

## Chapter 287

### NUISANCES

**[HISTORY: Adopted by the Village Board of the Village of Forestville 1-8-1990 by Ord. No. 1-90 as Ch. 10 of the 1990 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Animals — See Ch. 145.

Building construction and fire prevention — See Ch. 160.

Peace and good order — See Ch. 309.

Streets and sidewalks — See Ch. 354.

#### **§ 287-1. Public nuisances prohibited.**

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

#### **§ 287-2. Public nuisance defined.**

A "public nuisance" is a thing, act, occupation, condition or use of property which continues 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.

#### **§ 287-3. Public nuisances affecting health.**

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 287-2:

- A. Adulterated food. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Carcasses, unburied. 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. Insects or vermin, breeding places for. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap

metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed.

- D. Water, stagnant. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Privy vaults and garbage cans. Privy vaults and garbage cans which are not flytight.
- F. Weeds, noxious. All noxious weeds and other uncontrolled growth of vegetation.
- G. Pollution, water. 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.
- H. Odors, noxious. Any use of property, substances or things within the Village emitting or causing any foul, offensive, 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 Village.
- I. Pollution, street. Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- J. Pollution, air. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Village.
- K. Animals, loose. Any animals running at large in the Village.
- L. Abandoned wells. Any abandoned well not securely covered or secured from public use.
- M. Application, dispersal, irrigation, or land spreading of animal manures or agricultural wastes are prohibited. No person shall apply, disperse, irrigate, or land spread animal manures or agricultural wastes within the boundaries of the Village of Forestville. Any person who violates the prohibition contained in this ordinance creates a substantial threat to the public health and safety of the residents of the Village of Forestville, and accordingly, such activity shall constitute a public nuisance and will be subject o a penalty as listed in Ordinance section § 1-4. Violations and penalties.

**§ 287-4. Public nuisances offending morals and decency.**

The following acts, omissions, places, conditions and things are 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 § 287-2:

- A. 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.

- B. Gambling devices. All gambling devices and slot machines.
- C. 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.
- D. 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, and repeatedly violated.
- E. Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws.

**§ 287-5. Public nuisances affecting peace and safety.**

The following acts, omissions, places, conditions and things are 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 § 287-2:

- A. Dangerous signs, billboards, etc. All signs, 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 Village ordinances relating to materials and manner of construction of buildings and structures within the Village.
- 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 official traffic control devices, railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere 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 or pedestrian crosswalk.
- E. Low-hanging tree limbs. All limbs of trees which project over and less than 10 feet above any public sidewalk, street or other public place.
- F. Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks. All use or display of fireworks except as provided by state laws and Village ordinances.
- H. 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.

- I. Low-hanging wires and cables. All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- J. 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, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Village.
- K. Obstructions of streets; excavations. All obstructions of streets, alleys, sidewalks or crosswalks, and all excavations in or under the same, except as permitted by this Code but including those which, although made in accordance with such 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.
- L. Unlawful assemblies. Any unauthorized or prohibited 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.
- M. Blighted buildings and premises.
  - (1) Premises existing within the Village which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Village.
  - (2) Blighted premises contribute to conditions that are dangerous to the public health, safety, morals and general welfare of the people; the conditions necessitate excessive and disproportionate expenditure of public funds for public health and safety, crime prevention, fire protection and other public services; such conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.
  - (3) Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and shall be fostered and encouraged by this section. It is essential to the public interest that this section be liberally construed to accomplish such purposes.
- N. Ice on sidewalks. All ice not removed from public sidewalks within 24 hours after it has ceased to fall thereon.

**§ 287-6. Nondomestic animals prohibited.** <sup>1</sup>

Nondomestic animals are prohibited in the Village (horses, calves, chickens, etc.), except as provided by conditional use permit.

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<sup>1</sup>. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 287-7. Junk and junked vehicles; recreational equipment; firewood.**

A. Public nuisances declared. The following are hereby declared to be public nuisances wherever they may be found within the Village:

- (1) Any motor vehicle, truck body, tractor or trailer as enumerated in Subsections C and D below and defined in Subsection B below.
- (2) Any junk stored contrary to Subsection E below.
- (3) Any recreational equipment stored contrary to Subsection D below.<sup>2</sup>
- (4) Any firewood used or stored contrary to Subsection F below.

B. Definitions. The following words, phrases and terms used in this section shall be interpreted as follows:

**DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS, TRAILERS** — Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

**JUNK** — Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or Village property values, health, safety or general welfare.

**MOTOR VEHICLE** — As defined in § 340.01(35), Wis. Stats.

**UNLICENSED MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS** — Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

C. Storage of inoperable vehicles, etc.

- (1) Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property within the Village for a period exceeding 72 hours.
- (2) Exceptions. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three disassembled or wrecked vehicles in the open for a period not to exceed 30 days, after which such vehicles shall be removed.

D. Storage of unlicensed vehicles, etc.

- (1) Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property within the Village for a period exceeding 72 hours.

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<sup>2</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Exceptions.
  - (a) Any business engaged in the sale, repair or storage of such unlicensed vehicles in a properly zoned district.
  - (b) Garden tractors and mowers may be stored in the rear yard not less than three feet from the property line.
- E. Storage of junk prohibited. No person shall accumulate, store or allow any junk outside of any building on any public or private real estate located within the Village, unless properly screened.
- F. Storage of firewood. No person shall store firewood on any residential premises, except for use on the premises. No firewood pile may be located within the front setback or within three feet of any side or rear property line.

**§ 287-8. Abatement of public nuisances.**

- A. Inspection of premises.
  - (1) Whenever a complaint is made to the Village President that a public nuisance exists within the Village, he shall promptly notify the Building Inspector, who shall immediately inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Village President. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file same in the office of the Village Clerk.
  - (2) If the inspecting officer shall be refused entry or if the building is unoccupied, the inspecting officer may make application to the judge of any court of general jurisdiction in the county, stating the facts in the case, and such court shall thereupon issue a special inspection warrant directed to an appropriate law enforcement official commanding him to take sufficient aid and to be accompanied by the inspecting officer in making the inspection specified in Subsection A(1) above.
  - (3) A special inspection warrant shall not be required when, in the opinion of the inspecting officer, an emergency situation exists because of great and immediate danger to the public health, safety, peace, morals or decency.
- B. Summary abatement.
  - (1) Notice to owner. If the inspecting officer determines that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Building Inspector 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 such 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 Village 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.

- (2) Abatement after notice. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Building Inspector shall cause the abatement or removal of such public nuisance.
- C. 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 Village President who shall cause an action to abate such nuisance to be commenced in the name of the Village in any court of general jurisdiction in the county in accordance with the provisions of Ch. 823, Wis. Stats.
- 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.
- E. Court order. Except when necessary under Subsection B, an officer hereunder shall not 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.

**§ 287-9. 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 cost shall be assessed against the real estate as a special charge.

**§ 287-10. Violations and penalties.**

Except as otherwise provided, any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance, shall be subject to a penalty as provided in § 1-4 of this Code.