

CHAPTER 92: NUISANCES

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§ 92.01 PUBLIC NUISANCES PROHIBITED.

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

(1999 Code, § 92.01) (Ord. 114, passed 10-6-1975) Penalty, see § 10.99

§ 92.02 DEFINITION.

For the purpose of this chapter, **PUBLIC NUISANCE** shall mean 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.

(1999 Code, § 92.02) (Ord. 114, passed 10-6-1975)

§ 92.03 PUBLIC NUISANCES ENUMERATED.

(A) *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 provided in § 92.02 of this chapter:

- (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 intended for human consumption or food which are 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, industrial dust, or other atmospheric pollutants within the village limits 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;
- (9) 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;
- (10) 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;
- (11) All abandoned wells not securely covered or secured from public use; or
- (12) Any use of property which shall cause any nauseous or unwholesome liquid or substances to flow into or upon any street, gutter, alley, sidewalk, or public place within the village.

(B) *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 provided in § 92.02 of this chapter:

- (1) 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;
- (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 for by the ordinances of the village;
- (4) Any place or premises within the village where village ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated; or
- (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 or ordinances of the village.

(C) *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 provisions of § 92.02 of this chapter:

- (1) 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;
- (2) All buildings erected, repaired, or altered within the fire limits of the village in violation of the provisions of the ordinances of the village, relating to materials and manner of construction of buildings and structures within the district;
- (3) 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;
- (4) 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;
- (5) All limbs of trees which project over and less than 14 feet above the surface of a public street, or less than ten feet above the sidewalk or any other public place. Any limbs of trees which protrude into a sidewalk area at any height are also a nuisance;
- (6) All use or display of fireworks, except as provided by the laws of the state and ordinances of the village;
- (7) All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human use;
- (8) All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof;
- (9) All loud, discordant, and unnecessary noises or vibrations of any kind;
- (10) All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the village 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;
- (12) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley, or sidewalk;
- (13) 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;
- (14) 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; or
- (15) Repeated or continuous violations of the ordinances of the village or laws of the state relating to the storage of flammable liquids.

(1999 Code, § 92.03) (Ord. 114, passed 10-6-1975) Penalty, see § 10.99

§ 92.04 ABATEMENT PROCEDURE.

(A) *Inspection of premises.* Whenever complaint is made to the Village President that a public nuisance exists within the village, he or she shall promptly notify the Police Chief, Health Officer, or Building Inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his or her findings to the Village President. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.

(B) *Summary abatement.*

(1) *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 President may direct the Police Chief to serve notice on the person causing, permitting, or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted, or maintained and to post a copy of such 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 seven days 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.

(2) *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, in case of health nuisances, and the Police Chief, in 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 President, who shall cause an action to abate such nuisance to be commenced in the name of the village in the circuit court of the county in accordance with the provisions of Wis. Stat. 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 the laws of the state.

(1999 Code, § 92.04) (Ord. 114, passed 10-6-1975) Penalty, see § 10.99

§ 92.05 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.

(1999 Code, § 92.05) (Ord. 114, passed 10-6-1975) Penalty, see § 10.99