

# Chapter 18

## PUBLIC NUISANCES



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**18.01 Public Nuisances Prohibited.** No person may erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Village.

**18.02 Public Nuisances Defined.** A public nuisance is a thing, act, occupation, or condition or use of property that 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 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, sidewalk, navigable body of water, or other public way or the use of public property.

**18.03 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 section 18.02.

- (1) Disorderly Houses as defined in Wis. Stats. §823.10.
- (2) Gambling as defined in Wis. Stats. §823.20.
- (3) Unlicensed sale of Liquor and Beer as defined in Wis. Stats. §125.04.
- (4) Drug or Criminal Houses as defined in Wis. Stats. §823.113.
- (5) Continuous Violation of Village Ordinances. Any place or premises where Village ordinances or state laws relating to public health, safety, peace, morals, or welfare

are openly, continuously, repeatedly, and intentionally violated.

**18.04 Public Nuisances Affecting Peace and Safety.** Without limitation the following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances affecting peace and safety within the definition of section 18.02.

- (1) **Dangerous Trees.** All trees that are injurious to public health or safety because of a disease or a damaged condition.
- (2) **Wires and Cables over Streets.** All wires and cables over streets, alleys, or public grounds that are strung less than 15 feet above the surface thereof.
- (3) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl that, by frequent or habitual howling, yelping, barking, crowing, or making of other noises, shall annoy or disturb a neighborhood or persons within the Village.
- (4) **Open Pits, etc.** All open and unguarded pits, wells, or excavations.
- (5) **Abandoned Refrigerators.** All abandoned refrigerators, freezers, 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.
- (6) **Obnoxious Odors.** Any source of odor that causes offensive, obnoxious or foul odors which impair the reasonable use and enjoyment of surrounding properties. An odor source is determined to be obnoxious if four (4) or more residents no two of which are related nor living in the same household identify an odor as obnoxious within a twenty-four (24) hour period.
- (7) **Outdoor Solid Fuel Fire Heating Device or Solid Fuel Unit.** All outdoor solid fuel fire heating devices or solid fuel units. An “outdoor solid fuel fire heating device or solid fuel unit” is defined as “an outdoor device or structure designed for solid fuel combustion for the purpose of providing indoor heat to a residence or other building, including, but not limited to, solid fuel fired stoves and combination fuel furnaces or boilers which burn solid fuel (such as wood or coal).” A solid fuel fire heating device or solid fuel unit is considered outdoor if it is not located inside a one- or two-family dwelling unit, thereby making the solid fuel fire heating device or solid fuel unit subject to the Wisconsin Uniform Dwelling Code.

**18.05 Junk, Certain Vehicles, Recreational Equipment, and Firewood.**

- (1) Without limitation the following are hereby declared to be public nuisances wherever they may be found in the Village:
  - (a) Any motor vehicle, truck body, tractor, or trailer as enumerated in subsections (3) and (4) below;
  - (b) Any junk stored contrary to subsection (5) below;
  - (c) Any recreational equipment stored contrary to subsection (6) below; and

- (d) Firewood stored contrary to (7) below.
- (2) **Definitions.** The words, phrases, and terms used in this subsection shall be interpreted as follows:
- (a) *Disassembled, Inoperable, Junked, or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers.* Vehicles that are in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the streets.
  - (b) *Unlicensed Motor Vehicles, Truck Bodies, Tractors, or Trailers.* Vehicles that do not bear lawful, current license plates.
  - (c) *Motor Vehicles.* As defined in Wis. Stats. § 340.01(35).
  - (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 Village property values, health, safety, or general welfare.
  - (e) *Recreation Equipment.* Equipment such as boats, boat and utility trailers, mobile homes, campers, off-highway vehicles and snowmobiles.
  - (f) *In the open* is upon land that may be viewed from a public street or an adjoining property.
- (3) **Storage of Inoperable Vehicles, etc.**
- (a) No person may accumulate, store, or allow any disassembled, inoperable, junked, or wrecked motor vehicles, truck bodies, tractors, or trailers in the open upon any public or private property for a period exceeding ten days.
  - (b) *Exemptions.* The following exemption applies: Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three disassembled or wrecked vehicles, including vehicles under repair, in the open for a period not to exceed thirty days, after which such vehicles shall be removed.
- (4) **Storage of Unlicensed Vehicles.** No person may accumulate, store, or allow any unlicensed motor vehicle, truck body, tractor, or trailer in the open upon any public or private property for a period exceeding ten days.
- (a) *Exemptions.* The following exemptions apply:
    1. Any business engaged in the repair or storage of such unlicensed vehicles in a properly zoned district;
    2. Garden tractors and mowers stored in the rear yard not less than ten feet away from any property line.

