

CHAPTER 13
PUBLIC NUISANCES

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13.01 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Hustisford.

13.02 DEFINITIONS.

- 1) Public Nuisance. A public nuisance is a thing, act, occupation, condition or use of property which shall continue 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.
- 2) 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 sub. (1) of this section:
 - a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - b) 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.
 - c) 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.
 - d) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - e) Privy vaults and garbage cans which are not fly-tight.

- f) All noxious weeds and other rank growth of vegetation.
 - g) All animals running at large.
 - h) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town limits or within one mile therefrom* in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Town.
 - i) 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.
 - j) Any use of property, substances or things within the Town of Hustisford** 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 of persons within the Town.
 - k) All abandoned wells not securely covered or secured from public use.
 - l) *Authority to control emission of dense smoke into the open air one mile from the limits of the municipality is granted to city councils and village boards by §146.10.
 - m) **Jurisdiction to direct the location of, regulate or prohibit nauseous, offensive or unwholesome industries within municipal limits or four (4) miles thereof is granted to cities and villages by §66.052 which requires abatement of actions for violation of ordinances governing offensive industries to be brought under Ch. 823 or §146.125. Reference to this jurisdiction is not included in this ordinance because in cases involving outside industries the governing body apparently must follow the procedure of Ch. 823 or §146.125 and may not employ its summary abatement power.
 - i) 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 Town.
- 3) 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 Sub. (1) of this section.
- a) 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) All gambling devices and slot machines.

- c) 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 of Hustisford.
 - d) Any place or premises within the Town of Hustisford where Town ordinances or State laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
 - e) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.
- 4) 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 Sub. (1) of this section:
- a) 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 the public safety.
 - b) All buildings erected, repaired or altered within the fire limits of the Town of Hustisford in violation of the provisions of the ordinances of the Town, relating to materials and manner of construction of buildings and structures within said district.
 - c) 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.
 - d) 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) All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street or less than ten (10) feet above any other public place.
 - f) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
 - g) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
 - h) All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
 - i) All loud, discordant and unnecessary noises or vibrations of any kind.

- j) 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 Town, including horses and goats.
- k) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or 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.
- l) (1) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- m) All abandoned refrigerators 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.
- n) Any unauthorized or unlawful 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.
- o) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

13.03 ABATEMENT OF PUBLIC NUISANCES

- 1) Inspection of Premises. Whenever complaint is made to the Town Chairman that a public nuisance exists within the Town of Hustisford, he shall promptly notify the Town Board, Health Officer or Building Inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Town Chairman. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.
- 2) Summary Abatement.
 - a) Notice to Owner. If the inspecting officer shall determine 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 Town Chairman may direct the Town Board to serve 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 Town 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 Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Health Officer, in case of health nuisances, and the Town Board, in other cases, 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 such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Dodge County in accordance with the provisions of Ch. 280 of the Wisconsin Statutes.
- 4) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Hustisford or its officials in accordance with the laws of the State of Wisconsin.

In addition to any other penalty imposed by this ordinance 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.

13.05 PENALTY.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §15.06 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues 13.04 COST OF ABATEMENT.