

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 City.

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 definition of sec. 10.02 of this chapter. (1) ADULTERATED FOOD. All decayed, harmfully 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 food 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. Said materials shall be stored in containers described in sub. (5) below until they are removed.

(4) STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply.

(5) GARBAGE CANS OR DUMPSTERS. Garbage receptacles which are not fly-tight.

(6) 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.

(7) NOXIOUS ODORS, ETC. Any use of property, substances or things within the City 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 appropriate number of persons within the City.

(8) **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 City.

(9) **AIR POLLUTION AND EMISSION OF SMOKE.** (Am. Ord. #2671 – 4/5/2010). As defined in sec. 285.01(3), Wis. Stats.

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 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.

(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) **REPEATED ORDINANCE VIOLATIONS.** Any place or premises within the City where City ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

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) **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 City.

(2) **SIGNS, BILLBOARDS, ETC.** All signs, billboards, marquees, 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.

(3) **UNAUTHORIZED ADVERTISEMENTS.** Any advertisements or signs affixed to any building, wall, fence, sidewalk, street, terrace or other public property not permitted by this Code.

(4) **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.

(5) OBSTRUCTION OF INTERSECTIONS. (Am. Ord. #2671 – 4/5/2010). All trees, hedges, billboards or other substances or obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic or pedestrians.

(6) TREE LIMBS. See sec. 20.03 (5) of this Code.

(7) FIRE HAZARDS. Any condition, thing or practice constituting a fire hazard.

(8) DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public, diseased elm trees and all other diseased trees. Diseased trees shall be cut and destroyed.

(9) STATUTORY NUISANCES. Any nuisance so defined in the Wisconsin Statutes.

(10) 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.

(11) WIRES AND CABLES OVER STREETS. All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereon.

(12) NOISY ANIMALS OR FOWL. (Am. Ord. #2502 – 10/27/03). The keeping or harboring of any animal or fowl which, by howling, yelping, barking, crowing or making of other noises, annoys or disturbs another.

(13) KEEPING OF ANIMALS. (Am. Ord. #2362 - 3/20/00). Any barn, stable or shed used for keeping animals; or the keeping of cattle, horses, sheep, pigs, livestock or poultry within the City limits except on lands zoned agricultural.

(14) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this Code or which 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.

(15) ABANDONED WELLS, OPEN PITS. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

10.06 ABATEMENT OF PUBLIC NUISANCES. (Am. Ord. #2436 – 6/3/02; Am. Ord. #2618 - 9/10/07) (1) ENFORCEMENT. It shall be the duty of the Chief of Police, the Fire Chief, the Building Inspector, the Director of Public Works and the City Forester (or their respective, designated inspector(s)) to 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 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 determines that a public nuisance exists within the City and that there is great and immediate danger to the public health, safety, peace, morals or decency, the inspecting officer may serve or caused to be served 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 City will 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 City. 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) NONSUMMARY ABATEMENT BY CITY. (a) Order to Abate Nuisance. 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 issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall also describe the remedy option contained in subsection (c) below. The order shall be served personally on the owner of the building, as well as the occupant if different from the owner and applicable to the described nuisance, or, at the option of the inspecting officer, the notice may be mailed to the last known address of the person to be served by certified or registered mail with return receipt. If the owner and/or the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publication as a Class 3 notice under Chapter 985, Wis. Stats. The time limit specified in the order runs from the date of service or publication.

(b) Abatement by City. If the owner or occupant fails or refuses to comply within the time period prescribed, the inspecting officer shall enter upon the premises and cause the abatement or removal of such public nuisance.

(c) Remedy from Order. Any person affected by such order shall, within 30 days of service or publication of the order, apply to the Circuit Court for an order restraining the City and the inspecting officer from entering on the premises and abating or removing

the nuisance, or be forever barred. The court shall determine the reasonableness of the order for 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 City or its officials in accordance with the laws of the State or through an action to be commenced in the Circuit Court pursuant to Ch. 823, Wis. Stats., or by seeking a forfeiture as provided in sec. 10.07 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 City 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 the owner, the cost of abatement and other costs awarded by the Circuit Court pursuant to Ch. 823, Wis. Stats., shall be assessed against the real estate as a special charge.

10.07 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 sec. 25.04 of this Code.