

PUBLIC PROTECTION, ORDERLY CONDUCT, AND NUISANCE

7.01 OFFENSES ENDANGERING PUBLIC SAFETY

- (1) **General Policy.** The Town of Neenah hereby declares that the discharge of firearms within or into populous areas of the Town is a hazard to the life, health, safety, and general welfare of the residents of the Town.
- (2) **Definitions.**
 - (a) "Firearms" means any musket, rifle, handgun, shotgun, spring gun, air gun, or gas gun designed or intended to discharge or capable of discharging any bullet, device containing an explosive substance, ball, shot, cartridge, shell, ammunition, or projectile, exclusive of bow and arrow.
 - (b) "Populous areas" means within 500 feet of a residence or building.
 - (c) "Non-populous areas" means all areas within the Town not specifically referred to in Subsection 7.01(2)(b) above.
 - (d) "Bow and Arrow" means any bow or crossbow designed to fire a feathered arrow or bolt.
- (3) **Restrictions near Roads, Highways, Railroads, and Parks.**
 - (a) No person shall discharge or shoot any firearms or bow and arrow of any kind upon or within fifty (50) feet of the centerline of any Town, County, State, or Federal road or highway, within fifty feet of the centerline of any railroad right-of-way, or within any Town park. See Chapter 15.02(8) herein.
 - (b) No person shall carry any firearms of any kind upon or within fifty (50) feet of the centerline of any Town, County, State, or Federal road or highway, within fifty feet of the centerline of any railroad right-of-way, or within any Town park, unless the same shall be unloaded and enclosed within a carrying case. See Subsection 15.02(8) herein.
- (4) **Restrictions in Populous Areas.**
 - (a) No person shall shoot or discharge, or assist or participate in shooting or discharging, any firearms within any populous area of the Town without the prior consent of the owners or occupants of all residences and structures within 500 feet of the shooter.
 - (b) No person shall shoot or discharge, or assist or participate in shooting or discharging, any firearms or bow and arrow into or on the property of any person within any populous area of the Town without the prior consent of the owner or occupant of such property.

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- (5) **Restrictions in Non-Populous Areas.** No person shall shoot or discharge, or assist or participate in shooting or discharging, any firearms or bow and arrow into or on the property of any person within any non-populous area of the Town without the prior consent of the owner or occupant of such property.
- (6) **Limitations on Applicability.** The prohibitions described in Subsections 7.01(3) through (5) shall not apply to the shooting or discharging of firearms of any kind in shooting galleries or on ranges operated by authorized gun clubs or law enforcement agencies, nor shall it apply to the shooting or discharging of such firearms by any person in defense of his own person or property, nor shall it apply to or restrict duly appointed law officers or constables in the exercise of their duty, nor shall it apply to lawful hunting during appropriate hunting seasons pursuant to state and federal law and Department of Natural Resources rules and regulations.
- (7) **Penalties.** Any person violating the provisions of this Section will be subject to forfeiture not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Any person subject to forfeiture under this section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Section.

7.02 FALSE FIRE ALARMS

- (1) **False Alarms Caused by an Automatic Detection System.** See Chapter 5.06 herein.

7.03 LITTERING PROHIBITED

- (1) No person shall throw or deposit any weeds, sod, brush, cans, garbage, or rubbish on or along any highway, or upon the lands of another, within the limits of the Town, except that it shall be lawful to dump any such material in or upon any public dumping grounds duly designated as such by the Town Board so long as any such dumping is done in full compliance with any applicable rules and regulations.
- (2) Any person violating the provisions of this Section will be subject to forfeiture not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Any person subject to forfeiture under this section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Section.

7.04 JUNKED MOTOR VEHICLES

- (1) **Definitions**
 - (a) "Person" means any person, firm, partnership, corporation, association, company, or organization of any kind that owns or leases real estate in the Town.
 - (b) "Vehicle" means a machine propelled by power other than human power and shall include without limitation automobiles, trucks, ATV, snowmobile, and motorcycles, whether operable or inoperable.

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- (c) "Street and highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
 - (d) "Property" means any real property within the Town which is not a street or highway.
- (2) **Nuisance Vehicles.** No vehicle shall be allowed to remain outside a closed building upon public or private property within the Town for a period in excess of one month unless it is in connection with a duly authorized business enterprise in a properly zoned area.
- (3) **Abandonment of Vehicles.** No person shall abandon any vehicle within the Town, and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.
- (4) **Wrecked Vehicles on Street.** No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the Town.
- (5) **Enforcement**
- (a) **Public Property and Streets.** If any Town Board member or peace officer finds any vehicle placed or stored upon public property or on a public street or highway in violation of this Section, such vehicle shall be removed to a junk or salvage yard and stored there for 30 days or until claimed by the owner, whichever is sooner. Unclaimed vehicles shall be disposed of in accordance with state law.
 - (b) **Private Property**
 - 1. If any Town Board member or peace officer finds any vehicle placed or stored upon private property in violation of this ordinance, the owner of such property shall be given notice by certified mail to remove the same within seven (7) days of delivery of said notice. If such vehicle is not removed within the time specified, the Town Board member or peace officer shall issue a violation notice to the owner of the property upon which the vehicle is placed or stored.
 - 2. The owner of any property on which a vehicle is stored or permitted to remain in violation of this ordinance, as well as the owner of the vehicle, shall be jointly and severally liable for violations of this Section.
- (6) **Penalty.** Any person violating the provisions of this Section will be subject to forfeiture not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Any person subject to forfeiture under this section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Section.

