CHAPTER 10

PUBLIC NUISANCES

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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 shall continue 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 hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of sec. 10.02 of this chapter:

(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, birds or fowl not intended for human consumption, or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) BREEDING PLACES FOR VERMIN, ETC. 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) STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply, except wetlands and drainage ditches.

(5) PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not flytight.

(6) ANIMALS. All domestic animals running at large.

(7) AIR POLLUTION. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town 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.

(8) NOXIOUS WEEDS. All noxious weeds within the Town, as defined in §66.0407, Wis. Stats. In addition, all growth of vegetation which becomes a potential hazard to vehicular traffic in vision clearance triangles shall be cut by the owner or occupant of the property.

(9) 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.

(10) NOXIOUS ODORS, ETC. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of per- sons within the Town.

(11) HIGHWAY POLLUTION. Any use of property which shall cause any nauseous or unwholesome liquid or substance pump drainage or sump to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

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 coming within the definition of sec. 10.02 of this chapter.

(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 illegal 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 this Code.

(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 or this Code.

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 sec. 10.02 of this chapter:

(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 BUILDINGS. All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the Town.

(3) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markers 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 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 and less than 15 feet above a street or other public place.

(6) DANGEROUS TREES. All trees which are injurious to public health or safety because of a diseased or damaged condition.

(7) FIREWORKS. All use, possession or display of fireworks except as provided by the laws of the State and ch. 9 of this Code.

(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. See also sec. 14.12 of this Code.

(9) WIRES AND CABLES OVER HIGHWAYS. All wires and cables over high- ways, streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

(10) NOISY ANIMALS OR FOWL. No person shall own, keep, harbor or have in his possession any animal or animals within the Town which, by frequent or habitual howling, yelping, barking or other disturbing noise, individually or together, offend the peace and quiet of persons of ordinary sensibilities, thereby causing a serious disturbance to persons or to the neighborhood. For purposes of a violation under this subsection, when the person alleged to have violated this subsection owns, keeps, harbors or has in his possession more than one animal of the type causing the disturbance, it is not required that the particular animal or animals causing the disturbance be identified. Each day that such disturbance continues or occurs constitutes a separate offense.

(11) OBSTRUCTIONS OF HIGHWAYS; EXCAVATIONS. All obstructions of highways, streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this Code or which, although made in accordance with this Code, 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 ASSEMBLY. Any unauthorized or unlawful use of property abut- ting on a public highway 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 highways or sidewalks.

(13) REFRIGERATORS. 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) OPEN PITS, BASEMENTS, ETC. All open and unguarded pits, wells, excavations and basements.

(15) FLAMMABLE LIQUIDS VIOLATIONS. Repeated or continuous violations of this Code or the laws of the State relating to the storage of flammable liquids.

10.06 JUNK AND JUNKED VEHICLES. (1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the Town.

(a) Any motor vehicle, truck body, tractor or trailer as enumerated in sub. (2) below and defined in sub. (4)(a), (b) and (c) below.

(b) Any junk as enumerated in sub. (3) below and defined in sub. (4)(d) below.

(2) STORAGE OF VEHICLES RESTRICTED. (a) Except in a licensed junk yard, no person shall accumulate, store or allow any disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any property within the Town for a period exceeding 30 days unless it is in connection with an automotive sales, repair or storage business enterprise located in a properly zoned area.

(b) Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed 30 days, after which such vehicles shall be removed.

(3) STORAGE OF JUNK PROHIBITED. No person, except a person duly authorized to do so under a Town junk yard license, shall accumulate, store or allow any junk outside of any building on any real estate located in the Town.

(4) DEFINITIONS. The words, phrases and terms used in this section shall be interpreted as follows:

(a) *Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers*. Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

(b) *Unlicensed Motor Vehicles, Truck Bodies, Tractors or Trailers*. Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

(c) *Motor Vehicle*. As defined in §340.01(35), Wis. Stats.

(d) *Junk.* Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Town property values, health, safety or general welfare.

(e) I*n the Open*. Land which may be viewed from public streets or adjoining property.

(5) ISSUANCE OF CITATION; ACTION TO ABATE. Whenever the Town Code Enforcement Officer shall find any such vehicle or junk, as defined in sub. (4) above, accumulated, stored or remaining in the open upon any property within the Town contrary to the provisions of subs. (2) and (3) above, he shall notify the owner of said property on which such vehicle or junk is located of the violation of this section. If such vehicle or junk is not removed within 10 days, the Officer shall cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle or junk is located. In addition, action to abate such nuisance may be commenced, as provided in sec. 10.07 of this chapter.

10.07 ABATEMENT OF PUBLIC NUISANCES. (1) ENFORCEMENT. It shall be the duty of the Town Code Enforcement Officer, the Fire Chief, the Building Inspector and the County Health Officer to enforce those provisions of this chapter that come within the jurisdiction of their respective 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 shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.

(2) SUMMARY ABATEMENT. (a) *Notice to Owner.* If the inspecting officer shall determine 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 Town Chairperson shall 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 said 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 Town shall 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.

(b) *Abatement by 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 officer having the duty of enforcement 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, he shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 10 days. If such nuisance is not removed within 10 days, he shall report such fact to the Town Chairperson, who may direct the Town Attorney to commence an action in Circuit Court for the abatement of the nuisance.

(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, nor as prohibiting an action to be commenced in the Circuit Court seeking forfeiture as provided in sec. 10.15 of this chapter.

(5) 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.

10.10 PENALTY. In addition to the penalties provided in this chapter, 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 sec. 20.04 of this Code.