

Ordinance No. 200.03

IOWA COUNTY PUBLIC NUISANCE ORDINANCE

Iowa County, through the duly elected Board of Supervisors, does ordain as follows:

I. General Provisions.

- A. Title. This Ordinance shall be referred to as the "Iowa County Public Nuisance Ordinance."
- B. Purpose. To provide and promote public health, safety, peace, morals or decency, general welfare, and to prevent, control, and prohibit public nuisances in Iowa County.
- C. Authority. Wis. Stat. Chapters 59, 66, 823.
- D. Effective Date. This Ordinance shall be effective immediately upon adoption by the Iowa County Board of Supervisors and publication as provided by law.
- E. Administration. This Ordinance shall be administered by the Iowa County Sheriff's Office.
- F. Interpretation. The provisions of this Ordinance shall be interpreted to be the minimum requirements and shall be liberally construed in favor of Iowa County and shall not be deemed a limitation of any power granted by the State of Wisconsin Statutes.

II. Definitions.

- A. As used in this Ordinance, the following terms shall have the meanings indicated:
 - 1. COUNTY: Iowa County, Wisconsin.
 - 2. EXCESSIVE CALLS: Three calls requiring a law enforcement response to the same location or property within the preceding continuous 12- month period.
 - 3. IOWA COUNTY BOARD: The Iowa County Board of Supervisors.
 - 4. PERSON: Any individual, corporation, society, partnership, entity, or institution.
 - 5. PUBLIC: Affecting or having the potential to affect the people and/or environment outside the limits of an individual's personally occupied structure.
 - 6. 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:
 - 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; or,
 - 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.
 - e. Only those Public Nuisances contained in Section V., Public Nuisances

Enumerated, shall be enforceable through the issuance of a citation under this ordinance.

7. STATE: The State of Wisconsin.

8. WRITTEN ORDERS: A Public Nuisance Abatement Order issued by competent authority that directs a person to take specific action, or abstain from certain behavior, that is reasonable and necessary under the circumstances to cease, control, or prevent a public nuisance in Iowa County.

B. All other words not specifically defined in this Ordinance shall be defined as set forth in any applicable Wisconsin Statutes or regulations and if not defined otherwise, the standard dictionary definition of the word shall apply.

III. Public Nuisances Prohibited.

It shall be the responsibility of the Iowa County Sheriff's Office staff to investigate instances and cases of Public Nuisances in Iowa County, and in collaboration with the County Administrator and Corporation Counsel, execute the requirements described in Wis. Stat. Chapters 59, 66, and 823 regarding the reporting, surveillance, control, and prevention of public nuisances.

IV. Responsibility of Property Owner.

It shall be the responsibility of the property owner to maintain his or her property in a nuisance-free manner and also to be responsible for the abatement and/or correction of any Public Nuisance that has been determined to exist on his or her property.

V. Public Nuisances Enumerated.

A. As used in this Ordinance, the following are defined as Public Nuisances and shall have the meanings indicated:

1. *Loitering or Prowling.* No person shall loiter or prowl in a place at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears, at trial, that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
2. *False fire alarms.* The activation of an alarm system through negligence of the owner or lessee of an alarm system or of his employees or agents, the activation of an alarm system through mechanical failure or malfunction because of improper maintenance by the alarm user, or the activation of an

alarm system because of improper installation and/or use of equipment by the alarm business; but does not include alarms caused by tornadoes, earthquakes or other violent conditions or acts of God. More than three false fire alarms in the preceding 12-month period is defined as a Public Nuisance.

3. *Loud Music or Noise.* No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.
4. *Animal or Animals.* Any animal or animals which:
 - a. Attacks, harasses or molests passersby or passing vehicles.
 - b. Attacks persons or animals without provocation.
 - c. Trespasses on school grounds, parks or cemeteries.
 - d. Is repeatedly at large.
 - e. Damages private or public property.
 - f. Barks, whines, howls, yelps or makes other continuous disturbing noises which offends the peace and quiet of the neighborhood.

