

CHAPTER 10

PUBLIC NUISANCES

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10.01 PUBLIC NUISANCE DEFINED. (1) A public nuisance is a thing, condition, practice or act, whether by intent or neglect, that may be the cause or source of filth, harm, sickness, injury, annoyance, offense to or the invasion or disturbance of the rights of other persons or a community.

- (2) The following things, acts, conditions and practices are hereby specifically declared to be public nuisances in the Village, but such enumeration shall not be construed to exclude other public nuisances coming within the definition of sub. (1)
- (a) Carcasses of animals, birds or fish not intended for human consumption which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (b) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which insects, rats or other vermin may breed.
 - (c) Exposed garbage and garbage cans which are not flytight.
 - (d) The escape of smoke, soot, cinders, fly ash, fumes, noxious acids, vapors, dust or other atmospheric pollutants within one mile therefrom in such quantities as to annoy or endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.
 - (e) The pollution of any public well or cistern, stream, lake, canal or other body of water by sewerage or other dangerous or obnoxious substances.
 - (f) 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 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.
 - (g) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, surface waters, wells or public place within the Village.

- (h) 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.
- (i) All gambling devices and slot machines.
- (j) 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.
- (k) 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 or ordinances of the Village.
- (l) All signs and billboards, lighting, 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.
- (m) 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 for an official traffic control device or which because of color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.
- (n) All trees, hedges, signs 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.
- (o) All limbs of trees which project over and less than 14' above the surface of a public sidewalk or street or less than 10' above any other public place.
- (p) All use or display of fireworks, except as provided by the laws of the State and ordinances of the Village.
- (q) All buildings or structures so old dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (r) All wires over streets, alleys or public grounds which are strung less than 15' above the surface thereof.

- (s) All loud, discordant and unnecessary noises or vibrations of any kind, particularly at night.
- (t) 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.
- (u) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (v) All abandoned refrigerators or ice boxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (w) 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 and sidewalks.
- (x) All snow and ice not removed from walks or not sprinkled with ashes, sawdust or sand.
- (y) Any dog which by frequent and habitual howling, yelping or barking shall cause serious annoyance or disturbance to any person or persons or to the neighborhood.
- (z) Any dog, licensed or unlicensed, found running at large off the premises of its owner shall be considered a public nuisance and shall be impounded by any peace officer or other person designated for such duty by the Village Board. The repossession of any dog so impounded or seized may be obtained by paying the dog catcher forfeitures as set by the Village Board. After such dog has been so impounded for a period of 7 days, it shall be destroyed under the direction of the dogcatcher. Notice of the impounding shall be given by the person or officer in possession of the dog within 24 hours of impounding to the owner of the dog, if known.
- (aa) Any parking of detached trailers on Village streets or any vehicle parked for more than 48 hours on Village streets.

10.02 PUBLIC NUISANCES PROHIBITED. Any public nuisance identifiable under the definition in 10.01 (1), without limitation because of enumeration in 10.01 (2), is hereby prohibited and is subject to abatement.

10.03 ABATEMENT OF PUBLIC NUISANCES. (1) INSPECTION OF PREMISES. Whenever complaint is made to the Village Board that a public nuisance exists within the Village, the President shall promptly notify the County Health Officer, Planning Committee, Fire Chief or other appropriate officer 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 Board. Whenever applicable, the inspecting officer shall cause photographs to be made of the premises and shall attach them to the report.

(2) **SUMMARY ABATEMENT. (a) NOTICE TO OWNER.** If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, comfort, safety, peace, morals and decency, the Village President may direct the Sheriff 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 or as soon thereafter as the Village President may determine is reasonable and possible in view of the existing circumstances 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.

(b) **ABATEMENT BY VILLAGE.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the County Health Officer, in case of health nuisances, or the Sheriff in other cases, shall cause the abatement or removal of such public nuisance.

(c) **ABATEMENT BY COURT ACTION.** If the person causing, permitting or maintaining the nuisance refuses to comply with the order issued under this subsection or contends that the condition in question does not constitute a public nuisance, the Village President shall cause an action to abate such nuisance to be commenced in the Door County Court.

(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.

10.04 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.

10.10 VIOLATIONS AND PENALTIES.

Except as otherwise provided, any person who violates any provision of this chapter or any order, rule or regulation promulgated hereunder shall be subject to a penalty as provided in **25.04 of this Code of Ordinances.** A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or after the date set for the completion of the abatement in accordance with 10.03. Such violator shall also be held responsible for the cost of damage to property or injury to person.