

Chapter 194

NUISANCES

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[HISTORY: Adopted by the Village Board of the Village of Albany as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

- Disorderly conduct -- See Ch. 110.
- Peace and good order -- See Ch. 202.
- Trees and shrubs -- See Ch. 241.
- Abandoned and junked vehicles and appliances -- See Ch. 257.
- Vehicles and traffic -- See Ch. 260.
- Zoning -- See Ch. 273.

ARTICLE I

Public Health Nuisances

[Adopted 5-11-1992 as Secs. 8-1-1 through 8-1-6
of the 1992 Code]

§194-1. Rules and regulations.

The Village Board, acting as Board of Health, may make reasonable and general rules for the enforcement of the provisions of this article and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this Code.¹

¹Editor's Note: See Chapter 1, General Provisions, §1-19.

§194-2. Abatement of health nuisances.

- A. Definition of term. A "health nuisance" is any source of filth or cause of sickness.
- B. Duty to abate. The Board of Health shall abate health nuisances pursuant to W.S.A. s. 254.59, which is adopted by reference and made a part of this article.²

§194-3. Deposit of deleterious substances.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

§194-4. Destruction of noxious weeds.

A. The Village Clerk-Treasurer shall annually on or before May 15 publish, as required by state law, a notice that every person is required by law to destroy all noxious weeds on lands in the village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.

B. If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the village shall give five days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that said Weed Commissioner, after the expiration of the five-day period, will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of W.S.A. s. 66.96. In case the owner or occupant shall further neglect to comply within such five-day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method, and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

C. As provided for in W.S.A. s. 66.96(1), the village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight inches in height from the ground surface shall be prohibited within the village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin.

(1) Noxious weeds, as defined in this section and in §194-6, shall include but not be limited to the following:

- (a) *Cirsium Arvense* (Canada Thistle).
- (b) *Ambrosia artemisiifolia* (Common Ragweed).
- (c) *Ambrosia trifida* (Great Ragweed).

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

- (d) Euphorbia Esula (Leafy Spurge).
- (e) Convolvulus arvensis (Creeping Jenny)(Field Bind Weed).
- (f) Tragopogon duibus (Goat's Beard).
- (g) Rhus radicans (Poison Ivy).
- (h) Cirsium vulgaries (Bull Thistle).
- (i) Pastinaca sativa (Wild Parsnip).
- (j) Arctium minus (Burdock).
- (k) Xanthium strumarium (Cocklebur).
- (l) Amaranthus retroflexu (Pigweed).
- (m) Chenopodium album (Common Lambsquarter).
- (n) Rumex Crispus (Curled Dock).
- (o) Cannabis sativa (Hemp).
- (p) Plantago lanceolata (English Plantain).

(2) Noxious grasses, as defined in this section and in §194-6, shall include but not be limited to the following:

- (a) Agrostia alba (Redtop).
- (b) Poa pratensis (Kentucky Blue).
- (c) Sorghum halepense (Johnson).
- (d) Setaria (Foxtail).

(3) Noxious weeds are also the following plants and other rank growth:

- (a) Ragweed.
- (b) Thistles.
- (c) Smartweed.
- (d) Dandelions (over eight inches in height).
- (e) Milkweed (over eight inches in height).

§194-5. Regulation of natural lawns.

A. Natural lawns defined. "Natural lawn," as used in this section, shall include common species of grass and wildflowers native to North America which are designed and purposely cultivated to exceed 12 inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in §194-4. The growth of a natural lawn in excess of 12 inches in height from the ground surface shall be prohibited within the village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the village as set forth in this section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

B. Natural Lawn Management Plan defined.

(1) "Natural Lawn Management Plan," as used in this section, shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed 12 inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved and the specific management and maintenance techniques to be employed.

(2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the village. "Property owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any village-owned property, including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than 10 feet adjacent to the street where there is no sidewalk, whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within 10 feet of the abutting property owner's property unless waived, in writing, by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.