(1) Continuous disturbing noise is defined as noise which goes on for 15 minutes or more or which occurs for a total of 20 minutes or more in a one-hour period.
5. *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.
6. *Unlicensed Sale of Liquor and Beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as required by law.
7. *Illegal Burning.* It may be considered to be a Public Nuisance for any person to start, create, or maintain a fire that is in violation of the burning regulations contained in Wis. Admin. Code Chapter (NR) 30, Forest Fire Control; or Chapter (NR) 429, Malodorous Emission and Open Burning.
8. *Illegal Dumping.* It may be considered to be a Public Nuisance for any person to dump, discard, abandon or otherwise dispose of material in violation of the environmental protection regulations contained in Wis. Admin. Code Chapters (NR) 100-199, Environmental Protection – General; Chapters (NR) 200-299, Environmental Protection – Wisconsin Pollutant Discharge Elimination System; Chapters (NR) 300-399, Environmental Protection – Water Regulation; Chapters (NR) 400-499, Environmental Protection – Air Pollution Control; Chapters (NR) 500-599, Environmental Protection – Solid Waste Management; and Chapters (NR) 600-699, Environmental Protection – Hazardous Waste Management.
9. *Violation of House Rules in Public Housing.* It may be considered a Public Nuisance for a tenant or occupant to violate the established House Rules in any public housing building that is owned, operated, or substantially funded by the County or State.
10. *Violation of Iowa County Policy 702.* Iowa County has designated certain County-owned buildings and property as secured entry facilities or areas

as indicated in Iowa County Policy 702. It shall be deemed a Public Nuisance for an individual to unlawfully enter or attempt to gain unlawful entry to these buildings and areas in violation of Iowa County Policy 702. It shall also be deemed a Public Nuisance to unlawfully enter or attempt to gain unlawful entry into County-owned property in the vicinity of these buildings or areas in violation of a sign clearly prohibiting entrance to such area.

11. *Violation of Iowa County Policy 711.* Iowa County has designated certain spaces within County-owned buildings and property as “Restricted Areas” for the purpose of prohibiting public access, audio, video, and photographic recording as indicated in Iowa County Policy 711. It shall be deemed a Public Nuisance for an individual to enter these areas and record or attempt to record persons or property in these areas in violation of Iowa County Policy 711. Designated areas in County-owned buildings or property where public access, audio, video, and photographic recording are prohibited are clearly marked with a sign prohibiting such conduct, and it shall be deemed a Public Nuisance to enter such area and engage in recording activity in violation of such sign.
12. *Unauthorized access or interference with County-owned dam/impoundments.* It shall be deemed a Public Nuisance for a person to enter or attempt to gain access to any inlet and outlet device, structure, or equipment of a County-owned dam/impoundment. It shall be deemed a Public Nuisance for a person to remove, damage, or interfere with any inlet and outlet device, structure, or equipment of a County-owned dam/impoundment.

VI. Authority and Administration.

A. Authority.

1. General Provisions:

- a. The purpose and intent of this Ordinance, in cooperation with local, state, and federal agencies, is to protect the public health, safety, peace, morals or decency, and general welfare of the people of the County and to:
 - (1) Identify, prevent and control Public Nuisances;
 - (2) Protect, inform and educate the population on Public Nuisances and measures to prevent or mitigate Public Nuisances from occurring in Iowa County;
 - (3) Enforce local, County, State, and Federal laws, orders, directives, regulations, ordinances, and resolutions enacted to protect the public from Public Nuisances.
- b. The Iowa County Sheriff’s Office is authorized to enforce this Ordinance.

