

CHAPTER 9 - PUBLIC NUISANCES

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9.01 STATE STATUTES ADOPTED.

The provisions of Wis. Stat. Ch. 823 regulating public nuisances are adopted and made a part of this chapter by reference. A violation of such provisions shall constitute a violation of this chapter.

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 NUISANCE DEFINED.

- 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) Continuous Violation of Ordinances. Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

9.04 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of section 9.03;

- 1) Adulterated Food. All decayed, 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 animals or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, 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) Grass, Vegetation, and Noxious Weeds. (Am. Oct. 4, 2005) (Am. Aug. 2, 2011). All noxious weeds and other rank growth of vegetation. All weeds and grass greater than six (6) inches in height are declared to be a noxious weed, pursuant to Wis. Stat. § 66.0407(1)(b). All weeds and grass shall be kept cut to a height of six (6) inches or less. The Village of Ridgeway, Iowa County, Wisconsin may cause all brush, weeds and grass greater than six (6) inches in height to be cut

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and removed, pursuant to § 66.0407(1)(a). The special charges/forfeitures that may be levied for violations of this ordinance shall be a minimum of \$50.00 per man per hour for the first hour and an additional \$50.00 per each man hour thereafter. The cost of cutting or destroying noxious weeds and grass greater than six (6) inches in height shall be charged to the property under either Wis. Stat. § 66.0517 or § 66.0627.

- 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. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gasses, effluvial 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.
- 9) Street Pollution. 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.
- 10) Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village 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 Village.
- 11) Storage of junk, etc. The open storage of junk, refuse, litter, garbage, and scrap or waste matter.
- 12) Animal Defecation. All excreted animal feces which is not removed immediately and properly disposed of by burial or other suitable sanitary means by the person owning or having control of such animal.

9.05 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 within the definition of section 9.03:

- 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 Village.
- 4) Continuous Violation of Village Ordinances. Any place or premises within the Village where Village ordinances or State laws relating to public health, safety,

peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

9.06 NUDE AND NEARLY NUDE DANCING AND ACTIVITIES PROHIBITED.

(Cr. June 11, 1990).

- 1) It shall be unlawful for a person to dance or engage in other activities on the premises of any establishment open to the public and/or licensed to sell intoxicating beverages if the person dances or engages in other activities in such a manner or utilizing such attire as to expose to view the following portions of the human anatomy less than completely or opaquely covered:
 - a) Human genitals and pubic region; or
 - b) Cleave of the human buttocks; or
 - c) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola; this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
 - d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - e) Any simulation of such part of the human body as referred to herein.
- 2) The proprietor or owner of a business open to the public who knowingly permits the nude or nearly nude activity described in subsection (1) on such premises shall be subject to a penalty as set forth in section 9.10 of this chapter. Each performance, appearance or activity in violation of subsection (1) on such premises shall be a separate offense.
- 3) The proprietor or owner of a premises licensed to sell intoxicating beverages for consumption on the premises who knowingly permits the nude or nearly nude activity described in subsection (1) on such premises shall have his or her fermented malt beverage or intoxicating liquor license for said premises revoked for a period of not less than six months nor more than one year and shall be subject to a forfeiture as provided by law or as set forth section 9.10 of this chapter. Each performance, appearance or activity in violation of subsection (1) shall be a separate offense.
- 4) Any person who performs nude or nearly nude dancing or activities in violation of subsection (1) shall themselves be subject to a forfeiture as provided by law or as set forth in section 9.10 of this chapter.

9.07 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 definition of section 9.03:

- 1) Signs and Billboards. 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.
- 2) Illegal Buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- 3) 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.
- 4) Obstruction of Intersections. All tree, 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.
- 5) Tree Limbs. All limbs of trees which project over and less than 10 feet above any sidewalk, street or other public place.
- 6) Shrubs. All shrubs or plantings adjacent to sidewalks which encroach the sidewalk.
- 7) Dangerous Trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- 8) Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.
- 9) Dilapidated Buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- 10) Wires and Cables Over Streets. All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- 11) Noisy Animals or Fowl. 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.
- 12) Obstructions of Streets; Excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village 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, or do not conform to the permit.
- 13) Unlawful Assemblies. 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.
- 14) Flammable liquids. Repeated or continuous violations of ordinance or law relating to the storage of flammable liquids.

9.08 LOUD AND UNNECESSARY NOISE PROHIBITED.

(Cr. May 1, 2012) (Am. May 10, 2022).

