

CHAPTER 10

PUBLIC NUISANCES

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10.01 PUBLIC NUISANCES PROHIBITED. No person shall permit any public nuisance to exist within the Town.

10.02 DEFINITIONS. (1) GENERAL. A public nuisance is 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.
- (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.

(2) PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, place, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of provision of this ordinance.

- (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 buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (c) Accumulations of decayed animal or vegetable matter, trash, paper, boxes, rubbish, rotting lumber, bedding, packing material, scrap metal.
- (d) All stagnant water in which mosquitoes, flies, or other insects can multiply.
- (e) Privy vaults and garbage cans which are not fly-tight.
- (f) All noxious weeds and other rank growth of vegetation.
- (g) All animals running at large.
- (h) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial injury to property.
- (i) The pollution of any stream or body of water by sewage, creamery or industrial wastes or other substances.
- (j) Any use of property, substances or things within the Town, emitting or causing any foul, offensive, noise-some, nauseous, noxious, or disagreeable odors, 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.

- (k) All abandoned wells not securely covered or secured from public use.

(3) 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 of the provisions of this ordinance:

- (a) 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.
- (b) 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 of Wisconsin or any ordinances of the Town.

(4) 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 this ordinance:

- (a) All signs and billboards 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.
- (b) All buildings, erected, repaired, or altered within the Town in violation of the Town's ordinance relating to the materials and manner of construction of the buildings and structures within the Town.
- (c) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway.
- (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 the traffic when approaching an intersection or pedestrian crosswalk.
- (e) All limbs of trees which project over a public street, less than 10' above the surface thereof.
- (f) All use or display of fireworks except as provided by the laws of the State or Town.
- (g) All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (h) All wires over streets, alleys or public grounds which are strung less than 15' above the surface of the street or ground.
- (i) All loud, discordant and unnecessary noises or vibrations of any kind.
- (j) 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 Town.
- (k) All obstruction of streets, alleys, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- (l) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street.

- (m) 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.
- (n) Any unauthorized or unlawful use of property abutting on a public street or alley or of a public street or alley which causes large crowds of people to gather, obstructing traffic and free use of such streets or alleys.
- (o) Repeated or continuous violations of the ordinances of the Town or State relating to the storage of flammable liquids.

10.03 ABATEMENT OF PUBLIC NUISANCES. (1) INSPECTION OF PREMISES. Whenever a complaint is made to the Town Board or any member thereof that a public nuisance exists within the Town, the Board shall promptly notify the Health Officer, Building Inspector, or Constable and such official shall forthwith inspect the premises and make a written report of his findings to the Town Board.

(2) SUMMARY ABATEMENT - NOTICE TO OWNER. If the inspecting officer determines that a public nuisance exists on private property and that there is a great and immediate danger to the public health, safety, peace, morals or decency, he may serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting, or maintaining such nuisance and post a copy of such notice on the premises. The notice shall direct the owner, occupant, or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, he will cause the same to be abated and will charge the costs thereof to the owner, occupant, or person permitting the nuisance to continue. An officer 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 the premises are occupied. If such permission is denied, he shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(3) ABATEMENT BY THE TOWN. 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 Building Inspector or the Constable, in other cases, shall cause the abatement or removal of such public nuisance.

(4) 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, he shall file a written report of his findings to the Town Board, who shall begin an action to abate such nuisance in the name of the Town in the Circuit Court of Jefferson County.

(5) OTHER METHODS NOT EXCLUDED. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town in accordance with the laws of the State of Wisconsin.

10.04 COST OF ABATEMENT. In addition to any other penalty imposed by this chapter for the continuance or maintenance of a public nuisance, the cost of abating the public nuisance by the Town may 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 other special taxes.

10.05 PENALTY. Any person who violates this chapter shall be subject to a forfeiture of not less than \$10 nor more than \$200 and the costs of prosecution and in default payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail not to exceed 60 days. Each day of violation of any provision of this chapter shall constitute a separate offense.