B. Administration.

1. General provisions. This Ordinance shall be interpreted, administered, and enforced by the Iowa County Sheriff, or his or her designee.
2. Responsibilities of the Sheriff and Iowa County Sheriff’s Office staff shall include:

- a. To ensure compliance with the purpose and intent of this Ordinance;
 - b. To maintain records of all official actions taken under this Ordinance;
 - and
 - c. To enforce with local, county, and state government officials the provisions of this Ordinance.
- 3. Powers. The Sheriff, his or her designee, and the staff of the Iowa County Sheriff's Office shall have the powers necessary to enforce the provisions of this Ordinance, to include taking action when it is suspected or determined that a Public Nuisance exists. This includes, but is not limited to, the authority to issue Public Nuisance Abatement Orders, to include Written Orders to direct a person to comply with any of the following (singly or in combination), as appropriate:
 - a. Completion of a Public Nuisance Abatement Order (Appendix A).
 - b. Completion of a Crisis Alert (Appendix B).
 - c. Completion of a Crisis Plan (Appendix C).
 - d. Completion of an Interagency Agreement (Appendix D).
- C. Citations.
 - 1. The Sheriff, his or her designee, and officers of the Iowa County Sheriff's Office are hereby authorized to issue citations to persons, as defined above, to include any individual, organizations, corporations, societies, partnerships, or entities that violate this Ordinance.
 - 2. A citation issued to any violator of this Ordinance shall include all of the information required for citations by §66.0113, Wis. Stats.
 - 3. If the violator receives a summons in addition to the citation, the violator must appear in court for the hearing on the citation.
 - 4. A citation and summons issued under this Ordinance can be served on a violator in person by the Sheriff, his or her designee, or by the Iowa County Sheriff's Office.

VII. Compliance and Enforcement.

A. Compliance.

- 1. Orders. Compliance with this Ordinance shall include compliance with Public Nuisance Abatement Orders issued by the Iowa County Sheriff's Office or the Iowa County Board, under the authority of this Ordinance or state laws, which are reasonable and necessary to promote public health, safety, and welfare in Iowa County.
- 2. Noncompliance. Failure to follow the directions or requirements of this Ordinance and/or violations of a Public Nuisance Abatement Order from the Iowa County Sheriff's Office, or Iowa County Board, issued under this Ordinance or state laws or regulations shall be deemed noncompliance.
- 3. Mitigation. Compliance with Public Nuisance Abatement Orders shall be considered a mitigating factor when determining whether a violation of this Ordinance occurred.

B. Enforcement.

- 1. Public Nuisance Abatement Orders. If the existence of a Public Nuisance is determined to exist at a property or residence, the Sheriff, his or her

designee, or staff of the Iowa County Sheriff's Office will take all action necessary to prevent and control the public nuisance to include issuing a specific order to the owner or occupants of the subject property.

2. Exception to Public Nuisance Abatement Orders. Any deviation, exception, or modification to a Public Nuisance Abatement Order issued under the authority of this Ordinance must be requested and approved in writing by the Sheriff, his or her designee, or staff of the Iowa County Sheriff's Office, the Iowa County Board of Supervisors, or the Iowa County Circuit Court.
3. Noncompliance of a Public Nuisance Abatement Order issued pursuant to this Ordinance. If a person does not comply with a Public Nuisance Abatement Order from the Sheriff, his or her designee, the staff of the Iowa County Sheriff's Office, or the Iowa County Board of Supervisors, the violator may be subject to one or more of the following actions and/or penalties:
 - a. The issuance of an enforceable citation;
 - b. Commencement of legal action against the person, seeking an injunction to comply with the terms and conditions of an Administrative Direction Order;
 - c. Any other action authorized by this Ordinance, or by other applicable laws, as deemed necessary by the Iowa County Sheriff's Office;
 - d. The initiation of one action or penalty under this section does not exempt the violator from any additional actions and/or penalties prescribed by law.
4. Penalties. A single violation of this Ordinance may subject the violator to a citation with a cash forfeiture of up to \$500 plus statutory court costs, assessments, surcharges, and fees, as determined by the Iowa County Circuit Court. Continuing violations of a Public Nuisance Abatement Order issued under the authority of this Ordinance can be the subject of an additional violation and corresponding citation for each 24-hour period that the violation continues. The cash forfeiture, statutory court costs, assessments, surcharges, and fees shall be paid to the Iowa County Clerk of Circuit Court at 222 North Iowa Street, Dodgeville, Wisconsin 53533. The Clerk of Circuit Court shall issue receipts for cash forfeitures, statutory court costs, assessments, surcharges, and fees paid under this ordinance.
5. Initiation of Legal Action. The Iowa County Corporation Counsel, or his or her designee, is authorized to handle any lawsuit or citation action filed against a violator of this Ordinance.
6. Coordination with State Agencies. Where a Public Nuisance Abatement Order violation involves noncompliance with a state order, state-enforced regulation or state statute, the Iowa County Sheriff's Office may, but is not required, to first refer the complaint to the appropriate agency for enforcement or corrective action. If the appropriate agency declines or does not pursue compliance and enforcement within a reasonable period of time, then the Iowa County Sheriff's Office may initiate action under this Ordinance to ensure compliance and enforcement.

