

ORDINANCE NO. 17.1

An Ordinance Amending a Chapter 17: Public Nuisance Ordinance for the Town of Kingston

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

WHEREAS, the purpose of this Ordinance is to regulate and control Public Nuisances in the Town of Kingston in order to promote the public safety, convenience, general welfare and economic viability of and to protect the interests of the town.

WHEREAS, the Town Board of the Town of Kingston, hereinafter referred to as the Town, has power under Village Powers pursuant to Section 60.22(3) of Wisconsin Statutes, to enact ordinances defining and prohibiting public nuisances.

WHEREAS, Town of Kingston, Green Lake County, Wisconsin, Code of Ordinances Chapter 17 was adopted on September 14, 2006 and is being amended.

The Town in session duly begun on the 9th day of June, 2025, does 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 Kingston.

SECTION 2: PUBLIC NUISANCE DEFINED.

A public nuisance is a thing, act, occupation, 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 the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Greatly offend the public morals or decency;
- (d) 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.

SECTION 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 Section 2:

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) **Unauthorized Human Burial Area.** Any place in the Town of Kingston where the body or remains of a deceased person are located and buried on private or public land in the Town of Kingston which has not been reported to, documented and recorded by, and approved for human burial by the Town Board, including all previous burial areas. If human burials have previously occurred in

unapproved sites or areas, the remains shall be removed or relocated to an approved burial area. Prior to removing the human remains a written request for removal of human remains shall be submitted to the Town Board. Approval from the Town Board will be determined after the Board confers with the proper authorities to ensure that there is no violation of Wis. Statutes or County ordinances. Upon concurrence from the proper authorities and assurance that there is no threat to public health and safety, the Town Board will respond to the request in writing. Removal of the human remains shall be completed within thirty (30) days after receipt of written notice to remove from the Town Board. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with Chapter 157, Wis. Stats.

- (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.
- (c) **Breeding Places for Vermin, etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal 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 which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) **Water Pollution.** 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.
- (h) **Noxious Odors, etc.** Any use of property, substances or things within the Town causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, 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.
- (i) **Street Pollution.** 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.
- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulation of Refuse.** Accumulations of old cans, lumber, elm firewood, compost piles that are not burned or eliminated within 15 days after being created, accumulation of trash, rubbish 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) **Livestock.** The keeping of livestock on property less than 1 acre, unless a permit is first obtained. Property is not considered to be less than 1 acre if, in combination with an adjacent parcel owned by the same owner, results in a larger than 1 acre parcel. Livestock being defined as cattle, horses, llamas, alpacas, goats, pigs, and other like animals.

SECTION 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 enumeration shall not be construed to exclude other nuisances offending public morals

and decency coming within the definition of Section 2:

- (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 Devises.** All gambling devices and slot machines, except as permitted by state law.
- (c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stores, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Town.
- (d) **Continuous Violation of Town Ordinance.** 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.
- (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 ordinance of the Town.

SECTION 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 definition of Section 2:

- (a) **Signs, Billboards, etc.** 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.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- (c) **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 or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- (d) **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.
- (e) **Tree Limbs.** All limbs of trees which project over a public sidewalk 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.
- (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Town-.
- (h) **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.
- (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.

- (j) **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.
- (k) **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavation 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 or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) **Abandoned Refrigerators.** 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.
- (n) **Flammable Liquids.** Repeated or continuous violations of the Ordinances of the Village or laws of the State relating to the storage of flammable liquids.
- (o) **Unremoved Snow.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided by Town Ordinance.

SECTION 6: PUBLIC NUISANCES CONCERNING THE HANDLING OF JUNK.

