

Chapter 382 NUISANCES¹

My changes - red = delete, highlighted = add, blue = needs further consideration

§ 382-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public nuisance. A thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy prevent, injure or endanger the comfort, health, repose or safety of the public a neighborhood or any considerable number of persons within the village, or the use of public property.
- B. In any way render the public insecure in life or in the use of public 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.

(Ord. of 4-12-2004)

§ 382-2. Violations and penalties; abatement; costs.

- A. *Generally.* Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to chapter 1, General Provisions, § 1-2, General penalty, of this Code. In addition, a violation of this chapter is subject to subsections B and C of this section.
- B. *Abatement.*
 - (1) *Inspection of premises.* Whenever complaint is made to the village that a public nuisance or a violation of section 382-7 exists, the village police department shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of the inspecting officer's findings. 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.
 - (2) *Summary abatement.*
 - (a) *Notice to owner.* If the inspecting officer shall determine that a public nuisance exists within the village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the village police department shall serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises upon which such nuisance is caused, permitted or maintained and to post a copy of the notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours or as otherwise directed, if the situation warrants.

1 Cross reference(s)—Animals, ch. 200; building regulations and construction, ch. 218; fireworks, ch. 303; intoxicating liquor and fermented malt beverages, ch. 325; peace and good order, ch. 400; property maintenance, ch. 409; solid waste, ch. 441; streets and sidewalks, ch. 454; vehicles and traffic, ch. 496; zoning, ch. 520.

PART II: - GENERAL LEGISLATION
Chapter 382 NUISANCES

The notice shall state that unless such nuisance is so abated, the village will 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.

(b) *Abatement by village.* If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the County health officer in the case of health nuisances, or village police department, in the case of health nuisances, and the village police department in all other cases, shall cause the abatement or removal of such public nuisance.

(3) *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 file a written report of his or her findings with the village police department who shall, if the alleged nuisance is not voluntarily abated, issue a citation to be adjudicated in Municipal Court. cause an action to abate such nuisance to be commenced in the name of the village and the circuit court of the county, in accordance with the provisions of Wis. Stats. ch. 823.

(4) *Other methods not excluded.* Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the village or its officials in accordance with law.

C. *Cost of abatement.* In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the village 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 as directed by an appropriate court of law. ??? Questions on this.

(Ord. of 4-12-2004)

§ 382-3. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the village.

(Ord. of 4-12-2004)

§ 382-4. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances of this section:

- A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. 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. All stagnant water in which mosquitoes, flies or other insects can multiply.

PART II: - GENERAL LEGISLATION
Chapter 382 NUISANCES

- E. Garbage cans which are not fly tight. not securely covered.
- F. All noxious weeds and other rank growth of vegetation.
- G. All animals identified as pets or property of individuals running at large.
- H. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the village or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the village.
- I. 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.
- J. Any use of property, substances or things within the village 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 village.
- K. All abandoned wells not securely covered or secured from public use
- L. 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 village.

(Ord. of 4-12-2004)

§ 382-5. Public nuisances offending morals and decency.

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency of this section:

- A. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution or gambling.
- B. All gambling devices and slot machines.
- C. All places where alcohol beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license required by section 325-2.
- D. Any place or premises within the village where ordinances or laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- E. Any place or premises resorted to for the purpose of drinking alcohol beverages in violation of law or ordinance.

(Ord. of 4-12-2004)

PART II: - GENERAL LEGISLATION
Chapter 382 NUISANCES

§ 382-6. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within section 382-3:

- A. 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 public safety.
- B. All buildings erected, repaired or altered in violation of fire hazard areas, relating to materials and manner of construction of buildings and structures within such district.
- C. 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 signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, signal or sign.
- D. 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. All use or display of fireworks except as provided by law.
- F. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use **as determined by ?** which **are freely accessible from any public street, alley or sidewalk.**
- G. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- H. All loud, discordant and unnecessary noises or vibrations of any kind.
- I. 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 village.
- J. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the village or which, although made in accordance with village authorization, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- K. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- L. 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.
- M. 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.
- N. Repeated or continuous violations of ordinances or laws relating to the storage of flammable liquids.

(Ord. of 4-12-2004)

PART II: - GENERAL LEGISLATION
Chapter 382 NUISANCES

§ 382-7. Junked vehicles and other junk.

- A. No disassembled, dismantled, junked, wrecked or inoperable or unlicensed vehicle shall be stored or allowed to remain in the open upon private property **smaller than 5 acres** within the village for a period of more than **five thirty** days unless it is in connection with an automotive sales or repair business enterprise located within a properly zoned area.
- B. **1.** The keeping, housing, storing and placing of all junk **in the open on parcels smaller than 5 acres**, such as scrap iron, wrecked vehicles, junked vehicles, junked machinery, wrecked machinery, junked trailers, wrecked trailers, **bottles, jugs, rags, broken glass, paper of all kinds**, scrap metal and anything that might pertain to a junkyard, **, is declared to be a public nuisance and detriment to the public health and welfare of the village.**
- 2.** The keeping, housing, storing and placing of material such as **bottles, jugs, rags, broken glass, paper of all kinds, and anything that might pertain to composting, recycling or repurposing, and which is not in an an enclosure or securely covered container, is declared to be a public nuisance and detriment to the public health and welfare of the village.**
- C. **Any person violating subsection A or B of this section shall be subject to section 382-2. Upon removal, the vehicle and/or junk shall be stored in a junkyard or salvage yard or other suitable place for 30 days, and the owner thereof shall be notified, if the name and whereabouts of the owner can be readily ascertained. At the end of this time, the vehicle and/or junk shall be disposed of unless claimed by the owner. If the vehicle and/or junk is claimed by the owner, all reasonable charges for handling and storage shall be paid by the owner.**

(Ord. of 4-12-2004)

§ 382-8. Misuse of 911 emergency telephone system.

- A. Definitions. The following definitions shall apply in the interpretation and the enforcement of this section:
- Emergency.* A situation in which property or human life is in jeopardy and the prompt summoning of aid is essential.
- B. No person shall dial the telephone number "911" knowing that no emergency in fact exists.
- C. No person shall dial the telephone number "911" and report a situation that he or she knows does not exist.

(Ord. No. 12-03, 3-12-2012)

§ 382-9. Filing complaints.

- A. **No complaint brought forward under this Chapter will be considered without quantifiable evidence to support such allegations through visual and/or audible means or by a second witness who can attest that such conditions exist in support of the complaint.**
- B. **Meritless complaints shall themselves be considered public nuisances, repeated offenses subject to penalty.**