VIII. Abatement of Public Nuisances.

- A. *Enforcement.* It shall be the duty of the Iowa County Sheriff's Office to enforce those provisions of this chapter that come within the jurisdiction of their respective offices, including the issuance of citations, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
- B. *Summary Abatement.*
1. *Notice to Owner.* If the inspecting officer determines that a public nuisance exists within the County and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Iowa County Sheriff's Office may serve notice on the person causing, permitting or maintaining such nuisance, and/or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained, and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance, and/or the owner or occupant of the premises, to abate or remove such nuisance within 24-hours and shall state that unless such nuisance is so abated, the County 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.
 2. *Abatement by County.* If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, the officer having the duty of enforcement 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, the inspecting officer shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 10 days. If such nuisance is not removed within 10 days, the inspecting officer shall report such fact to the County Administrator, who may direct the Iowa County Corporation Counsel to commence an action in Circuit Court for the abatement of the nuisance.
- D. *Other Methods Not Excluded.* Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the County or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the Circuit Court seeking a forfeiture as provided in sec. VII.B.4. of this ordinance.
- E. *Cost of Abatement.* In addition to any other cost or penalty imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost to the County for abating a public nuisance shall be collected as a 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 a special

charge.

- F. *Fees for Excessive calls.* In addition to any other cost or penalty imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the County shall impose a fee for responding to excessive calls for a public nuisance which shall be collected as a 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 fee shall be assessed against the real estate as a special charge, subject to the following conditions:
1. Within the preceding continuous 12-month period, no fee shall be imposed for the first, second and third calls requiring a law enforcement response to a residence or property for a public nuisance violation, regulatory violation, or criminal or statute violation.
 2. Within the preceding continuous 12-month period, for every call in excess of the first, second and third calls requiring a law enforcement response to a residence or property for a public nuisance violation, regulatory violation, or criminal or statute violation, the County will impose a fee of \$200.00 plus mileage at the current mileage rate in effect for the Sheriff's Office on the date of the excessive call for all law enforcement vehicles used in responding to the excessive call.

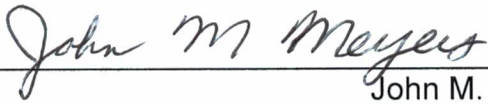
IX. Oversight. *Reserved.*

X. Appendices.

- A. Appendix A: Public Nuisance Abatement Order
- B. Appendix B: Crisis Alert
- C. Appendix C: Crisis Plan
- D. Appendix D: Interagency Agreement

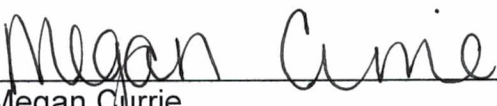
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Adopted this 15th day of April, 2025.



John M. Meyers
Iowa County Chairman

ATTEST:



Megan Currie
Iowa County Clerk