

CHAPTER 10

PUBLIC NUISANCES

- 10.01 Public Nuisances Prohibited
- 10.02 Public Nuisance Defined
- 10.03 Public Nuisances Affecting Health
- 10.04 Public Nuisances Offending Morals and Decency
- 10.05 Public Nuisances Affecting Peace and Safety
- 10.06 Accumulation and Storage of Junk and Trash
- 10.10 Abatement of Public Nuisances
- 10.11 Cost of Abatement
- 10.15 Penalty

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

10.02 PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) 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.

10.03 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 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) CARCASSES, UNBURIED. 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) INSECTS OR VERMIN, BREEDING PLACES FOR. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed.

(4) WATER, STAGNANT. All 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 flytight.

(6) WEEDS, NOXIOUS. The following are declared to be noxious weeds within the Town subject to the control of the Weed Commissioner pursuant to §66.96, Wis. Stats.

(a) Canadian Thistle.

(b) Marijuana that is not grown or cultivated for lawful commercial purposes.

(c) English Charlock (Wild Mustard)

(d) Field Bindweed (Creeping Jenny)

(e) Goatsbeard

(f) Quack (Quitch Grass) Harmful Barberry

(g) Leafy Spurge, before the plant bloom

(h) Sow Thistle

(i) Wild Radish

(j) Yellow Mustard

(k) Yellow Rocket

(l) White Cockerel

(m) Bull Thistle

(n) Russian Thistle (Musk Thistle, Orchid Thistle)

(o) Burdock

(7) POLLUTION, WATER. 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) ODORS, NOXIOUS. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, 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 Town.

PUBLIC NUISANCES 10.03(9)

(9) POLLUTION, STREET. Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

(10) POLLUTION, AIR. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Town.

(11) ANIMALS, LOOSE. Any animals running at large in the Town.

10.04 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 coming within the definition of §10.02:

(1) 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.

(2) GAMBLING DEVICES. All gambling devices and slot machines.

(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 Town.

(4) CONTINUOUS VIOLATION OF TOWN ORDINANCES. Any place or premises within the Town where Town 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 State laws.

10.05 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 the definition of §10.02:

(1) DANGEROUS SIGNS, BILLBOARDS, ETC. All signs, 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 BUILDINGS. All buildings erected, repaired or altered in violation of Town ordinances relating to materials and manner of construction of buildings and structures within the Town.

(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 official traffic control devices, railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere 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) LOW-HANGING TREE LIMBS. All limbs of trees which project over and less than 10' 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 State laws and Town ordinances.

(8) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

(9) LOW-HANGING WIRES AND CABLES. All wires and cables

over streets, alleys or public grounds which are strung less than 15' above the surface thereof.

(10) NOISY ANIMALS OR FOWL. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.

(11) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the Town, but including those 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 which do not conform to the permit.

(12) UNLAWFUL ASSEMBLIES. Any unauthorized or prohibited 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.

10.06 ACCUMULATION AND STORAGE OF JUNK AND TRASH. (1) PERMITTED STORAGE. No person shall store or allow to remain in the open upon any public or private property within the Town any disassembled or wrecked motor vehicles or parts thereof, unless it is in connection with the operation of an authorized junkyard. The storage of any wrecked or damaged motor vehicle upon premises operated as an automobile sales or repair business enterprise located in a properly zoned area shall be permitted for a period not to exceed 30 days.

(2) NUISANCE PROHIBITED. No person shall allow to accumulate or store or permit the accumulation or storage of any junk or trash to a point where such accumulation or storage shall become a nuisance upon any property in the Town unless it is in connection with the operation of an authorized junkyard.

(3) DEFINITIONS. Whenever the following terms are used in this section, they shall be construed as follows:

(a) Junk. Old iron, chain, brass, copper, tin, lead, other base metals, trailers, farm machinery and equipment or any parts thereof to be junked or demolished, taken apart or destroyed for salvage materials, wastepaper, used lumber or building material, paper clippings, rags, rubber, glass or

bottles and all articles and things discarded as manufactured articles composed of or consisting of any one or more of the articles mentioned, including industrial metal or scrap or other material commonly included within the term "junk".

(b) Trash. Any rubbish, ashes, paper, dirt, stones, bricks, tin cans, boxes, barrels or other substances whatsoever, oil, kerosene, benzine or other similar oil or oily substance or liquid, wood, brush and any form of discarded vegetation, foundry sand and industrial waste of any kind or description, sewage material removed from septic tanks and dry wells used in connection with sewage disposal systems.

(4) JUNK VEHICLES ON PRIVATE OR PUBLIC PROPERTY. (a) No disassembled, dismantled, junked, wrecked or inoperable and/or unlicensed motor vehicle shall be stored or allowed to remain in the open upon public or private property within the Town for more than 3 days unless it is in connection with an automotive sales and repair business enterprise located in a properly zoned area.

(b) Whenever the police authority shall find any such vehicle placed or stored in the open upon public property within the Town, the police authority shall cause such vehicle to be removed or stored in a junk or salvage yard or other suitable place for a period of 30 days. The police authority shall notify the owner thereof of their actions, if the name and whereabouts of the owner of the vehicle can be readily ascertained. At the end of such time such vehicle shall be disposed of under §7.05 of this General Code unless previously claimed by the owner. If such vehicle is claimed by the owner, all reasonable charges for handling and storage shall be paid by the owner.

(c) Whenever the police authority shall find any such vehicle placed or stored in the open upon private property within the Town, they shall notify the owner of the property upon which such vehicle is placed or stored of the intention of the Town to remove such vehicle. If any such vehicle is not removed within 10 days after notice, the police authority shall cause such vehicle to be removed, the cost of such removal to be charged to the property owner from which it is removed and the charges shall be entered as a special charge on the tax roll. Upon removal, the vehicle shall be stored in a junk or salvage yard or other suitable place for 30 days and the owner thereof shall be notified of its whereabouts, if the name and whereabouts of the owner of the

automobile can be readily ascertained. At the end of such time such vehicle shall be disposed of under §7.05 of this General Code, unless previously claimed by the owner. If such vehicle is claimed by the owner, all reasonable charges for handling and storage shall be paid by the owner.

10.10 ABATEMENT OF PUBLIC NUISANCES. (1) ENFORCEMENT. The District Fire Chief, Building Inspector, Animal Control Officer and all other persons designated by the Town Board shall enforce those provisions of this chapter that come within the jurisdiction of their offices; and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has 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 ABATEMENT. If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Chairman may direct the proper 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 determines that a public nuisance exists on private premises but that such nuisance does not 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 nuisance to be removed as provided in sub. (2).

(4) OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State.

(5) COURT ORDER. Except when necessary under sub. (2), an officer hereunder shall not 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.

10.11 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 Town 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.

10.15 PENALTY. Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance, shall be subject to a penalty as provided in §25.04 of this General Code.