

Chapter 9

Peace, Order and Nuisances

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9.0 DECLARATION OF PURPOSE: With full recognition of the principles of individual freedom of thought and action, it is universally recognized that the protection of the safety, comfort, security, rights and privileges of all members of a community and the protection of their property requires the adoption of and compliance with certain regulations of personal conduct.

9.01 General provisions and enforcement: All applicable Wisconsin State statutes and Chapter 31, sections 31.01 through 31.43 of the Door County Code are hereby incorporated in this chapter by reference and includes but is not limited to:

59.54(25)+961.42 Possession of Marijuana; Prohibited Acts-Penalties

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218.0147	Motor Vehicles/ Sale to Minor
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9.02 Public Nuisances Prohibited: No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

9.03 Public Nuisances Defined

A. Generally, A public nuisance means 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.

B. Public Nuisances Affecting Health. The following acts, omissions, places, 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 subsection (a) of this section.

- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) 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) 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 breed.
- (4) All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) Garbage cans, which are not fly tight.
- (6) All noxious weeds and other rank growth of vegetation.
- (7) All domestic animals running at large.
- (8) 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.
- (9) Any use of property, substances or things within the Village 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 appreciable number or persons within the Village.
- (10) All abandoned wells not securely covered or secured from public use.

- (11) 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 Village.

C. 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 subsection (A) of this section:

- (1) 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) 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 ordinance.
- (3) Any place or premises within the Village where ordinances or laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (4) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of law or ordinance.

D. 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 subsection (A) of this section:

- (1) 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 public safety.
- (2) All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway which purport to be or may be mistaken as an official traffic control device or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.
- (3) 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.

- (4) All limbs of trees, which project over and are less than 14' feet above any public sidewalk, street or other public place.
- (5) All trees which are a menace to public safety or are the cause of substantial annoyance to the general public
- (6) All use or display of fireworks except as provided by law.
- (7) All buildings or structures so old dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy.
- (8) All wires over streets, alleys or public grounds, which are, strung less than 15 feet above the surface thereof.
- (9) 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 Village.
- (10) All obstructions of streets, alleys sidewalks or crosswalks and all excavations in or under the streets, alleys, sidewalks or crosswalks, except as permitted by ordinances *or* public works project or which, although made in accordance with ordinances, are kept or maintained for unreasonable or illegal length of time after the purpose thereof has been accomplished or do not conform to the permit.
- (11) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alleys or sidewalk.
- (12) All abandoned refrigerators or ice- boxes.
- (13) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (14) Repeated or continuous violations of ordinance or law relating to the storage of flammable liquids.
- (15) All snow and ice on the sidewalk not removed or sprinkled with a material, which accelerates melting or prevents slipping with the exception of those public sidewalks that may be closed seasonally by the public works department and deemed unsafe for travel.

- (16) All property use that involves the out-side storage, dismantling, sorting or baling of junk within the Village.
- (17) Any motor vehicle not in working order or that lacks current legal registration which is stored outside.
- (18) **MISSILES. DISCHARGING AND CARRYING FIREARMS AND GUNS.** No person, except a sheriff, police officer or their deputies, shall fire or discharge any firearm, rifle, spring or air gun of any description within the Village

