

**CHAPTER 9
NUISANCES**

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9.01 Public Nuisances Prohibited: No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village. Citations or complaints for violations of this section may be issued by the Village Administrator, Building Inspector, Fire Chief, or Director of Public Works.

9.02 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 stench 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 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 or the property of the general public including specifically any tree infected with a disease that may be transmitted to other trees such as, without limitation by enumeration, Emerald Ash Borer infection, Oak Wilt or Dutch Elm disease.
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, whether or not 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 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.

9.03 Abatement of Public Nuisances.

A. Inspection of premises. Whenever the village receives a complaint that a public nuisance exists, the Village Administrator shall be notified. The Administrator shall contact the appropriate Village or County official to address the type of nuisance complaint. The Village Administrator with the assistance of the appropriate officer shall immediately inspect or cause to be inspected the premises upon which the nuisance is said to exist and shall make a written report of such condition. Whenever practicable, the Administrator or inspecting officer shall cause photographs or other evidence to be made of the premises and shall maintain a file containing such written report and photographs.

B. Summary abatement.

1. Notice to owner. If the Administrator or inspecting officer determines that a public nuisance exists on private property and that there is a great and immediate danger to the public health, safety, peace, morals, decency, comfort or repose, such officer may request the chief of police to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing or permitting or maintaining such nuisance and shall also post a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within a set period of time, not less than 24 hours and shall state that unless such nuisance is so abated, the village will cause the nuisance to be abated and will charge the cost of abatement against the owner, occupant or person causing, permitting or maintaining the nuisance in the manner otherwise provided in this section.
2. Abatement by 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 Village Administrator with the assistance of the appropriate officer, shall cause the abatement or removal of such nuisance.

C. Abatement by court action. If the inspecting officer shall determine that a public nuisance exists

on private premises but the nature of such nuisances is not such as to threaten great and immediate danger to public health, safety, peace, morals or decency, a written report of the inspecting officer's findings shall be forwarded to the village attorney for a determination on filing an action to abate such nuisance in the name of the village in the circuit court in accordance with the provisions of Wis. Stats. Ch. 823.

- D. **Other methods not excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the village or its officials in accordance with the laws of the state or of provisions of this code addressing specific types of Public Nuisance.
- E. **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 Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as special taxes.
- F. **Scope of Application.** For purposes of this Chapter, property of the owner or occupant for purposes of constructing, permitting or maintaining a nuisance shall include that portion of right of way fronting the property of any lot or tract, commonly known as the terrace.
- G. **Other Provisions Applicable.** Where provisions of this code address specific public nuisances and provide for notice and abatement procedures, to the extent that those provisions conflict with the provisions of this section, the more specific public nuisance provisions shall apply.

9.04 Remedies not Exclusive.

- A. The commencement and prosecution of any abatement or injunction proceedings brought under this chapter, does not prohibit the Village from seeking municipal ordinance penalties for a violation(s) of sections 9.01 and 9.02 of this chapter as provided at Section 25.04 of this code, nor does it prohibit the commencement of a civil action to recover any costs or damages incurred in abatement actions carried out by the Village.
- B. Nothing in this section is intended to affect the Villages right to tax the cost of nuisance abatement to the offending property as a special charge as provided at Section 66.0627 Wis. Stats.