(3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver, thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten-foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten-foot section abutting the neighboring property owner. The Village Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten-foot section abutting the neighboring property owner within 20 days of receipt of the written notification from the village, provided that the notification is received sometime between May 1 and November 1. Property owners who receive notification from the village between November 1 and April 30 shall be required to remove the ten-foot section abutting the neighboring property owner no later than May 20 following receipt of notification.

C. Application process.

(1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a nonrefundable filing fee of \$25 will be assessed by the village. Upon receiving payment, copies of the completed application shall be mailed by the village to each of the owners of record, as listed in the office of the Village Assessor, who are owners of the

property situated wholly or in part within 300 feet of the boundaries of the properties for which the application is made. If within 15 calendar days of mailing the copies of the complete application to the neighboring property owners the village receives written objections from 51% or more of the neighboring property owners, the Village Clerk-Treasurer shall immediately deny the application. "Neighboring property owners" shall be defined as all those property owners who are located within 300 feet of the proposed natural lawn site.

(2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than 51% of the neighboring property owners provide written objections, the Village Clerk-Treasurer shall issue permission to install a natural lawn.

D. Application for appeal. The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.

E. Safety precautions for natural grass areas.

(1) When in the opinion of the Fire Chief of the Department serving the Village of Albany the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three days upon receiving written direction from the Fire Chief.

(2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to ensure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby ensuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the village as a party insured. A minimum amount of acceptable insurance shall be \$300,000.

F. Revocation of an approved Natural Lawn Management Plan Permit. The Village President, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Village Board. All applications for appeal shall be submitted within 15 calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the 15 calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen-calendar-day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.

G. Public nuisance defined; abatement after notice.

(1) The growth of a natural lawn as defined in this section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the village as set forth in this section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.

(2) If the person so served with a notice of public nuisance violation does not abate the nuisance within 10 days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within 10 calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax, as provided by state statute.

(3) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this section.

H. Penalty.

(1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this section shall be subject to the general penalty found in Chapter 1, General Provisions, §1-19.

(2) In addition to any penalties herein provided, the village may issue stop-work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this section.

§194-6. Regulation of length of lawn and grasses.

A. Purpose. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Albany.

B. Public nuisance declared. The Village Board finds that lawns, grasses and noxious weeds on nonagricultural lots or parcels of land, as classified under Chapter 273, Zoning, within the Village of Albany which exceed six inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the village. For that reason, any nonagricultural lawn, grass or weed on a lot or other parcel of land which exceeds six inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to §194-5 above.³

C. Nuisances prohibited. No person, firm or corporation shall permit any public nuisance as defined in Subsection B above to remain on any premises owned or controlled by him within the village.

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

D. Inspection. The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the village to determine whether any public nuisance as defined in Subsection B above exists.

E. Abatement of nuisance.

(1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection B above exists, he shall immediately cause written notice to be served that the village proposes to have the lot grass or lawn cut so as to conform with this section and §194-5.

(2) The notice shall be served at least five days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.

F. Due process hearing.

(1) If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Village Board or a committee thereof. The request for said hearing must be made, in writing, to the Village Clerk-Treasurer's office within the five days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a bond of \$25. If a decision is rendered in the property owner's favor, the \$25 will be returned to the property owner.

(2) If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Village Board or committee thereof shall be held within seven days from the date of the owner's request. The property in question will not be mowed by the village until such time as the hearing is held by the Board. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the village, as well as subpoena witnesses for his own case. At the close of the hearing, the Village Board or committee shall make its determination, in writing, specifying its findings, facts and conclusions.

(3) If the Village Board or committee determines that a public nuisance did exist, the Board or committee shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within 48 hours of the Village Board's or committee's decision. If the owner does not abate the nuisance within the described 48 hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

G. Village's option to abate nuisance. In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the village may elect to cut said lawn, grass or weeds as follows:

(1) The written notice required in Subsection E shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the village shall abate the same, and the cost thereof shall be assessed to the property owner as a special charge.

(2) The village shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution

by the Village Board. The charges shall be set forth in a statement to the Village Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter, the Village Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under W.S.A. s. 66.615(3)(f).

