

SUBCHAPTER 2: PUBLIC NUISANCES

SUBCHAPTER 2: PUBLIC NUISANCES**13.200 PUBLIC NUISANCE PROHIBITED**

No occupant, operator or owner shall erect, cause, continue, maintain, or permit to exist any public nuisance within the Town.

13.201 PUBLIC NUISANCE DEFINED

The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances:

- (1) **COMMON LAW:** Any public nuisance known at common law or in equity jurisprudence.
- (2) **IN GENERAL:** Any 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.
- (3) **CODE VIOLATIONS:** Any place or premises within the Town where Town ordinances or state laws relating to the public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated.
- (4) **BLIGHTED PREMISES:** Any structure, building, improvement, or premises which is a menace to public health, safety, morals, or welfare in its present condition, or which endangers life or property by threat of fire or other hazard, due to any of the following reasons:
 - (a) Faulty design or construction,
 - (b) Failure to maintain the premises, or
 - (c) The accumulation thereon of junk, garbage, or rubbish.
- (5) **ATTRACTIVE NUISANCE:** Any artificial condition existing on land which presents an unreasonable risk of harm to children, who, because of their youth, may not discover the condition or realize the risk of intermeddling or coming within the area of danger, and the utility to the possessor of maintaining the condition and the burden of eliminating the danger are slight as compared to the risk to children. Attractive nuisances shall include, but are not limited to, the following:
 - (a) Vacant buildings or structures which possess unsecured doors or windows;
 - (b) Abandoned wells or shafts which are not securely sealed or covered;
 - (c) Basements and excavations which are unprotected or unfenced;
 - (d) Abandoned refrigerators or freezers which do not have the doors removed therefrom;
 - (e) Structurally unsound fences and structures;
 - (f) Abandoned, untitled, or unlicensed motor vehicles which possess unsecured doors, windows, or trunks.

SUBCHAPTER 2: PUBLIC NUISANCES

- (6) **PUBLIC HEALTH:** The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances, affecting public health, but such enumeration shall not be construed to exclude other health nuisances:
- (a) **Adulterated Food:** All decayed, harmfully adulterated, or unwholesome food or drink sold or offered to the public for human consumption.
 - (b) **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.
 - (c) **Breeding Places for Vermin, etc.:** Accumulation of decayed animal or vegetable matter, garbage, refuse, rubbish, rotting lumber, bedding, packing materials, scrap metal, or any materials whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.
 - (d) **Stagnant Water:** All stagnant water in which mosquitoes, flies, or other insects can breed.
 - (e) **Privy Vaults and Garbage Cans:** Privy vaults and garbage cans which are not fly-tight.
 - (f) **Noxious Weeds:** All noxious weeds.
 - (g) **Air Pollution:** The emission or escape into the open air of such quantities of smoke, ash, dust, soot, cinders, acid, or other fumes, dirt, noxious gases, or other material, in such place or manner that causes or is likely to cause injury, detriment, or nuisance to any appreciable number of persons within the Town.
 - (h) **Water Pollution:** The pollution of any public well or cistern, stream, lake, canal, or other body of water.
 - (i) **Noxious Odors, Etc.:** Any use of property, substances, or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odor, gas, effluvia, or stench extremely repulsive to ordinary persons, or which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the Town.
 - (j) **Road Pollution:** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any public highway or public place within the Town.
 - (k) **Animals at Large:** All animals running at large. An animal is considered to be "running at large" if it is off the premises of its owner and not under the control of the owner or some other person.
 - (l) **Accumulations of Waste:** Accumulations of garbage, refuse, rubbish, or recyclable waste, which exists for more than 10 consecutive days and which is not stored completely in an enclosed structure.
- (7) **PUBLIC PEACE AND SAFETY:** The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting peace and/or safety, but such enumeration shall not be construed to exclude other nuisances:
- (a) **Signs, Billboards, Lights, Etc.:** All signs, billboards, awnings, lights, and other similar structures which are over or near highways, and which because of color, location, brilliance, or manner of operation, unreasonably distract or blind the

SUBCHAPTER 2: PUBLIC NUISANCES

users of highways and thereby create an unreasonable danger to public safety.

- (b) **Unauthorized Traffic Signs:** 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 railroad sign or signal, or which because of their color, location, brilliance, or manner of operation, interfere with the effectiveness of any official device, sign, or signal.
 - (c) **Obstructions of Streets and Excavations:** All obstructions of highways, and all excavations in or under the same, except as permitted by this Code, or which, although made in accordance with this Code, 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 issued.
 - (d) **Flammable Liquids:** Repeated or continuous violations of this Code or State law relating to the storage of flammable liquids.
 - (e) **Open Cisterns, Wells, Basements, or Other Dangerous Excavations:** Any open cisterns, cesspools, wells, unused basements, excavations, swimming pools, or other dangerous openings, unless such places are filled, securely covered, or fenced in such manner as to prevent injury, provided any cover shall be of a design, size, and weight that the same cannot be removed by small children.
 - (f) **Abandoned Refrigerators:** 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.
 - (g) **Tree Limbs:** All limbs of trees which project over a public highway less than fourteen (14) feet above the surface thereof.
 - (h) **Dead Trees:** All dead or dying trees and tree limbs, which are so situated that the tree or limb could fall onto a public highway or public property, or onto property which is not owned the owner of the tree.. A tree or limb shall be presumed to be dead or dying if 50% or more of the tree or limb does not have leaves on it during the growing season.
 - (i) **Fireworks:** All use or display of fireworks, except as provided by the laws of the State of Wisconsin.
 - (j) **Wires Over Streets:** All wires over public highways or public grounds, which are strung less than sixteen (16) feet above the surface thereof.
 - (k) **Noisy Animals or Fowl:** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing, or other noise, shall greatly annoy or disturb a person of ordinary sensibilities within the Town.
 - (l) **Gang Graffiti:** The display of gang graffiti.
- (8) **PUBLIC 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 which may offend public morals and decency:
- (a) **Disorderly Houses:** All disorderly houses, bawdy houses, houses of ill fame, gambling houses, and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse, or gambling.

SUBCHAPTER 2: PUBLIC NUISANCES

- (b) **Gambling Devices:** All illegal gambling machines and gambling places as defined in Chapter 945 Wis. Stats.
 - (c) **Unlicensed Sale of Liquor or 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 required by this Code, or otherwise contrary to State law.
 - (d) **Illegal Drinking or Drugs:** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages, or for the purpose of consuming drugs or other illegal substances, in violation of State law.
- (9) **BUILDINGS, STRUCTURES AND PREMISES:** The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting buildings, structures, and premises but such enumeration shall not be construed to exclude other nuisances regarding buildings and structures:
- (a) **Illegal Buildings:** All buildings erected, repaired, or altered in violation of the provisions of this Code or state law.
 - (b) **Dilapidated Structures:** All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use or occupancy.
 - (c) **Rodents:** Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance to a structure which is not maintained to prevent the entrance and harborage of rats, mice, or other vermin.
 - (d) **Fences:** Every fence which is not kept in a reasonably good state of repair.
 - (e) **Motor Vehicles:** Abandoned, untitled, or unlicensed motor vehicles which are not stored in a completely enclosed structure.