9.04 Graffiti Vandalism Prohibited/Abatement:

- A. Purpose and Intent. The purpose and intent of this section is to prohibit graffiti vandalism, and to provide a procedure requiring the removal of graffiti from property within the Village. Graffiti contributes to blight and deterioration of surrounding properties, reduces the physical attractiveness to the neighborhoods, and is detrimental to the Village. Graffiti constitutes a public nuisance and must be abated promptly in order to alleviate the detrimental impact it has on the neighborhoods, businesses, surrounding properties, and citizens and the Village in general.
- B. Graffiti Vandalism Defined.
- (1) "Graffiti" means any inscription, word, figure or design, marked, scratched, etched, drawn or painted with spray paint, liquid paint, ink, chalk, dye, markers or other similar substances, on buildings, fences, structures, signs and other similar places.
- C. Graffiti Vandalism Prohibited. No person may in any way alter the visual or physical appearance of any building structure or any other physical real or virtual property except as explicitly designated by the village or other legal owner of that property. This shall not be construed to prohibit the placement of temporary and easily removable chalk or other water soluble markings on public or private streets, sidewalks or other paved surfaces incident to youth activities such as hopscotch and various types of ball games or any lawful business activity.
- D. Penalty.
- (1) Any person who violates subsection 9.04 (C) shall be subject to a forfeiture of not less than \$500 per violation, in addition to any applicable fees, assessments and costs of prosecution. In addition, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property.

E. Parental Liability. Pursuant to Section SS 895.035 Wisconsin Statutes, the parent(s) of an unemancipated minor may be liable for the damage of property caused by the willful, malicious or wanton act of such child; the liability shall not exceed the amount specified in SS. 799.01(1)(d).

F. Graffiti Abatement.

(1) Graffiti Prohibited. No private person or public entity, agency, firm or corporation who is the owner of any real or personal property where graffiti exists as defined in 9.04(B) of this chapter, may maintain or allow any graffiti to remain upon the property for a period of more than ten (10) days. With the exception of the siding on the warehouse building on Anderson dock which is noted as an historical location for such graffiti.

(2) Abatement Notification. Upon notification, the Zoning Administrator shall, within five (5) days of receiving said notification, serve any property owner whose property has been affected by the application of graffiti, a written Notice to abate requiring the property owner to remove, restore, clean up or repair the property within ten (10) days of the date of notice.

(3) Content of Notice to Abate. The notice shall identify the property affected, shall generally describe the location of the graffiti and direct that the graffiti be removed within ten (10) days of receipt of the Notice to Abate. The Notice shall also include that if the owner fails to remove graffiti within the time specified in the Notice, the owner may be subject to a forfeiture as provided in subsection (G).

(a) The Notice may be served personally by the Zoning Administrator his/her authorized representative, or by registered, certified or regular mail, and service upon any one of joint or in-common owners shall constitute valid service upon all property owners. G. Penalty.

(1) Any person, entity, agency, firm or corporation who violates this subsection shall be subject to a forfeiture of not less than \$100, nor more than \$500, together with the cost of prosecution.

(2) A violation of this section exists on the date that the citation is issued and continues to exist until remedied. Each day in which a violation continues shall be determined a separate and distinct offense.

(3) Payment of a monetary forfeiture does not relieve the owner or operator of the property of the duty to abate the graffiti nuisance. If, after thirty (30) days upon receipt on Notice to Abate, the property owner or operator fails to comply with the terms of the Notice, in addition to the penalties set forth under this subsection, the

Village may cause the removal, restoration, clean up or repair of such property affected by the graffiti. Pursuant to Wisconsin Statutes Section 66.60(16), the Village may impose a special charge for services reflecting the actual costs of graffiti removal against the property.

9.05 Air Pollution

No person shall cause, permit, or allow the escape from any smokestack, chimney or open fire within the Village or within one mile there from into the open air of such quantities of smoke, ash, dust, soot, cinders, acid or other fumes, dirt or other material or noxious gases in such place or manner as to cause injury, detriment or nuisance to any person or to the public, or to endanger the health or safety of any such person or the public, or in such manner as to cause injury or damage to business or property, and such is declared to be a public nuisance and prohibited. An exception may be made in the case of permitted functions such as fish boils and firework displays.

