

Chapter 8.24

NUISANCES

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8.24.010 Storage of junk regulated.

A. Restricted. No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood, except in an enclosure which screens such property from public view or upon permit issued by the town board.

B. Order for Compliance. The town police department may require by written order any premises in violation of this section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the

property. (Ord. dated 6/11/98: prior code § 9.11)

8.24.020 Littering prohibited.

No person shall throw any glass, refuse, waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the town, or upon any private property or the surface of any body of water within the town. (Prior code § 9.12)

8.24.030 Open cisterns, wells, basements or other dangerous excavations prohibited.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children. Any violation of this section is a public nuisance and may be disposed of in accordance with Chapter 823, Wis. Stats. (Prior code § 9.13)

8.24.040 Abandoned or unattended containers prohibited.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure, under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing such door or lid, snap lock or other locking device from such ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is

securely locked or fastened. (Prior code § 9.14)

8.24.050 Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the town. (Prior code § 10.01)

8.24.060 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:

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 or the use of public property. (Prior code § 10.02)

8.24.070 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 Section 8.24.060:

A. Adulterated food: all decayed, adulterated or unwholesome food or drink sold or offered for sale to the public;

B. 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 twenty-four (24) hours after death;

C. 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;

D. Water, stagnant: all stagnant water in which mosquitoes, flies or other insects can multiply;

E. Privy vaults and garbage cans: privy vaults and garbage cans which are not flytight;

F. Weeds, noxious: Canada thistle, leafy spurge, field bindweed (creeping Jenny), unsightly and troublesome plants which are detrimental to cultivated crops, public health, public welfare and to the general appearance of the surrounding area or such uncultivated rank plants which create unpleasant or noxious odors or grow to such height as to permit the concealment of filthy deposits;

G. 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;

H. Odors, noxious: any use of property, substances or things within the town emitting or causing any foul, offensive, 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;

I. 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;

J. 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;

K. Animals, loose: any animals running at large in the town. (Prior code § 10.03)

8.24.080 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 Section 8.24.060:

A. 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;

B. Gambling devices: all gambling devices and slot machines;

C. 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;

D. Illegal drinking: any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws. (Prior code § 10.04)

8.24.090 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 Section 8.24.060:

A. 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;

B. 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.

C. 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;

D. 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;

E. Low hanging tree limbs: all limbs of trees which project over and less than ten (10) feet above any public sidewalk, street or other public place;

F. Dangerous trees: all trees which are a menace to public safety or are the cause of substantial annoyance to the general public;

G. Fireworks. All use or display of fireworks except as provided by state laws and town ordinances.

H. 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;

I. Low hanging wires and cables: all wires and cables over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof;

J. 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;

K. 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, 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;

L. 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;

M. Blighted buildings and premises:

1. Premises existing within the town which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the town,

2. Blighted premises contribute to conditions that are dangerous to the public health, safety, morals and general welfare of the people; the conditions necessitate excessive and disproportionate expenditure of public funds for public health and safety, crime prevention, fire protection and other public services; such conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas,

3. Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and shall be fostered and encouraged by this section. It is essential to the public interest that this section be liberally construed to accomplish such purposes. (Prior code § 10.05)

8.24.100 Abatement of public nuisances.

A. Enforcement. The police chief, fire chief, building inspector and health officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices; and 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.

B. 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 to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

C. 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 ten (10) days. If such nuisance is not removed within ten (10) days, the officer shall cause the nuisance to be removed as provided in subsection B of this section.

D. 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.

E. Court Order. Except when necessary under subsection B of this section, 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. (Prior code § 10.10)

8.24.110 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. (Prior code § 10.11)

8.24.120 Violation--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 Chapter 1.20 of this code. (Prior code § 10.15)