

CHAPTER 5 OFFENSES AGAINST PUBLIC PEACE, SAFETY MORALS AND PUBLIC POLICY

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5.01 Ordinance Prohibiting the Parking, Storage, and Accumulation of Defective and Unlicensed Motor Vehicles.

(1) Purpose. The purpose of this ordinance is to protect and foster the health, safety and well being of persons in the Town of Sheboygan Falls for the protection of their property rights and to beautify the landscape and otherwise promote the public interest, including the elimination of attractive nuisances.

(2) Definition. As used herein, the term, "motor vehicle" shall be construed to include all motor vehicles for which the Wisconsin Statutes requires a license when used upon public roadways within the State.

(3) Accumulation Unlawful. It shall be unlawful to park, stand, store, or accumulate disassembled or inoperable or junked or wrecked motor vehicles, or to park store, allow to stand or accumulate more than one (1) unlicensed operable motor vehicle by any owner of land or occupancy of any land in the Town of Sheboygan Falls, except for the following persons, firms, or corporation operating in areas properly zoned.

(a) Properly licensed and equipped junk yards or motor vehicle salvage dealers.

(b) Operable motor vehicles displayed for resale by properly licensed used and new car dealers.

(c) Unlicensed vehicles that are being used as farm equipment and any vehicles that are located in garages or other like structures hidden from public view. A fence shall not be considered a structure under this ordinance.

(d) Automobile repair garages and service establishments as authorized in the Town's zoning code. Inoperable vehicles may be kept for repair, but in no event shall they be permitted in public view in excess of thirty (30) days.

(4) Notice. The Town Board, upon discovering a violation of this ordinance, shall in writing notify the owner or occupant or both of the lands upon which such motor vehicle is found, that said motor vehicle must be removed within ten (10) days or the Town of Sheboygan Falls may cause such to be removed and the cost of such removal shall be charged to the owner or occupant or both of said land, and that failure to remove said motor vehicle shall subject him to fines for each day said violation continues.

(5) Removal by Town.

(a) If, after due notice as set forth herein, the occupant or owner of said real estate shall fail to remove said motor vehicle, the Town may cause such motor vehicle or vehicles to be removed to junk or salvage yards and stored for period of not less than twenty (20) days.

(b) Upon the failure of said owner or occupant of said lands to reclaim and pay the costs of handling and storage of said motor vehicles within said twenty (20) days, the operator of said junk or salvage yard may dispose of same.

(c) If the costs of handling and storage are not paid by the owner or occupant within thirty (30) days or from the disposal of the motor vehicle, the Town Board may take such action as it deems necessary to collect same including, if notice of removal was given to the property owner, placing and entering said amount on the tax roll as special charge against the property.

(6) Penalty. Any person, firm, corporation or any officer of any corporation, who shall violate or cause to be violated any provisions of this section, or interfere in any manner with the enforcement of this section, shall upon conviction thereof be penalized as provided in Section 11.04(1) of this code. Each motor vehicle stored or allowed to remain on property in violation of this section shall constitute a separate offense for each day that said violation occurs after notice.

5.02 An Ordinance Prohibiting a Minor's Misrepresentation to Procure, Possess or Consume Intoxicating Liquor.

(1) Misrepresentation of Age. No minor shall represent that he is of age for the purpose of asking for or receiving any intoxicating liquors from any keeper of any place or any name whatsoever for the sale of intoxicating liquors, except in cases authorized by law.

(2) Consumption or Possession by Minors.

(a) No person under the age of eighteen (18) years shall consume fermented malt beverage or intoxicating liquors in the township, nor shall possess or carry any container containing fermented malt beverages or intoxicating liquor in the township.

(b) There is no violation of the above section if such person is consuming fermented malt beverages under the direct supervision of his or her parent, legal guardian or spouse who is an adult.

(3) Penalty. The penalty for the violation of this section shall be not more than Twenty-five (\$25) Dollars, and the Court shall also restrict or suspend the motor vehicle privileges as provided in Section 343.30(6) of the Wisconsin Statutes.

