

CHAPTER 10

PUBLIC NUISANCES

(CHAPTER AMENDED 11/06/2002, 4/5/05, 2/16/12)

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PUBLIC NUISANCES 10.01

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

10.02 **PUBLIC NUISANCES DEFINED.** A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(2) In any way render the public insecure in life or in the use of property;

(3) Greatly offend the public morals or decency;

(4) 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.

10.03 **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 subsection 10.02:

(1) **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) **UNBURIED CARCASSES.** 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.

(3) **BREEDING PLACES FOR INSECTS OR VERMIN.** 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.

(4) **STAGNANT WATER.** All stagnant water in which mosquitoes, flies or other insects can multiply.

(5) **PRIVY VAULTS AND GARBAGE CANS.** Privy vaults and garbage cans which are not fly-tight.

(6) **NOXIOUS WEEDS/FILL/TOPSOIL/GROUND PILES.** (Am. 2-16-12)

(a) In addition to those noxious weeds listed in Wisconsin Statutes 66.0407, any grasses, lawns or weeds of any kind over 8" in height (residential zoned parcels) and over 12" in height (business or industrial zoned parcels) are declared to be noxious weeds, unless no portion of the parcel on which they are located lies within 200' of any other owner's dwelling unit or commercial building. In the case of property adjacent to the street right-of-way, any grasses, lawns or weeds of any kind over eight inches in height are declared to be noxious weeds if they are located in either of the following areas:

1. In areas where there is no sidewalk, within 10' from the curb or other termination of the edge of the roadway; or.

2. In areas with sidewalk, between the sidewalk and the curb and within 10' from the inside portion of the sidewalk.

(b) Topsoil, fill, ground piles or the like on lots for future development shall be removed or leveled within twelve months of its placement. Any existing lots with topsoil, fill, ground piles or the like at the time of ordinance adoption, shall have a period of twelve months to remove or level the like from the date of adoption.

(c) Cost of abatement. In the event the Department of Public Works removes or levels noxious weeds, topsoil, fill or ground piles which have not been corrected by the property owner, the owner shall be assessed a minimum charge of \$50.00 or more as to be determined by the Director of Public Works. A second time during a twelve-month period shall be assessed at double the rate. Any unpaid charges shall be assessed against the property as a special tax pursuant to Wisconsin Statutes.

(7) WATER POLLUTION. 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.

(8) NOXIOUS ODORS, ETC. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome 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.

(9) STREET POLLUTION. 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.

(10) AIR POLLUTION. 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.

(11) TOBACCO AND VAPOR PRODUCT USE REGULATION IN MUNICIPAL BUILDINGS. (Created 4-5-05). (Am 5/13/19).

(a) Definition. Definition of a tobacco or vapor product is as referred in Code Chapter 9, Public Peace and Good Order, Subsection 9.20(e) 1. Tobacco Product and 2. Vapor Product.

(b) Regulation. No person shall burn or hold, inhale or exhale smoke, chew or suck or otherwise consume a tobacco or vapor product in any municipally owned building within the Village of Valders limits.

(c) Signage.

1. Signs prohibiting smoking shall be posted conspicuously in a prominent location in all municipal buildings.

2. It shall be unlawful for any person, not so authorized, to remove, deface, or destroy any "No Smoking" sign located in said buildings.

10.04 **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 with the definition of subsection 10.02.:

(1) **CONDUCT PROHIBITED.** It shall be unlawful for any person to engage in or permit any person, employee, entertainer, or patron to engage in, any of the following conduct at any business establishment within the Village limits:

1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

2. The actual or simulated touching, caressing, or fondling of the breast, buttocks, anus, vulva or genitals.

3. The actual or simulated displaying of the areola of the breast, pubic hair, anus, vulva or genitals.

4. The wearing, displaying or use of any device or covering exposed to view, which simulates the breast, pubic hair, anus, vulva or genitals.

5. The use of artificial devices or inanimate objects to depict any of the acts prohibited in this subsection.

6. The showing of films, videos, slide or still pictures depicting any of the acts prohibited in this section.

(2) **GAMBLING DEVICES.** All gambling devices and slot machines.

(3) **UNLICENCED 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.

(4) **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, repeatedly and intentionally violated.

(5) **ILLEGAL DRINKING.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.

10.05 **PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.** The following 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 §10.02:

PUBLIC NUISANCES 10.05

(1) 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. At no time shall any signs be allowed on any traffic or street light post or any other poles maintained by the Village or any other utility.

(2) 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.

(3) 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 or 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.

(4) OBSTRUCTIONS 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.

(5) LOW HANGING TREE LIMBS. All limbs of trees which project over and less than 7' above any public sidewalk, street or other public place.

(6) DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(7) FIREWORKS. All use or display of fireworks, except as provided by State laws and Village ordinances.

(8) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

(9) LOW HANGING WIRES AND CABLES. All wires and cables over streets, alleys or public grounds which are strung less than 15' above the surface thereof.