Junk in this section may be defined as any of the following visible from any location outside of the real property where they are located:

- (a) Motorized vehicles or motorized equipment of any type, if not currently capable of motorized operation including, but not limited to, cars, vans, trucks, recreation vehicles, watercraft, motor homes, lawn mowers, snow blowers outboard motors, go-carts, mopeds, scooters and mini-bikes.
- (b) Non-motorized vehicles intended to transport persons or property on a road or highway, including trailers and bicycles, if not currently safe to use on the road.
- (c) Vehicle Parts
- (d) Tires, with or without rims
- (e) Interior appliances and electronic equipment not in use including, but not limited to, cooktop range and ovens, refrigerators, dishwashers, fans, clothes, dryers, clothes washers, microwaves, televisions, screens, audio equipment, computers, arcade games and vending machines.
- (f) Interior plumbing and mechanical fixtures not in use including, but not limited to, toilets, sinks, piping, bathtubs, tub surrounds, water heaters/tanks, water softeners, humidifiers, dehumidifiers, wood-burning stoves, and related piping and duct work.
- (g) Interior furniture that is abandoned, discarded, or damaged including, but not limited to, sofas, recliners, mattresses, bed frames, dressers, credenzas, desks, tables, and chairs.
- (h) Outdoor recreation equipment that is disassembled or broken including, but not limited to, trampolines, above ground swimming pools, swimming pool components and patio furniture.
- (i) Building components, or construction materials not installed or in use, including but not limited to, doors, windows, siding, shingles, lumber, and flooring.
- (j) Outdoor fixtures or containers not currently in use including but not limited to, fuel tanks, propane tanks, liquid barrels, and air conditioners.

- (k) Scrap metal, plastic, glass or wood not in use.
- (l) Any other item similar in nature to the above list.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances concerning the handling of junk, but such enumeration shall not be construed to exclude other nuisances concerning the handling of junk coming within the definition of Section 2:

- (a) **Unlicensed Junkyard.** The operation of any junkyard that has not been properly licensed in accordance with state and/or local regulations.
- (b) **Open Storage of Junk.** The storage of Junk outside for a period of any part of five (5) or more days during any thirty (30) day period.
- (c) **Mishandling of Junk.** To store or dispose of any solid waste or other Junk except in accordance with all state and local regulations.
- (d) **Failure to Maintain Tidy Property.** The failure to keep one's property free from the accumulation of litter, debris, trash, and or rubbish.

EXCEPTIONS. This section is not intended to regulate or place limitations on any of the following.

- 1. Any legally licensed junkyard, salvage dealer, sanitary landfill, or any other waste disposal or storage activity for which a valid license has been issued from the state and/or other necessary municipal issuing authority and all such licenses are in full force and effect.
- 2. Junk that is stored inside a closed building.
- 3. Outdoor storage of any licensed and operable motor vehicles.

SECTION 7: ABATEMENT OF PUBLIC NUISANCES.

- (a) **Owner of Premises Responsibility.** Any owner or occupant of land in the Town of Kingston shall be responsible for compliance with this Ordinance on the land regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this Ordinance.
- (b) **Inspection of Premises.** Whenever complaint is made to the Town Board, Town Clerk, or Town Chair that a public nuisance under this ordinance exists in the Town of Kingston, the Town Chair, Town Committee, or other agents of the Town Board shall, within ten (10) days of receipt of complain, inspect or cause to be inspected, the premises complained of and shall make a written report of their findings to the Town Board. If the Town Chair, Town Committee, or other agents of the Town Board performing the inspection also received the complaint he, she, or they shall file a copy of the report with the Town Clerk. Whenever practicable, the Town Chair, Town Committee, or other agents of the Town Board shall cause photographs to be made of the premises and shall file photographs to be made of the premises and shall file the photographs with a written report in the office of the Town Clerk.
 - 1. If an inspection produces a determination that there exists an immediate or substantial danger or threat to public health or safety:
 - a. The Town Chair shall be notified immediately.
 - b. Steps to protect public health or safety will occur by following paragraph D, Summary of Abatement as listed below.
 - 2. If an inspection produces a determination that immediate action is not necessary:
 - a. The complaint review process will follow as listed in paragraph

C below.