5.03 Mobile Homes and Mobile Home Parks.

(1) Purpose. An ordinance enforcing minimum standards for mobile home parks, establishing requirements for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities; authorizing the issuance of permits for construction, alteration and extension of mobile home parks; authorizing the inspection of mobile home parks; fixing penalties for violations, and regulating the parking of mobile homes.

(2) Definitions. As used in this ordinance:

(a) “License” means a written license issued by the Town Clerk allowing a person to operate and maintain a mobile home park under the provisions of this ordinance and regulations issued hereunder.

(b) “Licensee” means any person licensed to operate and maintain a mobile home park under this section.

(c) “Mobile Home” is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations, and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value and appurtenances equals or exceeds Fifty (50) percent of the assessable value of the house trailer.

(d) “Mobile Home Lot” means a parcel of land for the placement of a single mobile home and the exclusive use of its occupant.

(e) “Mobile Home Park” means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

(f) “Mobile Home Stand” means that part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

(g) “Permit” means a written permit issued by the Town Clerk permitting the construction, alteration and extension of a mobile home park under the provisions of this ordinance and regulations issued hereunder.

(h) “Person” means any individual, firm, trust, partnership, public or private association or corporation.

(i) “Sewer Connection” means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home park.

(j) “Sewer Rise Pipe” means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

(k) “Water Connection” means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

(l) “Water Riser Pipe” means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

(3) Parking of Mobile Homes. It shall be unlawful for any person to park, keep, or maintain a mobile home for purposes of human habitation within the Town of Sheboygan Falls except:

(a) When located within an approved Mobile Home Park licensed under this ordinance.

(b) When located on private property, and its use is limited as a field office trailer during the period of a construction project, provided it is not used for overnight lodging.

(c) When located on private property in connection with a bona fide visit with the owner or occupant of said premises provided said stay will not exceed twenty-one (21) days.

(4) Licenses for Mobile Home Parks. It shall be unlawful for any person to operate a Mobile Home Park within the limits of the Town of Sheboygan Falls unless he holds a valid license issued annually by the Town Board in the name of such person for the specific Mobile Home Park. All applications for licenses shall be made to the Town Clerk, who shall issue a license upon compliance by the applicant with provisions of this ordinance and regulations issued hereunder and of other applicable legal requirements.

(a) Application. Application for licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee set forth in Section 11.05, and shall contain: The name and address of the applicant; the location and legal description of the Mobile Home Park; and a site plan of the Mobile Home Park showing all mobile home lots, structures, roads, walkways, and other service facilities.

(b) Transfer of License. Every person holding a license shall give notice in writing to the health authority within twenty-four (24) hours after having sold transferred, given away, or otherwise disposed of interest in or control of any Mobile Home Park. Such notice shall include the name and address of the person succeeding to the ownership or control of such Mobile Home Park. Upon application in writing for transfer of the license and deposit fee as set forth in Section 11.05, the license shall be transferred of the Mobile Home Park is in compliance with all provisions of this ordinance and regulations.

(c) Suspension of License. Whenever, upon inspection of any Mobile Home Park, it is determined that conditions or practices exist which are in violation of any provisions of this ordinance or regulations issued hereunder, the Town Board shall give notice in writing to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license shall be suspended. At the end of such period, there shall be a re-inspection of such Mobile Home Park and, if such conditions or practices have not been corrected, the Town Board shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of the notice of such suspension, such person shall cease operation of such Mobile Home Park, and all mobile homes shall be removed from the premises within thirty (30) days.

(d) Request for Hearing. Any person whose application for a license under this ordinance has been denied, or whose license has been suspended or suspension is threatened, may within ten (10) days in writing request and shall be granted a hearing on the matter before the health authority under the procedures provided herein.

(5) Park Environmental Requirements. All Mobile Home Parks shall meet the State Board of Health requirements for mobile homes as set forth in the Wisconsin Administrative Code, and shall include any subsequent amendments thereto. When the provisions of the herein ordinance are more restrictive, the more restrictive provision shall apply.