ARTICLE II

General Nuisances

[Adopted 5-11-1992 as Title 11, Ch. 6
of the 1992 Code]

§194-7. Public nuisances prohibited.

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

§194-8. 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.

§194-9. 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 §194-8:

- A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Breeding places for vermin, etc. 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. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Garbage cans. Garbage cans which are not flytight.
- F. Noxious weeds. All noxious weeds and other rank growth of vegetation.
- G. 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.
- H. Noxious odors, etc. Any use of property, substances or things within the village or within four miles thereof 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.
- I. Street pollution. 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.
- J. Animals at-large. All animals running at large.
- K. Accumulations of refuse. Accumulations of old cans, lumber, elm firewood and other refuse.
- L. Air pollution. The escape of smoke, soot, cinders, noxious acids, fly ash or industrial dust within the 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.

§194-10. 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 194-8:

- A. Disorderly houses. 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.
- B. Gambling devices. All gambling devices and slot machines except as permitted by state law.
- C. Unlicensed 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
- D. 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.

⁴Editor's Note: See Ch. 130, Fermented Malt Beverages and Intoxicating Liquor.

E. Illegal drinking. 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.

§194-11. 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 definition of §194-8:

A. Signs, billboards, etc. 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. Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the village relating to materials and manner of construction of buildings and structures within the village.⁵

C. 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 an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.

D. Obstruction 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.

E. Tree limbs. All limbs of trees which project over a public sidewalk less than 10 feet above the surface thereof, and all limbs which project over a public street less than 14 feet above the surface thereof.

F. Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

G. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the village.⁶

H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

I. Wires over streets. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

J. Noisy animals or fowl. 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 village.⁷

⁵Editor's Note: See Ch. 86, Building Construction.

⁶Editor's Note: See Ch. 140, Fireworks.

⁷Editor's Note: See also Ch. 74, Animals, §74-12, Barking dogs or crying cats.

K. Obstructions of streets; excavations. 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, or which do not conform to the permit.

L. Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.

M. Abandoned refrigerators. 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. Flammable liquids. Repeated or continuous violations of the ordinances of the village or laws of the state relating to the storage of flammable liquids.⁸

O. Unremoved snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.⁹

§194-12. Abatement of public nuisances.

A. Summary abatement.

(1) Notice to owner. If the inspecting officer determines that a public nuisance exists within the village and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than 24 hours or greater than seven days 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, maintaining or permitting the nuisance, as the case may be.

(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 officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

B. Abatement by court action. If the inspecting officer determines 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, the inspector or sanitarian shall file a written report of such findings with the Village President who, upon direction of the Board, shall cause an action to abate such nuisance to be commenced in the name of the village in circuit court in accordance with the provisions of W.S.A. ch. 823.

C. Court order. Except where necessary under Subsection A, no officer hereunder shall 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.

⁸Editor's Note: See Ch. 153, Hazardous Materials.

⁹Editor's Note: See Ch. 232, Streets and Sidewalks, §232-10.

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

§194-13. Cost of abatement.

In addition to any other penalty imposed by this article 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 such cost shall be assessed against the real estate as a special charge.

§194-14. Enforcement; violations and penalties.

A. Enforcement. The Chief of Police, Fire Chief, Building Inspector and Street Superintendent shall enforce those provisions of this article that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under §194-12 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 is satisfied that a nuisance does, in fact, exist.

B. General penalty. Any person who shall violate any provision of this article shall be subject to a penalty as provided in Chapter 1, General Provisions, §1-19.

C. Attempt.

(1) Whoever attempts to commit an act prohibited by this article may be required to forfeit amounts not to exceed 1/2 the maximum penalty for the completed act.

(2) An attempt to commit an act prohibited by this article requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of this article and that he does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

D. Parties to acts prohibited.

(1) Whoever is concerned in the commission of an act prohibited by this article is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other act prohibited by this article.

(2) A person is concerned in the commission of an act prohibited by this article if he:

(a) Directly commits the act;

(b) Intentionally aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This subsection does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.