

CHAPTER 10

PUBLIC NUISANCES

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PUBLIC NUISANCES 10.01

10.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

10.02 PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property, condition, maintain or permit to exist any public nuisance within the Village.

- (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;
- (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 use the public property.

10.03 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 of §10.02

- (1) **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) **UNBURIED CARCASSES.** Carcasses of animals, poultry, birds or fowl not intended for human consumption or food which is not buried otherwise disposed of in a sanitary manner within 24 hours after death, including any chicken allowed by a chicken keeping permit. 9/14/20
- (3) **BREEDING PLACES FOR VERMIN, ETC.** Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (4) **STAGNANT WATER.** Al stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) **PRIVY VAULTS AND GARBAGE CANS.** Privy vaults and garbage cans which are not fly-tight.
- (6) **NOXIOUS WEEDS.** All noxious weeds as defined in Wisconsin Statutes Section §66.0627, shall be destroyed by the owner of the property or occupant. If the

property owner or occupant fails to do so, the Village may cause all noxious weeds to be cut and removed and brush to be removed and the cost thereof charged to the property under §66.0627, Wis. Stats.

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- (7) WATER POLLUTION. 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.
- (8) NOXIOUS ODORS, ETC. 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.
- (9) STREET POLLUTION. 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.
- (10) AIR POLLUTION. 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 there from 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.
- (11) RANK VEGETATION.
 - a. Every owner of real estate in the Village shall be responsible for creating and sustaining a condition of stability of the landscape on every parcel of land which he/she shall own or control, whether this be accomplished by traditional means (feeding, watering, cutting turf, pruning) or by the maintenance or restoration and management of native or natural-appearing plant communities. This ordinance does not prohibit a landowner from developing and managing his/her landscape in the manner of his/her choosing, insofar as it does not present a hazard to the public health or safety, or to the natural or cultivated environment, and meets the other standards set out in this Section.
 - b. Every real estate owner possessing lawns of the conventional turf grass type shall be responsible for managing the turf grass at a height of not to exceed 1 (one) foot.
 - c. Native or natural landscaping, that is managed to preserve or restore native Wisconsin grasses and forbes, native trees, shrubs, wildflowers and aquatic plants, is permitted, subject to the following. If the native or natural landscaping will exceed one (1) foot in height, the property owner must file a registration form in the office of the Village Clerk. Included with the registration form must be a copy of the lot survey showing the area to be planted, a list of plants, seeds or forbes to be planted and a statement saying whether the property will be cultivated prior to planting or have plugs inserted in the area. The registration shall be accompanied

by a fee of \$15.00. A native or natural appearing landscape is not and cannot be achieved by the abandonment of a mown lawn. Ongoing maintenance is required to ensure that the native or natural landscaping maintains the appearance and original intent of the preservation and restoration of native Wisconsin plants as outlined in the registration form.
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10.04 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 within the definition of §10.02:

- (1) DISORDERLY HOUSES. (Am. #173) 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, except to the extent authorized by State Law.
- (2) GAMBLING DEVICES. (Am. #173) All gambling devices and slot machines, except to the extent authorized by State law.
- (3) 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 provided for by the ordinances of the Village.
- (4) CONTINUOUS VIOLATION OF VILLAGE ORDINANCES. Any place or premise 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.
- (5) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of State of Wisconsin.

10.05 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 definition of §10.02:

- (1) **SIGNS, BILLBOARDS, ETC.** 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) **ILLEGAL BUILDING.** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- (3) **UNAUTHORIZED TRAFFIC SIGNS.** 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) **OBSTRUCTION OF INTERSECTIONS.** 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) **TREE LIMBS.** All limbs of trees which project over less than 10 feet above any public sidewalk, street or other public place.
- (6) **DANGEROUS TREES.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (7) **FIREWORKS.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.
- (8) **DILAPIDATED BUILDINGS.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (9) **WIRES AND CABLES OVER STREETS.** All wires and cables over streets, alleys or public grounds which are strung less than 15 feet about the surface thereof.

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(10) NOISY ANIMALS OR FOWL. The keeping of 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, including any chicken allowed by a chicken keeping permit.

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- (11) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All constructions 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, or do not conform to the permit.
- (12) UNLAWFUL ASSEMBLIES. Any authorized 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.