(a) General Requirements. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to predictable and/or sudden

flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

(b) Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every Mobile Home Park shall be paved, or covered with stone screenings, or other solid materials, or protected with vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(c) Site Drainage. The ground surface in all parts of every Mobile Home Park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(d) Nonresident Uses Prohibited. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of the park residents and for the management and maintenance of the park. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

(e) Required Separation Between Mobile Homes. Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen (15) feet; provided that mobile homes placed end-to-end may have a clearance of ten (10) feet where opposing rear walls are staggered. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, is attached to a mobile home or located within ten (10) feet of its window, and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the mobile home.

(f) Required Recreation Area. In all parks accommodating or designed to accommodate twenty-five (25) or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents. The size of such recreation areas shall be based upon a minimum of one hundred (100) square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet. Recreation areas shall be located so as to be free of traffic hazards and should, where the topography permits, be centrally located.

(g) Required Setbacks, Buffer Strips and Screening. All mobile homes shall be located at least twenty-five (25) feet from any park property boundary line abutting upon a public street or highway and at least fifteen (15) feet from other park property boundary lines. There shall be a minimum distance of ten (10) feet between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas. All Mobile Home Parks shall be provided with screening such as fences or natural growth along the property boundary lines separating the park and such adjacent uses giving consideration to the aesthetics of the general neighborhood.

(h) Park Street System. All Mobile Home Parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.

(1) Access. Access to Mobile Home Parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have a minimum road pavement width of thirty-four (34) feet where parking is permitted on both sides, or a minimum road pavement width of twenty-seven (27) feet where parking is limited to one side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width may be twenty-four (24) feet, provided parking is prohibited at both sides.

(2) Internal Streets. Surfaced roadways shall be adequate width to accommodate anticipated traffic, and in any case meet the following minimum requirements:

(i) All streets, except minor streets...24 feet.

(ii) Minor streets, no parking...18 feet. (Acceptable only if less than 500 feet long and serving less than 25 mobile home or of any length if one-way and providing access to abutting mobile home lots on one side only.)

(iii) Dead end streets shall be limited in length to...1000 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least sixty (60) feet.

(3) Required Illumination of Park Streets. All parks streets shall be furnished with lighting units so spaced and equipped with lights placed at such mounting heights as will provide the adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

(4) Street Construction and Design Standards. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surfaces and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.

(i) Off-Street Parking. Off-street parking areas shall be provided in all Mobile Home Parks for the use of park occupants and guests at the rate of at least 1.25 car spaces for each mobile home lot, and shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home that it is intended to serve.

(j) Walks. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three (3) feet. All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall be a minimum width of two (2) feet.

(k) Mobile Home Stands. The area of the mobile home stand shall be improved to provide adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplifting, sliding, rotation and overturning.

(6) Electrical Distribution. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(a) Main Lines. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring any mobile home, service building or other structure.

(b) Individual Electrical Connections. Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volt AC, 100 amperes.

(7) Water Supply. An accessible, adequate, safe, and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by health authority.

(8) Sewage Disposal. Where the sewer lines of the Mobile Home Park not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the health officer prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the State except in compliance with the Wisconsin Statutes.

(9) Refuse Handling. The storage, collection and disposal of refuse in the Mobile Home Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(10) Health. A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage and electrical utilities. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers or other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds

considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

(a) Insect and Rodent Control. Grounds, buildings, and structures shall be maintained free of insect and rodents, and shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(b) Storage. No lumber, pipe building materials, or other matters not in regular use shall be stored upon the premises in open view and the park shall be kept free of litter.

(11) Notice and Hearings. Whenever there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or regulations issued hereunder, the Town Board, Clerk, or Health Officer shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall: (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served up owner or his agent as the may require be certified mail to his last known address, and contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and regulations issued hereunder.

(a) Hearing. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or regulations issued hereunder, may request and shall be granted a hearing on the matter before the Town Board.

1. Application. Such person shall file in the office of the Town Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of any suspension.

2. Time and Place. Upon receipt of such petition, the health authority shall set a time and place for such hearing and shall give the petitioner written notice thereof.

3. Presentation by Petitioner. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

(b) Findings and Order. After such hearing, the Town Board shall make findings as to compliance with the provisions of this ordinance and regulations issued hereunder, and shall issue an order in writing sustaining, modifying or withdrawing the notice. Upon failure to comply with any order sustaining or modifying a notice, the license of the Mobile Home Park affected by the order shall be revoked.

