protect the health and safety of children in the Town of Conover from the risk that convicted sex offenders may re offend in locations close to their residences. The Town finds and declares that sex offenders are a serious threat to public safety. Given the high rate of recidivism for sex offenders and that reducing that opportunity and temptation is important to minimizing the risk of a repeated offense. There is need to protect children where they congregate or play and in public places children frequent in addition to Schools, daycare centers, parks and playgrounds.

(2) Findings and Intent.

(a) It is not the intent of this ordinance to impose a criminal penalty, but rather to service the Town of Conover's compelling interest to promote, protect and improve the health, safety, and welfare of the children by prohibiting convicted sexual offenders from loitering in specific areas around where children regularly congregate in concentrated numbers. (b) It is further intended that this ordinance recognize that convicted sexual offenders must re-enter the community and the Town of Conover hereby accepts that it has a responsibility to those offenders and surrounding communities to ensure that, in addition to promoting regulatory measures aimed at protecting children while measures are not aimed at prohibiting convicted sexual offenders from being a part of society.

(3) Definitions The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(a) **Child** means a person age 16 or younger for this ordinance

(b) **Designated Offender** means any person who is required to register under Ws 301.45 for any sexual offense against a child or any person who is required to register under Ws 301.45 and who has been designated a (SBN) Special Bulletin Notification sex offender pursuant to Ws 301.46(2) and (2m) or is under court ordered supervision by the Wisconsin Department of Corrections for any sexual offense against a child, unless the person is under the age of eighteen at the time of the offense and the offender was not tried and convicted of the offense as an adult.

(c) **Minor** means a person under the age of 18

(d) **Permanent Residence** means a place where the person abides, lodges, or resides for 14 or more consecutive days.

(e) **Temporary Residence** means a place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges or resides for a period of 4 or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

(f) **Loitering** means whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, linger aimlessly, proceed slowly or with many stops, to delay or dawdle, for the purpose of interacting or attempting to interact with children (excepting children or relatives of the designated offender), taking or attempting to take photographs of children (excepting children or relatives of the designated offender) or engaging in activities that would be of interest to children (excepting children or relatives of the designated offender) or when otherwise serves no legitimate purpose.

(g) **Registered Sexual Offender** as defined in Ws 51.375(1)(d) as persons who have been convicted of sexual offenses and are required to register with the State of Wisconsin and have been ordered to be placed under the supervision of the Department of Corrections under Chapter 980 of the Stats., or the Administrative Code Provisions which implement the same or any successor Statute to Chapter 980.

(h) **Child Safety Zone** means areas, whether public or private, and which provide facilities or attractions to children, whether intended to provide such attractions or not which, because of the nature of the area, is such where children are like to be attracted to, or being a place where children congregate, whether regularly or irregularly. Examples of these areas, but not limited to, the following are: Conover Center, Town Park, recreational motorized and non-motorized trails,

Athletic fields, boat landings, beaches and aquatic facilities, schools and church schools, day care facilities, wayside playgrounds and any other facility where children could likely congregate.

Section 10.085 Sexual Offender Prohibition

(1). It is unlawful for an Register Sexual Offender to abide, lodge or reside in a permanent or temporary residence located within the Town of Conover, when such residence is located within 2,000 feet of any child safety zone.

(2) It is unlawful for more than one Registered Sexual Offender to abide, lodge or reside, whether permanently or temporarily, in any one residence located in the Town of Conover

(3) Any Registered Sexual Offender having permanent residence within 2,000 feet of any child

safety zone, as defined herein, does not commit a violation of this Section if

(a) The Registered Sexual Offender established the permanent residence prior to the effective date of this Ordinance unless required to abandon that permanent residence. Any new permanent residence must be at a location in compliance with the 2,000 foot child safety zone.

(b) The Register Sexual Offender was a minor when committing the offense causing designation as a Registered Sexual Offender, and was not sentenced as an adult for that offense.

(c) The Registered Sexual Offender resides with his or her parents

(4) No Registered Sexual Offender shall enter on, or remain within the 2,000 foot child safety zone except to:

(a) Attend a scheduled meeting with an attorney who is recognized as a licensed attorney with the State Bar Association

(b) Attend a scheduled interview with a social service provider

(c) Comply with a request or a Court Order from the judiciary

(d) Attend church services or church function

(e) Attend to family or parental obligations

(5) It shall be unlawful to let or rent any place, structure or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person or Sexual Offender prohibited from establishing such residency pursuant to this Ordinance if such is located within a prohibited child safety zone.

(a) A property owner's failure to comply with this section shall constitute a violation of this ordinance and shall be subject to penalties as set forth by the Town General Code 25.04

(5) The Town Board shall prepare, maintain and file with the Town Clerk an official map showing the prohibited locations as defined by this Ordinance. The Town Board shall update the map annually or as needed to reflect any changes to the prohibited areas which shall be designated on the Official Map as **Child Safety Zones**.

a. for the purpose of determining and measuring the minimum distance separation for this ordinance, the requirement shall be measured by following a straight line from the outer property line of the residence (permanent or temporary), to the nearest outer property line to the property of the child safety zone.

(6) No sexual offender, registered sexual offender or sexual predator or any person under the supervision of the State of Wisconsin Department of Corrections shall be placed, take, or maintain residence in the Town of Conover unless the Town Board has been given sixty (60) days written notice of such placement or taking or maintaining residence which notice shall provide satisfactory proof to the Town Board of compliance with this Ordinance and it's provisions.

Section 10.088 Penalties

(1) A person who violates this ordinance shall be subject to a forfeiture not exceeding \$2,000, together with the actual costs of prosecution, including attorney fees, if necessary.

(2) The town may undertake all legal and equitable remedies to prevent or remove a violation of this Ordinance

(3) Each day of continued violation or non-compliance shall constitute a separate offense.

Section 10.090 Severability

(1) The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

Section 10.092 Effective Date This ordinance shall take effect upon passage and posting in accordance with law.

Enacted this 14th day of August, 2013

10.15 PENALTY: Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance, shall be subject to a penalty as provided in 25.04 of this General Code.