10.053 DISPOSAL OF ABANDONED PERSONAL PROPERTY. (Cr. #217)

(1) The Village may dispose of any personal property which has been abandoned, or remained unclaimed for a period of 30 days after taking of possession of the property by Village officials by any means determined to be in the best interest of the Village. Disposal of personal property shall be in a manner described by the Village Clerk. These procedures presume that if the personal property to be disposed of appears or is reported stolen, an attempt will be made to return said personal property to the rightful owner. These procedures also presume, if the property was received by the Village as lost property, that the procedures of Chapter 170, Wis. Stats., must be followed. Said means shall be any of the following, at the sole discretion of the Village:

- (a) Public Auction.
- (b) Sealed Bids.
 - 1. Said advertisement of sealed bids shall be in a manner prescribed by the Village Clerk.
 - 2. Acceptance of the bid by the Village shall be in writing by the Village Clerk.
 - 3. The Village reserves the right to reject any and all bids.
- (c) Destruction.
- (d) Return to rightful owner.
- (e) Transfer to appropriate governmental entity.
- (f) Disposal.

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1. Disposal of personal property shall be in a manner described by the Village Clerk.
- (g) Bicycles that are valued at \$50 or less may be donated to charitable organizations.

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- (2) If the property is not disposed of in a sale open to the public, the Village shall maintain an inventory of such property; a record of the date and method of disposal, including the consideration received for the property, if any, and the names and address of the person taking possession of the property. Such inventory shall be kept as a public record for a period not less than 2 years from the date of disposal of the property.
- (3) If the property is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale shall be paid into the Village treasury.

10.055 ABANDONED VEHICLES. (CR. #105)

- (1) VEHICLES NOT TO BE ABANDONED.
 - (A) Determination of Abandonment. No person shall leave unattended any motor vehicle, trailer, semi-trailer, or mobile home on any public highway or private or public property, for a time and under circumstances causing the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this section, whenever a vehicle has been left unattended without the permission of the property owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned vehicle when it is out of ordinary public view, or when it is currently registered or designed as not abandoned by an authorized Village official.
 - (B) Vehicles on Public Highways. No person may cause a motor vehicle to be abandoned on or along any State, County or Village highway or on a public or private property.
- (2) SALE OR JUNKING OF ABANDONED VEHICLES. Any vehicle in violation of sub. (1) shall be impounded until lawfully claimed or disposed of under sub. (3), except if the Village Board deems the towing and storage costs would exceed the value of the vehicle, that motor vehicle may be junked or sold by the Village prior to expiration of the storage period.

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Upon determination by the Village Board that the vehicle is not stolen, wanted for evidence or for some other reason. All substantially complete vehicles over 19 model years old shall be disposed of in accordance with par. (3)(a).

(3) STORAGE AND SALE.

- (a) **Notice of Owner.** Any vehicle which is deemed abandoned by the Village Board and not disposed of immediately under sub. (2) shall be retained in a convenient storage place for a minimum of 10 days after certified mail notice has been sent to the owner and to the lien holder of record to permit reclamation of the vehicle upon payment of accrued charges. The notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held and shall inform the owner and any lien holders of their right to reclaim the vehicle. The notice shall state that failure of the owner or lien holders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all rights, title and interest in the vehicle and a consent to the sale of the vehicle. Each stored vehicle not reclaimed by its owner within the time listed above may be sold. The Village may dispose of the vehicle by sealed bid or auction sale. At public sale, the highest bid for any motor vehicle shall be accepted unless deemed inadequate by the Village Board, in which event all bids may be rejected. IF all bids are rejected or no bid is received, the Village may either re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold.
- (b) Procedure for bidding. Public notice of the sale, whether it be by auction or sealed bid, shall be posted at the Village Hall and at 2 other public locations in the Village. In addition, a copy of the notice shall be mailed to the last owner of record and lien holder of record.
- (c) Procedure After Sale. Upon the sale of the abandoned vehicle, the Village shall supply the purchaser with a completed Form MVD 2419-77 which may enable the purchaser to obtain a registration certification of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area but shall pay a reasonable storage fee of established by the Village Board for each day the vehicle remains in storage after the section business day subsequent to the sale date. Ten days after the sale, if the vehicle has not been claimed by the purchaser, the purchaser shall forfeit all interest in the vehicle, and the vehicle shall be deemed to again be abandoned and may be sold again. Any list of vehicles to be sold by the Village shall be made available to any interested person making a written request for the list. The Village Clerk may charge a fee for the preparation of the list.

- (d) Notice to Division of Motor Vehicles. Within 5 days after sale or disposal of a motor vehicle as provided in this section, the Village Clerk shall advise the State Division of Motor Vehicles of the sale or disposition on the appropriate form supplied by the Division of Motor Vehicles.

