

CHAPTER 10

PUBLIC NUISANCE

10.01 PUBLIC NUISANCES PROHIBITED

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

10.02 DEFINITIONS

1. 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. Such public nuisances to include public nuisances affecting health, public nuisances offending morals and decency; and, public nuisances affecting peace and security.

10.03 PUBLIC NUISANCES AFFECTING HEALTH

1. 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 definitions of 10.02:
 - 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 animal feces, 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 Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensitiveness or to threaten or cause substantial injury to property in the Village.
- 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 Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia 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.
- k. 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.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY

- 1. 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 definitions of 10.02:
 - 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 and 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 Village.
- d. 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.
- e. Any place or premises within the Village where there is drinking of intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

- 1. 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 definitions of 10.02:
 - 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 public safety.
 - b. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village, relating to the 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 other public place unless specifically authorized by the Village Board.
 - f. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.

- 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 18 feet above the surface thereof.
- i. All loud, discordant and unnecessary noises or vibrations of any kind.
- j. All obstructions of streets, alley, 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 length of time after the purpose thereof has been accomplished.
- k. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- l. All abandoned refrigerators, ice boxes or other containers which have airtight doors from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- m. Any unauthorized or unlawful use of property abutting on a public street, alley, 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.
- n. Repeated or continuous violations of the ordinances of the Village or laws of the State of Wisconsin relating to the storage of flammable liquids.

10.06 ABATEMENT OF PUBLIC NUISANCES

1. Whenever any person files a written complaint with the Village Clerk setting forth that a public nuisance exists as defined above, then the Village President shall promptly notify the Village Board, who shall forthwith inspect or cause to be inspected the premises complained of and shall make written report of their findings to the Village President. Whenever practicable, the inspecting group shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk. The inspection provided for herein may be delegated by the Village Board to a single appointed official. This provision may be instituted by a law enforcement officer or Village Official.
2. If the Village Board shall determine that a public nuisance exists within the Village of Stockbridge and there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Village Clerk 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

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.

3. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Village Officer designated by the Village Board, shall cause the abatement or removal of such public nuisance.
4. If the Village Board 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, they shall file a written report of their findings with the Village President who shall cause an action to abate such nuisance to be commenced in the name of the Village of Stockbridge in the Circuit Court of Calumet County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes.
5. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Village of Stockbridge or its officials in accordance with the laws of the State of Wisconsin.

10.07 COST OF ABATEMENT

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 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.

10.08 NOXIOUS DISCHARGES

No person, firm or corporation shall discharge untreated domestic sewerage or effluents or pumpage from any septic tank, dry well or cesspool into any highway or into any surface water or drainage ditch as defined in Section 146.13 of the Wisconsin Statutes and which Section is by reference made a part of this Ordinance. Any person or entity desiring to discharge effluents on to property within the Village shall apply to the Village Clerk for a permit to make such discharge. The party requesting the permit must provide the type of effluent and discharge with its chemical composition or makeup together with the date and time the discharge will be made and the exact location of the discharge. The Village Clerk may then issue the permit consistent with directives provided by the Village Board.

10.09 LITTERING PROHIBITED

1. No person shall throw any glass, cans, rubbish, waste or filth (hereinafter referred to as "Waste") upon the streets, alleys, sidewalks, public parks or other public Village property (hereinafter referred to as "Public Property") or upon any private property not owned by said person or upon the surface of any body of water within the Village.
2. No person shall cause grass, leaves or any form of yard waste (hereinafter referred to as "Yard Waste" to enter upon Public Property, or upon the surface of any body of water within the Village. Should grass clippings be discharged upon the sidewalk or street, immediate provisions should be made for the removal of such. Common courtesy would dictate that yard waste shall not be deposited upon private property not owned by said person.
3. No person shall operate, park or store a motor vehicle so as to cause mud, dirt, stones, or vehicle fluids or lubricants (hereinafter referred to as "Debris") to become deposited upon Public Property or upon any private property not owned by said person or upon the surface of any body of water within the Village.
4. In addition to the penalty provided under Section 10.10 of this Ordinance, any person violating paragraphs 1., 2. or 3. shall be responsible to clean or remove the Waste, Yard Waste or Debris from Public Property or upon any private property not owned by said person or upon the surface of any body of water within the Village. If such person fails to do so, the Village shall cause such cleaning or removal to be done and the cost thereof shall be charged to such person.

10.10 PENALTY

Any person, firm or corporation who fails to comply with any provisions of this ordinance shall, upon conviction thereof forfeit not less than \$10.00 nor more than \$100.00 together with the costs of prosecution for each violation and in default of payment thereof, shall be imprisoned in the County Jail of Calumet County, Wisconsin, until payment of such forfeiture and costs, but not exceeding thirty (30) days. A separate offense shall be determined committed on each day on which a violation of any provision of this ordinance occurs or continues.