- (5) **Storage of Junk Prohibited.** No person may accumulate, store, or allow any junk outside of any building on any public or private property.
- (6) **Storage of Recreational Equipment Regulated.** No person may store any recreational equipment on any street or within 25 feet of the edge of the curb or the edge of the pavement, for a period of time exceeding forty-eight hours.
- (7) **Storage of Firewood.** No person may store firewood on any residential premises except for use on the premises.
- (8) **Appliation for Exemption.** In the event that any person encounters great practical difficulty in complying with the provisions of subsections (6) and (7) above because of factors including lot size, location of buildings, or other topography, such person may file an application for an exemption with the administrator on a form supplied by the administrator. The administrator shall review the application and the premises before granting or denying the application.
  - (a) *Appeal.* Any person aggrieved by any determination of the administrator under this subsection may file a written appeal to the Village Board within thirty days of the administrator's determination.
- (9) **Issuance of Citation; Action to Abate.** Whenever the administrator or the police chief shall find any such vehicle, junk or recreational equipment, as defined in subsection (2) above, accumulated, stored, or remaining in the open contrary to the provisions of subsection (3), (4), (5), or (6) above or firewood stored contrary to subsection (7) above, he or she shall notify the owner of the property on which such vehicle, junk, recreation equipment, or firewood is located of the violation of this section. If such vehicle, junk, recreation equipment, or firewood is not removed in ten days, the administrator or the police chief shall cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle, junk, recreation equipment, or firewood is located. In addition, an action to abate such nuisance may be commenced as provided in section 18.08.

#### **18.06 Noxious Weed Control**

- (1) **Noxious Weeds and Rank Growth Prohibited.** The Village elects to adopt provisions of Wis. Stats. in enforcement of prohibition of noxious weeds.
- (2) **Noxious Weed Means** Canada thistle, leafy spurge, field bindweed, garlic mustard, Japanese knotweed, burdock and poison ivy.
- (3) **Weed Commissioner.** The Village shall appoint a weed commissioner in accordance with section 1.03 of this Code.

**18.07 Plant Pest and Disease Control.** The Village elects to adopt the provisions of Wis. Stats. §94.01 and §94.02 in regard to the control of plant pests in the Village.

**18.08 Abatement of Public Nuisances.**

- (1) **Enforcement.** It shall be the duty of the police chief, the fire chief, the administrator, the Village forester, and the weed commissioner to enforce those provisions of this Chapter that come within the jurisdiction of their respective offices, including the issuance of citations. They shall make 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 is satisfied that a nuisance does exist.
- (2) **Summary Abatement.**
  - (a) *Notice to Owner.* If the inspecting officer determines that a public nuisance exists and that there is a great and immediate danger to the public health, safety, peace, morals, or decency, the administrator 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 to abate or remove such nuisance within twenty-four hours and shall state that unless such nuisance is so abated, the Village 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 the 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 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 the nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, as provided under section 18.08(2)(a) of this Code, the officer shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within ten days, unless otherwise provided in this Chapter. If such nuisance is not removed within ten days, the officer shall report such fact to the administrator, who may direct the Village 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 abatement of public nuisances by the Village or its officials in accordance with the laws of the state of Wisconsin, nor as prohibiting an action to be commenced in the circuit court seeking a forfeiture.
- (5) **Cost of Abatement.** In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuation, or maintenance of a public nuisance, the costs 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 the notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge in accordance with Wis. Stats. §66.60(16). In addition, the costs of abatement may be collected according to Wis. Stats. §823.06.