(12) **Responsibilities of Park Management.** The person to whom the license for the Mobile Home Park is issued shall operate the park in compliance with ordinance and regulations issued here under and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(a) Notice to Occupants. The park management shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance and regulations issued hereunder.

(b) Supervision. The park management shall supervise placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.

(c) Registration. The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

(d) Health Notices. The park management shall notify the health officers immediately of any suspected communicable or contagious disease within the park.

(13) Monthly Parking Permit Fees: There is hereby imposed on each owner of a non-exempt, occupied mobile home in the Town of Sheboygan Falls a monthly parking permit fee determined in accordance with Section 66.058(3), Wis. Stats., which is hereby adopted by reference and made part of this ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile home owner. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the Town Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this ordinance and such regulations as the Treasurer may reasonably promulgate.

(a) Information to Assessor. Licensees of mobile home parks and owners of land on which are parked any occupied non-exempt mobile homes shall furnish information to the Town Clerk and Town Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.058(3) (c) and (3), Wis. Stats.

(b) Advance Deposits. Owners of non-exempt, occupied mobile homes, upon receipt of notice from the Town Clerk of their liability for the monthly parking fee, shall remit to the Town Clerk a cash deposit of twenty-five (25) dollars to guarantee payment of such fees when due to the Town Treasurer. It shall be the full and complete responsibility of the licensee of the Mobile Home Park to collect such cash deposits from each occupied, non-exempt mobile home therein and remit such deposits to the Town Clerk. Upon receipt of a notice from the owner or licensee that the non-exempt, occupied mobile home has been or is about to be removed from the

Town, the Town Clerk shall direct the Town Treasurer to apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

(14) Penalties. In addition to the revocation provisions herein, the penalty for violating any provision of this chapter shall be as provided in Section 11.04(1) of the code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues. The forfeiture of violation of 13(a) shall not exceed twenty-five (25) dollars.

5.04 Ordinance Prohibiting Sales or Solicitations at Town Hall on Election Days.

(1) Prohibition. No person or organization shall engage in the sale of or solicitation of any items in the Town Hall or upon the Town Hall premises during the period of time when election is being conducted on said premises.

(2) Penalties. The penalty for violating any provision of this ordinance shall be as provided in Section 11.04(1) (a) of this code.

5.05 Public Nuisance

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

(2) Definitions:

(a) Public Nuisance. A public nuisance is a thing, act, 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 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.

(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) 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.

(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 vegetation.

(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 or 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 of Sheboygan Falls, excluding animal manure, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, 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.

(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 by the ordinance of the Town of Sheboygan Falls.

(4) Any place or premises within the Town of Sheboygan Falls 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 ordinance 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 peace and 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 of Sheboygan Falls in violation of the provisions of the ordinance 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 on 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 an intersection or pedestrian crosswalk.

(6) All limbs of trees which project over a public sidewalk, less than 8 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, or 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)¹ All abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash or debris.

(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 continued violations of the ordinances of the Town of Sheboygan Falls or laws of the State of Wisconsin relating to the storage of flammable liquids.

(17)² All junk, wood, bricks, cement, concrete blocks, abandoned vehicles, or 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).

(3) Abatement of Public Nuisances:

(a) Inspection of Premises. Whenever complaint is made to the Town Board that a public nuisance exists within the Town of Sheboygan Falls, they shall promptly notify the Town Chairman, health officer or building inspector who shall forthwith

¹ Section 5.05 (2)(d)(14) amended by Ordinance #1 2024/2025 adopted October 21, 2024.

² Section 5.05 (2) (d) (17) is created by Ordinance #1 2024/2025 adopted October 21, 2024.

inspect or cause to be inspected the premises and shall make a written report of his findings to the Town Board. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Clerk.

(b) Summary Abatement.

1. Notice to Owner. If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman shall direct that notice be served on the owner or, if the owner cannot be found, on the occupant or the person causing, permitting or maintaining such nuisance and to post a copy of said notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof of the owner, occupant or person causing, permitting or maintaining the same, as the case may be.