- 1) General: No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, park, or any private residence.
- 2) Public Address Systems and Amplifiers: No person shall use or operate any PA System, amplifier, or device which increases the volume of voice, music, or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood.
- 3) Construction and Machinery Noise: Between the hours of 10:00 pm, and 7:00 am no person shall do construction work or operate any chain saw, lawn mower, or any other loud machinery of a similar nature, except for municipal, state, and/or county staff and/or vehicles operating at night when public welfare and convenience renders it impossible to perform such work during the day.
- 4) Penalties. Any persons violating any provisions of this ordinance, whether negligently or otherwise, shall be punished as outlined in Chapter 12.

9.09 STORAGE OF JUNK REGULATED.

(Cr. 1986).

(1) No person shall accumulate or store any junked motor vehicle, scrap iron, junked machinery, wrecked machinery, junked trailers, wrecked trailers, bottles, jugs, broken glass or scrap metal or anything pertaining to a junk yard including unlicensed wrecked or inoperative motor vehicles outside of any building or property located in the Village. Excluded from the above are wrecked or inoperable motor vehicles bearing valid, current license plates and wrecked or inoperative motor vehicles on the premises of a licensed automobile dealer.

(2) Clutter shall be determined by signed or verified complaint about materials being left lying around a house.

(3) If the police department finds any inoperable motor vehicle which does not bear a valid license plate placed or stored in the open upon public property within the Village, the department shall cause such vehicle to be removed to a junk or salvage yard and stored there for 10 days, at the end of which time the junk or salvage yard shall dispose of such vehicle, unless claimed by the owner thereof.

(4) If the department shall find any such vehicle placed or stored in the open upon private property, the department shall notify the owner of the property to remove such vehicle within 10 days. If such vehicle is not removed within such time, the department shall cause the vehicle to be removed and the cost charged to the property as a special tax.

(5) If the owner of any such vehicle shall claim the vehicle, the junk or salvage yard may charge a reasonable fee for towing and store.

9.10 ABANDONED VEHICLES.
(Cr. 1986).

(1) Vehicle Abandonment Prohibited. No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Village street or highway or on any public or private property within the Village without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(2) Removal and Impoundment of Abandoned Vehicles. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. (3), except that if the Chief of Police or his/her duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Village prior to expiration of the impoundment period upon determination by the Chief of Police or his/her duly authorized representative that the vehicle is not wanted for evidence or some other reason.

(3) Disposal of Abandoned Vehicles.

(a) Vehicle Value Exceeds \$100.00.

1. If the Officer in Charge or his/her duly authorized representative determines that the value of the abandoned vehicle exceeds \$100.00, he/she shall notify the owner and lien holders of record by certified mail that the vehicle has been deemed abandoned and impounded by the Village and may be reclaimed within 15 days upon payment of accrued towing, storage, and notice charges, and if not so reclaimed, shall be sold.

2. If an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions as provided above, it may be sold at private sale.

3. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid to the Village Treasury.

(b) Any abandoned vehicle which is determined by the Chief of Police or his/her duly authorized representative to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(4) Owner Responsible for Impoundments and Sale Costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the Village against the owner.

(5) Notice of Sale or Disposition. Within five (5) days after the sale or disposal of a vehicle as provided in sub. (3) (a) or (b), the Chief of Police or his/her authorized representative shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall also be given to the purchaser of the vehicle. A copy shall also be retained on file in the Village.

9.11 ABATEMENT OF PUBLIC NUISANCES.

- 1) Enforcement. The Officer in Charge and the Building Inspector shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic 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 officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied themselves that a nuisance does in fact exist.
- 2) Summary Abatement. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is a great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the proper officer to cause the same to be abated and charge the costs thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- 3) Abatement After Notice. If the inspecting officer shall determine that a public nuisance exists on the 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 serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within ten (10) days, the proper officer shall cause the nuisances to be removed as provided in sub. (2).
- 4) 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 of Wisconsin.
- 5) Court Order. Except when necessary under sub. (2), no officer hereunder 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.

9.12 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, and if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.

9.13 PENALTY.

Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in this code, under Chapter 12.

9.14 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following state statutes described as public nuisances are adopted by reference to define nuisances and offenses against the public health, peace and order of the Village provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under this municipal code.

- (1) Wis. Stat. § 823.01 Jurisdiction
- (2) Wis. Stat. § 823.02 Injunction
- (3) Wis. Stat. § 823.03 Judgment
- (4) Wis. Stat. § 823.04 Execution and Warrant
- (5) Wis. Stat. § 823.05 Warrant - Stayed
- (6) Wis. Stat. § 823.06 Expenses
- (7) Wis. Stat. § 823.065 Repeated Violations
- (8) Wis. Stat. § 823.07 Noxious Business
- (9) Wis. Stat. § 823.08 Agricultural Uses
- (10) Wis. Stat. § 823.20 Gambling Places
- (11) Wis. Stat. § 823.21 Dilapidated Buildings