

## **PUBLIC NUISANCES**

### **Ordinance No. 19.04**

#### **Sec. 19.04.01. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(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; and

(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) *Town* means the Town of Bridge Creek.

(c) *Officer, Inspector, Constable or Designated Person* means the person(s) designated by the Town Board to write citations, investigate or respond to alleged violations of the Town of Bridge Creek Ordinances.

#### **Sec. 19.04.02. Prohibited Generally.**

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

#### **Sec. 19.04.03. Abatement Generally.**

(a) **Enforcement.** The Town Constable shall enforce the provisions of this article and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the Constable shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does in fact exist.

(b) **Summary Abatement.** If the Town Constable 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 Town may direct the proper officer to cause the nuisance 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 Constable 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, the Constable shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within ten days, the Constable shall cause the nuisance to be removed as provided in subsection (b) of this section.

(d) **Other methods Not Excluded.** Nothing in this article 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, no officer shall 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.

(f) In addition to any other penalty imposed by this article 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.

(g) **Penalty.** Each day that a violation occurs is a separate incident. Any person who shall violate any provision of this article or permit or cause a public nuisance shall be subject to a penalty as provided in Section 19.04.11 below.

## **Division 1. Nuisances Affecting Morals, Safety, Health and Sanitation**

### **Sec. 19.04.04. 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 Section 19.01.1:

(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.* 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.

(4) *Stagnant Water.* All stagnant water in which mosquitoes, flies or other insects can

multiply.

(5) *Privy Vaults and Garbage Cans.* Privy vaults and garbage cans which are not fly-tight.

(6) *Noxious Weeds.* All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed one foot.

(7) *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.

(8) *Noxious Odors, Gases and Stenches.* Any use of property, substances or things within the Town 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.

(9) *Street/Road Pollution.* Any use of property which shall cause any nauseous or unwholesome liquid or substances to flow into or upon any street, ditch, alley, right of way, sidewalk or public place within the Town.

(10) *Air Pollution.* 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.

(11) *Animals Running at Large.* All animals running at large.

(12) *Street/Road/Right of Way Deposits.* The depositing or allowing to remain leaves, straw, brush, grass and grass clippings, tin cans, bottles, sticks, boards, ashes or any rubbish of any kind whatever, or placing or throwing any swill, brine, urine, manure or any other filthy or offensive substances, or any stinking or nauseous liquid upon or **along any town street in the Town of Bridge Creek. Any horse drawn vehicles in the Town of Bridge Creek shall be equipped with manure catching devices.**

(13) *Accumulation or Deposits.* The accumulation or deposit of refuse, garbage, trash or putrescible animal or vegetable matter, wood products, branches, lumber, not to include neatly stacked fire wood which is kept out of public view, metal objects, tires and other rubber products, machine parts, discarded or non-functioning appliances, furniture, bricks, cement blocks, or other unsightly debris, and other similar articles or objects in or upon any lot or land or any public or private place within the Town which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health, is prohibited and declared to constitute a nuisance.

(14) *Prohibited Discharges.* No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or

private property, or into the ground, surface waters, subsurface waters, or aquifers, or within the Town, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

#### **Sec. 19.04.05. 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 Section 19.01.1:

(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 gambling devices and slot machines.

(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 the ordinances of the Town.

(4) *Continuous Violation of Town Ordinances*. Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(5) *Illegal Drinking*. 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 or ordinances of the Town.

#### **Sec. 19.04.06. 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 section 30-86:

(a) *Signs, billboards, Awnings and Similar Structures*. 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) *Illegal Buildings*. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Town 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 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) *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.

(e) *Tree Limbs*. All limbs of trees which project over and less than ten feet above any street roadway or other public place.

(f) *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.

(g) *Dangerous Excavations, Pits, Wells or Unused Basements*. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

## **Division 2. Junked, Wrecked, Abandoned Property**

### **Section 19.04.07. Definitions.**

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Junk*. Junk means old iron, chain, brass, copper, tin, lead, other base metals, trailers, farm machinery and equipment or any parts thereof to be junked or demolished, taken apart or destroyed for salvage materials, paper, waste paper, used lumber or building material, paper clippings, rags, rubber, glass or bottles and all articles and things discarded as manufactured articles composed of or consisting of any one or more of the articles mentioned including industrial metal or scrap or other material commonly included within the term "junk."

(b) *Trash*. Trash means any rubbish, ashes, paper, dirt, stones, bricks, tin cans, boxes, barrels, or other substances whatsoever, oil, kerosene, benzine, or other similar oil or oily substance or liquid, wood, brush, or any form of discarded vegetation, foundry sand and industrial waste of any kind or description, sewage material removed from septic tank or dry well used in connection with sewage disposal system.

### **Section 19.04.08. Storage of Junked Motor Vehicles.**

(a) No person shall store or allow to remain in the open upon any public or private property within the Town any disassembled, inoperative, unlicensed, junked or wrecked trailers, semitrailers, mobile homes, motor vehicles or parts thereof, unless it is in connection with the operation of an authorized junkyard.

(b) The storage of any wrecked or damaged motor vehicle upon premises for a period not to exceed 60 days. Motor vehicle parts, including permanently inoperable motor vehicles

intended for use as salvage, and other inventory or stock in trade, shall be stored in an area and manner unobservable by the public or any person on a neighboring property.

**Section 19.04.09. Storage of Trash or Junk.**

No person shall accumulate or store or permit the accumulation or storage of any junk or trash upon any property in the Town, unless it is in connection with the operation of an authorized junkyard.

**Section 19.04.10. Abandonment of Vehicles.**

The Town hereby adopts Wis. Stats. § 342.40 relative to the abandonment of vehicles which shall be considered abandoned in the Town if left unattended without the permission of the property owner for more than 48 hours.

**Section 19.04.11. Penalties**

In addition to any other remedies, sanctions or other penalties provided in this Chapter, any person who shall violate any provision of this Chapter or permit or cause a public nuisance or violation shall be subject to a penalty of not less than \$10.00 and not more than \$500.00 plus all applicable court fees, expenses and other costs. Each day that a violation occurs is considered a separate violation.

This Ordinance is effective on March 21, 2019.

The Town Clerk shall properly post and publish this Ordinance as required under Wis. Stats. Section. 60.80.