

Chapter 194

NUISANCES

[HISTORY: Adopted by the Village Board of the Village of Dickeyville 1-21-1975 as Ch. XI of the 1975 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 98.
Brush, grass and weeds — See Ch. 112.
Unsafe buildings — See Ch. 117.
Peace and good order — See Ch. 207.
Sewers and water — See Ch. 227.
Solid waste — See Ch. 234.
Storage of vehicles — See Ch. 269.

§ 194-1. Public nuisances prohibited.

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

§ 194-2. Public nuisance defined.

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.

§ 194-3. 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 § 194-1 of this chapter:

- 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. Garbage cans which are not flytight.¹
- 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 sensibilities 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 of Dickeyville omitting 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 person within the Village.²
- K. All abandoned wells not securely covered or secured from public use.
- 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 Village.

§ 194-4. 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 § 194-1 of this chapter:

- A. All disorderly houses, bawdy houses, houses of ill fame, and buildings or structures kept or resorted to for the purpose of prostitution or promiscuous sexual intercourse.³
- B. 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 of Dickeyville.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. 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.
- D. 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 Village.

§ 194-5. 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 § 194-1 of this chapter:

- 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 Village limits of the Village of Dickeyville in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures.⁴
- 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 their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal, or which interfere with the lawful use of public highways. [Amended 2-10-1988]
- 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 street or less than 10 feet above any other public place.⁵
- 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, insanitary 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.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- 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 person within the Village.⁶
- K. 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.
- L. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- M. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- N. 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.
- O. Repeated or continuous violations of the ordinances of the Village or laws of the State of Wisconsin relating to the storage of flammable liquids.
- P. All snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in § 241-8 of this Code. [Amended 2-10-1988]

§ 194-6. Abatement.

- A. Inspection of premises. Whenever complaint is made to the Village Chief of Police that a public nuisance exists within the Village of Dickeyville, the Chief of Police or Building Inspector shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Village President. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk-Treasurer.⁷
- B. Summary abatement.
 - (1) 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, safety, peace, morals or decency, the Chief of Police shall 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 post a copy of said 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

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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.⁸

(2) 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 Chief of Police shall cause the abatement or removal of such public nuisance. [Amended 2-10-1988]

C. 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 cause an action to abate such nuisance to be commenced in the name of the Village in the Circuit Court of Grant County. [Amended 2-10-1988⁹]

D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village of Dickeyville or its officials in accordance with the laws of the State of Wisconsin.

§ 194-7. Recovery of costs.

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.

§ 194-8. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1, § 1-4 of this Code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.¹⁰

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

10. Editor's Note: Original § 11.06, Keeping vicious dogs prohibited, added 7-14-2004, which immediately followed this section, has been moved and included in Ch. 98, Animals, Art. II, Dogs.