

CHAPTER 1
PUBLIC NUISANCES

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3-1-1: **PURPOSE OF ORDINANCE:** The Public Nuisances Ordinance will maintain an orderly, healthy, annoyance free, morally decent atmosphere for the citizens of the Town of Lake Mills to reside in and allow the Town and its citizens to address both public and private nuisances.

3-1-2: **AUTHORITY:** The authority for this ordinance is in conjunction with Chapter 823 and other sections of the Wisconsin Statutes as applicable.

3-1-3: **PUBLIC NUISANCES PROHIBITED:** No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Lake Mills.

3-1-4: **DEFINITIONS:**

(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 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) **Public Nuisances Affecting 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 subheading (1) of this section:

- (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 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.
 - I) Mowing required: Every person shall destroy all noxious weeds or other public nuisance growth on all lands which the person shall own, occupy, or control. Any person having immediate charge of any public lands shall destroy all noxious weeds or public nuisance growth on such lands. This shall include but is not limited to any land owned by the Town existing between a sidewalk and the street or curb. Any person owning, occupying or controlling such lands shall not permit any plant to grow or pollinate upon this area including weeds and/or grasses which cause or produce hay fever in human beings, give off unpleasant or noxious odors or are otherwise a public nuisance. In order to prevent such growth and pollinations it shall be the duty of every land owner to mow or cause to be mowed upon this land area all grasses or weeds exceeding one foot (1') in height
 - ii) Mowing by the Town: Pursuant to Wisconsin Statute Section 66.0407 as amended and adopted by reference herein: It shall be the duty of the Town Chairperson by themselves or by appointment to enforce this Section and if any person shall fail to comply herewith, the Chairperson shall, after five (5) days written notice to the land owner, cause the land area to be mowed and report the cost thereof as provided for in Wisconsin State Statute Section 66.0407 as amended and adopted by reference herein. The Town may then collect said "costs" by utilizing the same procedures as provided for in Section 66.0407 or by using any other legal means to collect said "costs".
- (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 Town limits or within one mile there from 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. Outdoor Wood burning heaters allowed pursuant to Ordinance 3 -10 (Outdoor and Refuse Burning Ordinance) are exempt.

(I) The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, creamery, industrial wastes, or other substances.

(j) Any use of property, substances, or things within the Town of Lake Mills emitting or causing any foul, offensive, noise, 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.

(k) All abandoned wells must be securely covered or secured under the Department of Natural Resources regulations.

(l) 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 Town.

(3) 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 coming within the definition of subheading (1) of this section:

(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, or 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 issued by the town pursuant to Town of Lake Mills ordinance 2-1 "Alcohol Beverages".

(d) Any place or premises within the Town of Lake Mills where Town 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 resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

(4) 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 provisions of subheading (1) of this section:

(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 the public safety.

(b) All buildings erected, repaired, or altered within the Town of Lake Mills in violation of the provisions of Town ordinance 5-9 “Building Codes”, relating to materials and manner of construction of buildings and structures within said Town.

(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 signal, or which because of its color, location, brilliance, or manner of operation interferes with the effectiveness of any such device, signal, or sign.

(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 less than 10 feet above any other public place. Any dead or decaying trees that pose a threat of falling on a public right-of-way shall be removed.

(f) All use or display of fireworks except as permitted pursuant to Town Ordinance 3-13 “Fireworks Prohibition”

(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 15 feet above the surface thereof.

(i) All loud, discordant, and unnecessary noises or vibrations of any kind except sounds made from the following are exempt:

- 1) Motor vehicles on traffic ways within the Town of Lake Mills
- 2) Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
- 3) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger.
- 4) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- 5) Repairs or excavations of bridges, streets or highways by or on behalf of the Town, County, the State, or the federal government between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.
- 6) Outdoor School and Playground Activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
- 7) Other Outdoor Events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.
- 8) Agricultural Activity. The operation of farm equipment and machinery for agricultural purposes and other agricultural practices as permitted in Jefferson County and State regulations.

(j) 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 Town.

(k) The placing or depositing of obstructions, including yard waste, placed in or on streets, alleys, parks, public right-of-way, sidewalks, or

crosswalks, and excavations including public ditches, except as permitted by the ordinances of the Town 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.

(l) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley, or sidewalk.

(m) 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.

(n) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

(o) Failure to remove snow and ice in a timely manner. When removing snow or ice from a driveway or sidewalk, placement of the snow or ice must not cover any portion of the roadways. The owner, occupant or person in charge of each lot or parcel or part of each lot or parcel which contain sidewalks for public use as soon as possible and within twenty-four hours (24) after cessation of any storm depositing snow or ice, shall remove such snow or ice from those sidewalks. When ice has formed upon these sidewalks that cannot be removed, the person herein referred to shall keep the same sufficiently covered with ashes, sawdust, or salt or some combination to allow for the safe passage of pedestrian traffic. Upon default of the person whose duty it shall be to clean or cover the same, the Town Chairperson or their appointee shall have it done and report such cost to the Town Clerk who shall bill the owner. If this bill is not paid within thirty (30) days, the Town Clerk shall cause the delinquent charges to be placed on the next tax roll pursuant to Section 66.60 (16), Wisconsin Statutes.

(p) Any excessive or intense outdoor Lighting and Building Lighting: All luminaries designed or intended for purpose of lighting any lot or building on the premises shall limit, to the greatest extent possible, spill over of light into the sky, traffic corridor, adjacent properties, or adjacent premises. Any mounted lighting shall be appropriately shielded or be directed as to prevent glare.

(q) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

(r) Any and all abandoned Equipment: Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, etc..

3-1-5: ABATEMENT OF PUBLIC NUISANCES:

(1) Inspection of Premises. Whenever complaint is made to the Town Chairman that a public nuisance exists within the Town of Lake Mills, he shall promptly notify the police who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Town Chairman. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

(2) Summary Abatement.

(a) Notice to Owner. If the inspecting officer shall determine 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 Chairman may direct the Town Police to serve notice on the person causing, permitting, or maintaining such nuisance or upon the owner or occupant of the premises which 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, or maintaining such nuisance or the owner occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town 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.

(b) Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, Town Police shall cause the abatement or removal of such public nuisance.

(3) 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 Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Jefferson County in accordance with the provisions of Chapter 823 Wisconsin Statutes.

(4) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Lake Mills or its officials in accordance with the laws of the State of Wisconsin.

3-1-6: 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 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.

3-1-7: PENALTY:

(1) First Offense/Penalty. Any person who shall violate this subsection, shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50) nor more than One Hundred Dollars (\$100) together with the court cost and may be imprisoned in the County Jail until said forfeiture and costs are paid but not exceeding ninety (90) days.

(2) Second Offense/Penalty. Any person guilty of violating this subsection or any part of this subsection who shall previously have been convicted of violation of the same ordinance or subsection upon conviction thereof forfeit not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200) for each such offense, together with the court costs and in default of payment of such forfeiture and costs may be imprisoned in the County Jail until said forfeiture and court costs are paid but not to exceed six (6) months.

3-1-8: SEVERABILITY: if any provision of this ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid, such invalidity shall not affect the other provisions contained herein or the application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.

3-1-9: ADOPTION: This ordinance shall be in full force and effect from its date of adoption and publication as provided by law.

Adopted this 11th day of August , 2009

James Heinz, Chairperson

David Schroeder, Supervisor I

Thomas Berns, Supervisor II

Attest: _____
Robin Untz, Town Clerk