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Zoning District
P.M.S.

PART II: - GENERAL LEGISLATION
Chapter 382 NUISANCES

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§ 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, injure or endanger the comfort, health, repose or safety of the public. in their 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 and 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.

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.

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- (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 health officer 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 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.
- 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.

(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 when they affect others in the use of public property, or are freely accessible from any public street, alley or sidewalk. but such enumeration shall not be construed to exclude other health nuisances which fall under these same circumstances.

- 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.
- G. All animals 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 identified as harmful to humans, plants, or animals, or affecting water quality.
- 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

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of ordinary persons which annoy, discomfort, injure or inconvenience the health of persons using public property

- K. All abandoned wells not securely covered or secured from public use freely accessible from any public street, alley or sidewalk.
- 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.

§ 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, of those using public property 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.
- 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.
- 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.
- 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. freely accessible from any public street, alley or sidewalk.
- 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.

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

- A. Definitions. The following definitions shall apply in the interpretation and the enforcement of this section:

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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)