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- (4) PENALTIES. In addition to the sale or disposition of the abandoned vehicle as provided herein, any person violating par. (1)(b) shall forfeit a penalty of not less than \$25.00 and not more than \$200.00 or in default thereof may be imprisoned in the County Jail for not to exceed 30 days.

10.057 NUISANCE VEHICLES. (CR. #299)

- (1) PURPOSE. This section is adopted in order to prevent blight, to secure health and humane conditions, to protect the integrity of investments in real property, to prevent the decline of real estate values, to improve aesthetics, and to protect the public health, safety and welfare.
- (2) NUISANCE VEHICLES PROHIBITED. No person, firm or corporation shall keep, place or store any nuisances vehicles, as defined below, upon any public or private property within the Village in a manner that is inconsistent with this section.
- (3) DEFINITION. A “nuisance vehicle” as used in this section shall be any vehicle as defined in §340.01, Wis. Stats., snowmobile or all-terrain vehicle, that is inoperable, unlicensed (except as applied to a snowmobile or all-terrain vehicle), un-roadworthy, disassembled, or wrecked, and that:
 - (a) Is visible from any public property; or
 - (b) Is visible from any private property that is not owned or lawfully occupied by the vehicle owner.
- (4) GRACE PERIOD.
 - (a) Public Property. Nuisance vehicles are prohibited from being located on public property and public streets for longer than 3 days. Such 3 days shall include every day, any part of which the nuisance vehicle is located in any public property or on any public street in the Village, whether or not the days are consecutive, and whether or not the locations are different on different days. This shall not be interpreted as authorizing parking of nuisance vehicles on public property or public streets in violation of other applicable laws.
 - (b) Private Property. Nuisance vehicles are prohibited from being located on private property in violation of this section for longer than 30 days. Such 30 days shall include every day, any part of which, the nuisance vehicle is located on any private property in the Village, whether or not the days are consecutive, and whether or not the locations are different on different days. This shall not be interpreted as authorized parking

of nuisance vehicles on private property that is not owned or lawfully occupied by the motor vehicle owner.

- (5) EXCEPTIONS. This section does not apply to the following:
- (a) Collector Vehicles. Special interest motor vehicles and parts cars held by collectors in full compliance with §341.266, Wis. Stats., are excluded. This exclusion does not apply if such statute is not fully applicable, or if there is lack of compliance with the requirements of such statutes.
 - (b) Business Operations. Motor vehicles kept in connection with an automotive sales or repair business, contractor's yard, or salvage operation, located in a properly zoned area for such operation and operating in full compliance with all applicable laws and duly approved plans of operations, are excluded. This exclusion does not apply to operations that are not properly zoned for such uses, or to operations that are not in compliance with applicable laws and approved plans.

10.06 ABATEMENT OF PUBLIC NUISANCES.

- (1) ENFORCEMENT. The Village Marshal, the Building Inspector, the Weed Commissioner, the Village Board and authorized personnel of the Fire Department shall enforce those provisions of this chapter that come within jurisdiction of their offices, 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 has satisfied himself that a nuisance does in fact exist.
- (2) SUMMARY OF ABATEMENT. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is a great and immediate danger to the public health, safety, peace, morals or decency, the President may direct the property officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (3) ABATEMENT AFTER NOTICE. 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 serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within 10 days, the proper officer shall cause the nuisances to be removed as provided in sub. (2)

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- (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 laws of the State of Wisconsin.
- (5) COURT ORDER. Except when necessary under sub. (2) no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (6) RANK VEGETATION ABATEMENT. If a property owner fails to control the growth of such weeds or rank growth of vegetation in violation of Section 10.03(11), the Village may serve notice upon the subject property owner, by posting notice on the door of the property or by mailed notice to the last known address of the property owner, demanding compliance. If such owner fails to abate this nuisance within seven (7) days after service of the notice the village may take action to abate such public nuisance. Such action may include entering the subject property directly, or by agent or contractor and cutting the vegetation. If the Village causes a nuisance to be so removed, the property owner shall be charged for the actual cost of abatement of such nuisance. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an addition administrative fee for the collection equal to ten (10) percent of the total of such charges and fees, shall be extended on the next exceeding tax roll as a special charge against the subject property affected and collected in the same manner as our other taxes, pursuant to §66.0627, Wis. Stats. 11/14/16

10.07 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.

10.08 PENALTY.

Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in §25.04 of this Municipal Code.

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