

## CHAPTER 5

### PUBLIC NUISANCES

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5.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance, *as defined in Section 5.02 hereof*, within the Town of Chase.

5.02 DEFINITIONS. For purposes of this Chapter the following definitions shall apply:

- (1) “Public Nuisances” shall mean a thing, act, occupation, condition or use of property which shall continue for such length of times 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 or 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
- (2) “Public Nuisances Affecting Health”. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of Subsection (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 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 in which flies, mosquitoes, disease carrying insects, rats, or other vermin breed.
  - (d) All stagnant water in which mosquitoes, flies or other insects can multiply.
  - (e) 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 or industrial dust within the Town in such quantities as to endanger the health

of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

- (j) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, refuse, garbage or other substances.
  - (k) Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors or stench extremely repulsive to the physical senses or ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
  - (l) All abandoned wells not securely covered or secured from public use.
  - (m) Any obstruction in or across any watercourse, drainage ditch or swale.
  - (n) The deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by ordinance.
- (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 Subsection (a) of this Section.
- (a) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and building or structures kept or restored to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
  - (b) All gambling devices and slot machines.
  - (c) All places where intoxicating liquor or fermented malt beverages are sold, brewed, bottled, manufactured or rectified without a permit or license as provided by the Town.
  - (d) Any place or premises 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 the 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 Subsection (a) of this Section.
- (a) All ice not removed from the public sidewalks and all snow not removed from public sidewalks within 24 hours after it has ceased to fall thereon.
  - (b) 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.
  - (c) All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town relating to

materials and manner or construction of buildings and structures within said district.

- (d) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of the public highway or railway crossing.
- (e) 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.
- (f) All limbs of trees which project over a public sidewalk, less than eight (8) feet above the surface thereof or less than ten (10) feet over the surface of a public street.
- (g) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- (h) All buildings or structures so old, dilapidated or out of repair so as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (i) All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground.
- (j) All loud, discordant and unnecessary noises or vibrations of any kind tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and the continuing of the same cannot be prevented and is necessary for the protection and preservation of the health, safety, life or limb of some person.
  - 1. No person occupying or having charge of any building or premises shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical sound making or reproducing device or machine which load, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.
  - 2. No person shall use or operate in any public street or place or in front of or outside of any building, place or premise or in or through any window, doorway or opening of any building adjacent to any public street or place any device, apparatus or instrument for the amplification of the human voice or sound or noise or other sound making or sound reproducing device. No person shall make for the purpose of advertising any immoderate or excessive use of the voice of any bell, gong, horn, instrument, article or device.
  - 3. No person operating or having charge of or occupying any building or premises shall keep or allow to be kept any animal or bird which shall habitually, by any noise, disturb the peace and quiet of any person in the vicinity thereof.
  - 4. No person shall park or leave standing for more than fifteen (15) minutes in any street in the Town a vehicle containing livestock, fowl or other living animals.

5. Nothing in this section shall apply to the use of loud speaking or amplifying systems as follows:
  - a. By a school when used in connection with an educational, athletic, entertaining or recreational purpose.
  - b. By a church when used in connection with an educational, religious or recreational activity.
  - c. Within a public park of the Town subject to the rules and regulations of the Park Board.
  - d. The using of loud speaking or amplifying systems after registering with the Town as follows:
    1. An amplifying system may be used on the public streets of the Town between the hours of 9:00 a.m. and 9:00 p.m., provided such use does not interfere or annoy any religious, educational or recreational gathering and is not audible to the human ear for the distance of more than 300 feet. The use shall at all times be under the jurisdiction of the Town who are hereby given the authority to restrain the use if, in their opinion, the same is a public nuisance or a public annoyance.
    2. An amplifying system may be used in front of or outside a building between the hours of 9:00 a.m. and 9:00 p.m. provided that the same is not audible to the human ear at a distance of 100 feet. If the use becomes a public nuisance to disturb the peace and quiet of any persons, the use shall be discontinued.
- (k) 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
- (l) The obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town 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.
- (m) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (n) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which cannot be opened by pushing from the inside by a small child.
- (o) 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.

- (p) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.
  - (q) Any structure, material or condition which constitutes a fire hazard or will impair extinguishing of any fire.
  - (r) Any and all excavations, including basements, which have been abandoned or for which a building permit has become null and void, or which permit has been revoked by the Zoning Administrator.
  - (s). Any nuisance so defined by the Wisconsin Statutes.
- (5) “Dense Smoke”. The emission of dense smoke from the smokestack of any engine or from the smokestack or chimney of any building within the Town is hereby declared to be a public nuisance and is prohibited
- (a) Stationary Engine – The owner, lessee or occupant of any building, or the fireman, engineer or any other person having charge or control of any furnace or stationary engine, who shall cause, permit or allow dense smoke to issue or to be emitted from the smokestack or chimney connected with any such furnace or stationary engine within the Town, shall be guilty of creating a public nuisance and of violating the provisions of this section.
  - (b) All Soot Prohibited – The emission of soot, cinders or coal dust from any chimney, stock, furnace or from any building within the Town, is hereby declared to be a public nuisance and is prohibited.
- (6) “Storage of Junk”. No person shall store junk or discarded property including old, unused junk and automobiles not in good, safe operating condition, and any other vehicles or personal property of any kind or automobile parts, trucks, tractors, machinery, machinery implements or machinery parts, refrigerators, furnaces, washing machines, stoves, wood, bricks, cement blocks or other unsightly debris which is no longer safely usable for the purpose for which it was manufactured, and/or which substantially depreciates property values in the neighborhood, except in an enclosure which houses such property from public view, or upon permit issued by the Town. A violation of this section is declared a public nuisance.

5.03 ABATEMENT OF PUBLIC NUISANCES.

- (1) “Inspection of Premises”. Whenever a complaint is made to the Town Board that a public nuisance exists, they shall designate an elected or appointed public officer who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the Town Board. 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”. If the inspecting officer shall determine that a public nuisance exists on private property, and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman or other person designed by the Town Board may serve notice on the owner; or if the owner cannot be found, on the occupant or person causing, permitting or maintained such nuisances, and post a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance 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 same.

- (3). “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, the Town Board shall cause the abatement or removal of such nuisance.
- (4) “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 Board who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court for Oconto County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes.
- (4) “Cost of Abatement”. In addition to any other penalty imposed by this Code 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 special taxes.

5.04 PENALTIES. *The owner, occupant or person causing, permitting or maintaining a public nuisance within the Town shall be subject to the following penalties, in addition to any and all other sanctions made and provided under this Code for such nuisance:*

- (1) “Forfeiture and Costs”. The penalty for violation of any provision of this Ordinance shall be a forfeiture of not less than \$5.00 nor more than \$500.00, together with the actual costs of prosecution, including attorney fees. Each day of continuing violation shall constitute a separate offense.
- (2) “Injunctive Relief”. *In addition to the foregoing the Town shall be entitled to pursue injunctive relief to secure the abatement of any public nuisance within the Town.*