(10) ANIMALS OR FOWL.

(a) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises, shall constitutes of violation of ordinance §12.04 (8)(d).

(b) No person owning or in control of any animal, shall allow or permit such animal to defecate on any private or public property owned by another, unless such person shall immediately remove all feces so deposited by such animal.

(11) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks an all excavations in or under the same, except as permitted by the ordinances of the Village, but including those 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 or which do not conform to the permit.

(12) **UNLAWFUL ASSEMBLIES.** Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or on a public street, alley or sidewalk which causes people to gather, obstructing traffic and free use of any public way.

10.06 **PROPER DISTRIBUTION OF MATERIALS.** (Created 4-5-05) Whoever shall distribute throughout the Village of Valders, any flyers, publications or periodicals, shall do so in such a manner as not to cause a Public Nuisance. All distribution of these materials shall be distributed, in such a fashion, as to be placed on the building as a door knocker, between doors or in an acceptable paper receptacle. At no times will placing materials on sidewalks, lawns or front yards be allowed. All materials must not be allowed to be affected by weather or placed in such a fashion as to become loose or unbundled. Proper placement of all distributed materials will be the responsibility of the originator of the materials and not the distributor, whether subcontracted or any other means of material distribution.

10.07 **PUBLIC NUISANCES RELATING TO STORAGE OF JUNK & VEHICLES.**
(Am 2-16-12)

(1) **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this section:

Person shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.

Vehicle shall mean a machine propelled by power other than human power designated to travel along the ground, air or water by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motor home, motorcycle, tractor, wagon, boat and aircraft.

(2) **STORAGE AND DUMPING OF WASTE, JUNK, DEBRIS AND GARBAGE.** The term junk shall include any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processes, salvaged, stored, baled, disposed, or other use or disposition. Junk shall include all types of junk, including unregistered or inoperable vehicles, tires, vehicle parts, equipment, paper, furniture, rags, metal, glass, building materials, household appliances, machinery, brush, wood and lumber. Owners and occupants shall take measure to prevent litter and/or debris from being carried by the elements to adjoining premises.

(3) **JUNKED VEHICLES.** No person shall keep any partially dismantled, unregistered, inoperable, wrecked or otherwise junked vehicle on any privately owned premises in the Village for a period of time in excess of 72 hours or any publicly owned premises within the Village, including any street, highway or parking lot, for a period of time in excess of 24 hours. Any such vehicle shall constitute a public nuisance and subject the owner or keeper thereof to forfeiture.

(4) **ABANDONED VEHICLES.** No person shall leave unattended any vehicle, for a period exceeding two months in a 12-month period, on any private or public property, including any street or highway, for such time, and under such circumstances, as to cause the vehicle to reasonably appear to be abandoned. Whenever any vehicle has been left unattended without the permission of the property owner for more than 72 hours on private property or more than 72 hours on any public property, including any street, highway, or parking lot the vehicle is deemed abandoned and constitutes a public nuisance.

A vehicle shall not be considered an abandoned vehicle when it is out of ordinary public view. Violation of this subsection shall subject the owner or keeper of such vehicle to forfeiture, and may be towed/removed at the owner's expense.

(5) EXCEPTIONS. The following vehicles shall be considered not junked or abandoned within the meaning of subsection (3) or (4) of this section:

(a) Vehicles kept in connection with an automotive sales or repair business enterprise located in a properly zoned area;

(b) Vehicles kept in an enclosed building;

(c) Vehicles located on the premises of a business operated in a lawful place and manner necessary to the operation of such business enterprise; and

(d) Vehicles in an appropriate storage or depository maintained in a lawful place and manner by the Village.

(6) OUTSIDE STORAGE OF OPERABLE VEHICLES IN RESIDENTIAL ZONES. Not more than one vehicle may be stored outside of enclosed buildings for a period exceeding two months in any 12-month period. Such storage may not occupy an required front, side or rear yard setback area defined in Chapter 17.06, 17.07 and 17.08. A vehicle which is currently licensed and driven regularly on the street shall not be considered as a vehicle in storage. For the purposes of residential parking, each required standard off-street parking space shall be a minimum of nine feet in width. Temporary parking in residential front and street side yards is permitted, but not to exceed 72 hours of continuous parking. All access driveways shall be paved or otherwise surfaced with an all-weather surface. Such parking spaces shall be reserved for the sole use of the occupants of the building or lot and the visitors thereto. Other classes of construction/zoning shall for parking regulations be as defined in Chapter 17.17.

(7) VEHICLE REPAIR IN RESIDENTIAL ZONES. Vehicle repair in Residential Zones is prohibited except for minor maintenance and repair on vehicles owned and regularly operated by the owner of the premises, tenant or members of their immediate families.

(8) IMPOUNDING. Any junked, stored or abandoned vehicle found to be in violation of this section may be impounded and disposed of as provided in Wis. Stat. § 342.40. The Valders Police Department shall be responsible for the administration of this subsection. Sale of impounded vehicles shall be by sealed bid.