- (c) **Complaint Review.** The written complaint, photographs, or any other supporting documentation submitted regarding the alleged violation shall be reviewed by the Town Board. After the review, the Town Board shall decide as to the appropriate follow-up regarding the complaint.
- (d) **Summary Abatement**
 - a. **Notice to Owner.** If, after review of a reported complaint, the Town Chair, Town Committee, or other agents of the Town Board determine, by written notice to the Town Board, that a public nuisance exists under this Ordinance within the Town of Kingston and that there is great, immediate, and substantial danger or threat to public health or safety, the Town Board shall serve written order notice upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises who is causing, permitting, or maintaining the public nuisance, and one copy of the notice shall be served by mailing by U.S. mail of First Class letter to the last known address for the owner or occupant to remove the public nuisance within 24 hours and shall state that unless the nuisance is timely abated, the Town may cause, due to emergency conditions, the public nuisance to be abated and shall charge the cost of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.
 - b. **Abatement by Town.** If the public nuisance is not abated within the time provided in the notice under paragraph 1 or if the owner, occupant, or person causing the public nuisance, if known, cannot be found, the Town Chair, Town Committee, or other agents of the Town Board, with approval of the Town Board, shall cause the abatement or removal of the public nuisance by immediately seeking for the Town a court order that allows for the immediate enjoinder and abatement of the public nuisance.
- (e) **Abatement by Court Action.** If the Town Board determines that a public nuisance exists on a public or private premises but the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health and safety, the Town Board shall file a written report or its resolution of its findings with the Town Clerk who shall, after approval and filing of the report or resolution by the Town Board, take one or more of the following actions, as directed by the Town Board:
 - a. Contact in writing the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located with a notice order to cease and desist the public nuisance.
 - b. Issue or have issues and served a citation upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of Ordinance.
 - c. Cause the Town attorney to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of the Ordinance or the conditions of any permit as issued or have drafted by the Town attorney to be filed and served a formal complaint for abatement of the public nuisance under Chapter 823 of the Wisconsin Statutes.
- (f) **Other Methods Not Excluded.**
 - a. Nothing in this Ordinance shall be construed as prohibiting the enjoinder

- a. Nothing in this Ordinance shall be construed as prohibiting the enjoinder and abatement of public nuisances against any person by the Town of Kingston, or its officials in accordance with the laws of the State of Wisconsin or this Ordinance.
- b. The Town Board may, upon adoption of a Citation Ordinance, enforce against such public nuisance violations in the Ordinance by issuance and service of a Citation against any alleged violation of this Ordinance.

SECTION 8: COST OF ABATEMENT.

In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance and violation of this Ordinance the cost of abatement of any public nuisance by the Town of Kingston may be collected under this Ordinance or Wis. Stat. 823.06 as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Town of Kingston to enjoin or abate the public nuisance as a special charge under Wis. Stat. 66.0627 unless paid earlier. If any vehicle, structure, equipment, implement, or appliance noted in this Ordinance is abandoned or remains unclaimed, the Town Board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under Wis. Stat. 66.0139, by public auction or other means as determined in writing by the Town Board.

SECTION 9: PENALTY PROVISION.

Any person who shall violate any provision of this Ordinance, upon conviction, shall forfeit up to \$500.00 together with the cost of prosecution and all other costs incurred by the Village and any costs of abatement as described in Section 8 above. Each violation and each day of a violation continues or occurs shall constitute as a separate offense.

SECTION 10: SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this ordinance are severable.

SECTION 11: EFFECTIVE DATE

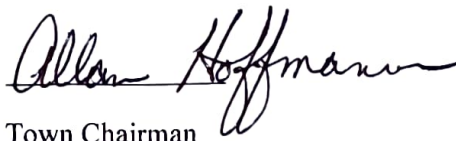
This ordinance shall take effect from and after its passage and publication as required by law. ADOPTED THIS 9th DAY OF June, 2025

ATTESTED:

TOWN OF KINGSTON



Town Clerk



Town Chairman