7.05 STRAY LIVESTOCK

- (1) **Nuisance Livestock.** No person who owns, keeps, or maintains cattle, horses, sheep, swine, domestic fowl, or other livestock in the Town may permit said livestock to run loose on public property, including but not limited to any public school or public roadway. See Subsection 7.06(3)(j) herein.
- (2) **Penalty.** Any person violating the provisions of this Section will be subject to forfeiture not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Any person subject to forfeiture under this section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Section.

7.06 PUBLIC NUISANCES.

- (1) **Public Nuisances Prohibited.** No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Neenah.
- (2) **Public Nuisance Defined.** A public nuisance is a thing, act, corruption, condition, or use of property which shall continue for such length of time as to:
 - (a) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of persons of ordinary sensibilities;
 - (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; or
 - (d) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of the property in the neighborhood in which such premises are located.
- (3) **Public Nuisances Affecting Health.** The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Subsection 7.06(2) herein:
 - (a) **Adulterated Food.** All decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public.
 - (b) **Unburied Carcasses.** Carcasses of animals, birds, or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.

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- (c) **Breeding Places for Vermin.** Accumulations of decayed animal or vegetable matter (other than composting sites), trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.
- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies, or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans that are not fly-tight. See Chapter 10.03 herein.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth or vegetation. See Chapter 1.05 herein.
- (g) **Water Pollution.** The pollution of any public or private well or cistern, stream, lake, canal, or other body of water or ground water by sewage, creamery, or other wastes or substances.
- (h) **Noxious Odors.** Any use of property, substances, or things within the Town emitting or causing any foul, offensive, noisome, nauseous, 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 of any appreciable number of persons within the Town, other than odors produced through the operation of farming practices.
- (i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance of flow into or upon any street, gutter, alley, sidewalk, or public place within the Town.
- (j) **Animals at Large.** All animals running at large. See Chapters 7.05 and 9.04 herein.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood, and other refuse.
- (l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- (m) **Abandoned Wells.** All abandoned wells not securely covered or secured from public use.
- (n) **Junked Vehicles.** Disassembled, dismantled, partially dismantled, inoperable, junked, wrecked, or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, or campers, exempting farm equipment on land zoned for agricultural purposes, in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets, highways, or waters. See Section 7.04 herein.

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- (o) **Abandoned Equipment.** Abandoned, discarded, or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash, or debris.
- (4) **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 enumerations shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Subsection 7.06(2) herein:
 - (a) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses, and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, or gambling.
 - (b) **Gambling Devices.** All gambling devices and slot machines, other than state-authorized programs.
 - (c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold without a permit or license as provided in Chapter 9.01 herein.
 - (d) **Continuous Violation of Town Ordinances.** Any place or premises within the Town where Town or County ordinances, or state laws relating to public health, safety, peace, morals, or welfare, are openly, continuously, repeatedly, and intentionally violated.
 - (e) **Illegal Drinking.** 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 ordinances of the Town.
- (5) **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 definitions of Subsection 7.06(2) herein:
 - (a) **Noise.** All loud and unusual noises or annoying vibrations, which offend the peace and quiet of persons of ordinary sensibilities.
 - (b) **Signs and Billboards.** All signs and 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.
 - (c) **Illegal Buildings.** All buildings erected, repaired, or altered in violations of the provisions of Chapter 13 herein.
 - (d) **Unauthorized Traffic Signs.** 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, railroad sign or signal, or which, because of its color, location, brilliance,

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or manner of operation, interferes with the effectiveness of any such device, sign, or signal.

- (e) **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.
- (f) **Tree Limbs.** All limbs of trees which project over a public sidewalk or ditch area of the right-of-way less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (g) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (h) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin.
- (i) **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.
- (j) **Wires over Streets.** All wires over streets, alleys, or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (k) **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 shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town. See Chapter 9.04(6) herein.
- (l) **Obstruction of Streets: Excavations.** All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by Chapter 13 herein or which, although made in accordance with Chapter 13, 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.
- (m) **Open Excavations.** All open and unguarded pits, wells, excavations, or unused basements accessible from any public street, alley, or sidewalk. See Chapter 13.05 herein.
- (n) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed and which are not equipped with a device for opening from the inside.
- (o) **Flammable Liquids.** Repeated or continuous violations of this Code or the laws and regulations of the State of Wisconsin relating to the storage of flammable liquids.

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- (p) **Un-Removed Snow.** All snow and ice accumulating on public sidewalks not removed or sprinkled with ashes, sawdust, sand, or other chemical removers.
 - (q) **Appliances and Junk.** Any junk, wood, bricks, construction materials, cement, concrete blocks, abandoned vehicles, machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a hazard (except when such items are properly housed and out of public view).
 - (r) **Unauthorized Street Use.** Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk 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.
- (6) **Penalty.** Any person violating the provisions of this Section will be subject to forfeiture not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Any person subject to forfeiture under this section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Section.
- (7) **Abatement of Public Nuisances**
- (a) **Inspection of Premises.** Whenever a complaint is made to a member of the Town Board that a public nuisance exists within the Town, the Town Board shall inspect or cause to be inspected the premises complained of.
 - (b) **Notice to Owner.** If the Town Board determines that a public nuisance exists within the Town, it shall provide notice to the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting, or maintaining the nuisance or the owner or occupant of the premises, to abate or remove such nuisance within three (3) days. The notice shall also state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
 - (c) **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 Town shall cause the abatement or removal of such public nuisance.
 - (d) **Abatement by Court Action.** If the Town shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten immediate danger to the public health, safety, peace, morals, or decency, the Town may cause an action to abate such nuisance to be commenced in the name of the Town.

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- (e) **Other Methods not Excluded.** Nothing in this Section shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

- (8) **Cost of Abatement.** In addition to any other penalty imposed by this Code for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance. Such cost shall be assessed against the real estate as a special charge if not paid in 30 days.