2. 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 health officer, in case of health nuisances, the constable, sheriff's department or Town Chairman, in other cases, shall cause the abatement or removal of such public nuisance.

(c) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he shall file a written report of his findings with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Sheboygan County in accordance with the provisions of Chapter 280 of the Wisconsin Statutes of 1977.

(d) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting that abatement of public nuisances by the Town of Sheboygan Falls or its officials in accordance with the laws of the State of Wisconsin.

(4) Cost of Abatement. In addition to any other penalty imposed by this ordinance of the erection, contrivance, creation, continuance or maintenance of a public nuisance by the Town shall be collected as debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

(5) Penalties: The penalty for violation of this section shall be a penalty as provided in Section 11.04(1) of this code. A separate offence shall be deemed committed on each day on which a violation of any provision of this section occurs or continues.

5.06 Regulating Parking on Town Roads³

1. Restrictions on Parking; Posted Limitations.

a. 24-hour limitation. No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public road in the Town for a period of 24 or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply.

2. Posted Limitations.

a. The Town Board may designate certain roads or portions of roads as no-parking, no-stopping, or no-standing zones, or as zones reserved for parking by physically handicapped persons, and may limit the hours during which such restrictions apply. The Town will mark, by appropriate signs, each zone so designated in accordance with the provisions of Wis. Stats. § 349.13.

b. The Town hereby designates the following roadways as no-parking from midnight to 7:00 a.m.:

- i. Pigeon Creek Subdivision (Kapur Drive, Seema Court and Chanda Court)
- ii. Highland Hills Subdivision (S Kapur Drive, Winter Court, Winter Drive, Witte Court, Jaeger Court, Highland Hills Drive)

3. Removal of illegally parked vehicles. No person shall fail to move an illegally parked, stopped or standing vehicle after being cited for such illegal parking, stopping or standing. No person shall fail to obey a law enforcement officer's order to move an illegally parked, stopped or standing vehicle.

4. Enforcement.

³ Section 5.06 is created by Ordinance #2 2025/2026 adopted September 8, 2025.

a. Forfeitures. Any person, company, firm or corporation violating any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, together with the costs of prosecution, including reasonable attorneys' fees. Each day that a violation continues shall constitute a separate offense. Compliance with the provisions of this Ordinance may also be enforced by injunction.

b. Towing. Pursuant to § 349.13, Wis. Stats., whenever the Town Road Supervisor, Town Chairperson, or any law enforcement officer finds a vehicle parked, stopped or standing on a highway in violation of any of the officially posted provisions of this chapter, or parked, stopped or standing in violation of Ch. 346, Wis. Stats., or obstructing a roadway, they are authorized to require the owner or operator in charge thereof to move the vehicle to a position to which parking is not prohibited, or to have the vehicle towed to a storage facility by an authorized towing service. The officer shall notify the Town and the Sheboygan County Sheriff's Department when a vehicle is towed. The officer shall also notify the towing service of the name and last-known address of the registered owner and all lienholders of record of the vehicle within 24 hours of the removal of the vehicle.

i. In addition to other penalties provided by this chapter, the owner or operator of a vehicle towed to a storage facility shall pay the actual reasonable charges of the towing service, along with the actual reasonable charges for storage of the vehicle. Upon payment, a receipt shall be issued for the towing and storage charges, and the vehicle may be released to the owner thereof.

ii. In the event that the owner or operator is determined by a court to be not guilty of the violation upon which removal and storage was based, or the Town Attorney declines to prosecute said citation, the Town shall refund the towing charges upon showing proof of payment for said charges.

iii. If a vehicle has been removed and/or impounded pursuant to this section, the provisions of § 779.415, Wis. Stats. shall apply.

5. Legal Provisions.

- a. Severability. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
- b. Effective Date. This Ordinance shall be enforced from and after its passage, approval and publication according to law
- c. Compliance with State Statutes. Nothing in this Ordinance shall be construed or is intended to be contrary to, or inconsistent with Wisconsin State Statutes regulating the operation or parking of motor vehicles on public roads.