9.06 Loud Noises Prohibited

1. It shall be unlawful for any person in the Village to engage in unreasonable loud and raucous noise between the hours of 10:00 p.m. and 7:00 a.m. A noise shall be presumed to be unreasonably loud and raucous if:
 - (a) It is plainly audible within a single family or two-family residence, which is not the building, structure or property from which the sound originates, or from a distance of fifty (50) feet in the case of noise originating on public property or a public right of way, or from a distance of 50 feet in the case of noise originating inside multifamily residential buildings of three (3) units or more.
2. It shall be unlawful for any person to make any of the below-listed noises that are unreasonably loud and raucous:
 - (a) The sounding of any horn or noise emitting device on any automobile, motorcycle, bus or other vehicle for more than fifteen (15) seconds or at continuous and frequent intervals.
 - (b) The playing of any loud amplified music or other sound, radio, stereo, musical instrument or other device used for producing or reproducing sound with such volume as to be unreasonable between the hours of 10:00 p.m. and 7:00 a.m.
 - (c) Allowing any animal, bird or fowl to bark, howl or make other noises for more than thirty (30) seconds or at continuous and frequent intervals.

- (d) The use of an automobile, motorcycle or other vehicle, machinery or equipment so out of repair, or in such manner as to create loud, grating, grinding, rattling or other noises, including unreasonable acceleration, deceleration or racing of motors whether in motion or at rest.
- (e) The discharge in the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, motorboat engine or other power device in constant operation, except through a muffler or other device, which will effectively prevent loud or explosive noises.
- (f) The creation of any unreasonably loud and raucous noise on any street adjacent to any school, retirement facility or church while it is in session, which unreasonably interferes with the workings or sessions.
- (g) The creation of unreasonably loud and raucous noise in connection with the loading of garbage or trash on a compactor truck or with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or other containers between the hours of 8:00 p.m. and 6:00 a.m.
- (h) The operation on private property or on a public way in any residential or business district of any power equipment generating unreasonable noise that is used for home or building repair or grounds maintenance, between the hours of 10:00 p.m. and 7:00 a.m. Such power equipment shall include, but not be limited to, lawn mowers, garden tools, electric or chain saws or any power tools or other equipment used for home or building repair or grounds maintenance.
- (i) It shall be unlawful for any person to make any of the below-listed noises that are unreasonably loud and raucous:
 - 1. The Construction, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m., during weekdays and Saturdays, and 9:00 a.m. and 7:00 p.m. on Sundays and national holidays.
 - 2. Grading, excavation, blasting, demolition, roadway construction or underground utility construction other than between the hours of 8:00 a.m. and 8:00 p.m., during weekdays and Saturdays except in cases of urgent necessity in the interest of public health and safety. If the village Administrator determines that, the public health and safety will not be impaired by these activities he/she may grant permission for such work to be done during other hours on application being made at the time the permit for the work is awarded or during the progress of the work or during public works response to emergency situations, when the Village Administrator shall be notified however no application will be necessary.

3. Exemptions

The following activities shall be exempt from the terms of this section:

- (a) Any ambulance, any officer of the law while engaged in necessary public business or any vehicle in the Village while engaged in necessary public business.
- (b) Excavations or repairs on streets, highways, waterlines or sewer lines by or on behalf of the Village, the County or the State, during the nighttime when the public welfare and convenience renders it impracticable to perform such work during the day.
- (c) The reasonable use of amplifiers in the course of public address which are noncommercial in nature and when such use is outside the downtown business district of the Village.
- (d) Any use of noise-emitting devices or the creation of any noise where permit has been obtained from the Village Administrator, but only to the extent as provided in the permit.
- (e) Any organized sporting events or fairs, carnivals or like activities.

4. Penalties. Penalties for violations of this section shall be as follows:

- (A) This Section shall be subject to the enforcement provisions of Section 9.06(4) Violations of this Section shall be subject to forfeiture as provided in the County Code 31.39 (6)(a) for each day that a violation exists.
- (B) In any proceedings for the violation of this Section, the tenants, owners and/or occupants, after proper notice of the violations, shall be considered equally responsible for committing or allowing to commit a violation from the location or occupancy under their control.

9.07 Compression Brakes Prohibited. No person shall operate motor vehicle brakes within the Village limits of the Village of Ephraim to cause unreasonable and excessive noise levels or that are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof, except under emergency conditions.