(9) PENALTIES. Any person, firm, partnership or corporation violating or failing to comply with any of the provisions of this section shall be subject to penalties in Chapter 25.04.

10.08 PUBLIC NUISANCES RELATING TO OWNER RESPONSIBILITIES FOR MAINTENANCE OF STRUCTURES AND PREMISES. (Am. 2-16-12) It is the purpose of this section to define owner responsibilities of existing structures and their premises; to prevent future blighted properties within our municipality. Compliance of the parameters of this section is in the best interest of our citizens, for reasons of public health and welfare, safety, crime prevention, fire protection and depreciation of property values.

(1) MAINTENANCE OF FOUNDATIONS, EXTERIOR WALLS, ROOFS. Every foundation, exterior wall, and roof shall be reasonably weather tight, watertight, rodent and insect proof, and structurally sound; and shall be kept in a reasonably good state of maintenance and repair.

(2) MAINTENANCE OF WINDOWS, EXTERIOR DOORS AND BASEMENT HATCHWAYS. Every window, exterior door, and basement hatchway shall be reasonably weather tight, watertight and rodent proof; and shall be kept in reasonably good working condition and state of maintenance and repair. All windows must have glass, plexi-glass or screens and not be broken.

(3) PROTECTION OF EXTERIOR SURFACES. All exterior surfaces shall be reasonably protected from the elements to prevent deformation or deterioration, by paint or other approved protective coatings. Missing siding and blistering or peeling paint must be replaced or maintained.

(4) MAINTENANCE OF STAIRWAYS AND PORCHES. Every outside stairway, porch, deck or gazebos shall be so constructed to be reasonably safe to use and capable of supporting the load that normal use may case to be placed thereon; and shall be kept in sound condition and in a reasonably good state of maintenance and repair.

(5) MAINTENANCE OF CHIMNEYS AND SUPPLIED SMOKE PIPES. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, protected from deterioration and maintained in a reasonably good state of repair.

(6) OUTSIDE GARAGES AND ACCESSORY BUILDINGS ETC. Outside garages and accessory buildings and structures, including, but not limited to, storage sheds, swimming pools, cabanas, dog houses, flag poles, fences, play houses, tree houses, barbeque pits and planters shall be maintained in good repair, painted, stained or sided, and in a clean and sanitary condition.

(7) GARBAGE RECEPTACLES AND COLLECTION REQUIREMENTS. Garbage receptacles shall if feasible be kept in garages or accessory buildings. Garbage receptacles when stored outside shall be kept in a leak proof container with a tight fitting cover and stored in an unobtrusive area. Garbage shall be placed curbside for pickup no earlier than 3AM on collection day, unless it is in such a container as described herein, than it may be placed curbside the night before.

(8) COMPOST PILES. The Village of Valders encourages composting and has a site available for resident use located at our recycle center located at 409 West Wilson Street for brush, grass and other yard waste. Compost or yard waste bins, shall be permitted on private premises provided they are located and maintained in a manner that does not produce noxious odors or rodent harborage, nor shall they be allowed to deteriorate to the point of being an eyesore or a nuisance.

(9) FIREWOOD STORAGE. Any storage of more than one full cord of firewood outside of buildings shall be enclosed by a fence in such a manner so as to visually obstruct viewing of wood storage from adjacent private or public view when observed from normal grade level activity. Fencing shall be constructed and maintained in accordance with Section (6) of this section and Chapter 17. Weeds shall be cut and wood stored in a manner which will assure continuous rodent control. No wood storage shall be permitted in the required front, side or rear

yard setback areas, unless such area is more than 50 feet beyond the street property line. In any case, no more than three full cords of wood may be stored on any residential lot at any time. A full cord is defined herein as the storage of firewood measuring four feet in height, by four feet in width, by eight feet in length.

A full cord shall not include firewood resulting or created as a result of the removal, felling or destruction of a tree, and the resulting storage of cut, sawed or chopped wood related thereto, which shall be authorized to remain on a residential lot of record for not more than six consecutive months from the date of destruction of said tree(s).

(10) PEST EXTERMINATION. Every owner of structure shall be responsible for the extermination of detrimental insects, rodents, or other pests on the premises. Whenever infestation exists extermination and/or elimination thereof shall be the responsibility of the owner.

10.09-10.12 **RESERVED**

10.13 **ABATEMENT OF PUBLIC NUISANCES.**

(1) ENFORCEMENT. The Chief of Police, the Fire Chief, the Building Inspector or the Manitowoc County Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their office; and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

(2) SUMMARY ABATEMENT. 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 President may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(3) ABATEMENT AFTER NOTICE. 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, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within 10 days, the proper officer shall cause the nuisance to be removed as provided in subsection (2).

(4) 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.

(5) COURT ORDER. Except when necessary under subsection (2), 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.

10.14 **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.

10.15 **PENALTY**. 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 §25.04 of this Municipal Code.