

Chapter 250

NUISANCES

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[HISTORY: Adopted by the Town Board of the Town of Port Washington at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Open burning—See Ch. 190, Art. III.

Intoxicating liquor and fermented malt beverages — See
Ch. 216.

Sexually oriented businesses — See Ch. 285.

Solid waste — See Ch. 296.

§ 250-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Port Washington, Ozaukee County, Wisconsin.

§ 250-2. Public nuisance defined.

A public nuisance is an object, 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 public morals or decency.
- D. Unlawfully and substantially interfere with, or 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.

§ 250-3. Public nuisances affecting health.

The following acts, omissions, places, conditions and objects are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances or hazards coming within the definition of § 250-2:

- 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 food which are not buried or otherwise disposed of in an appropriate sanitary manner within 24 hours after the death of such animal, bird or fowl.
- C. Breeding places for insects or vermin. Accumulation 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. Privy vaults and garbage cans. Privy vaults and garbage cans which are not flytight.
- E. Noxious weeds. All noxious weeds identified in § 66.0407(1)(b), Wis. Stats., and other rank growth of vegetation. The Town may cause rank growth and noxious weeds to be cut and removed. Failure to comply could result in the Town removing the noxious weeds, and the expense of the removal shall be charged to the real estate where removed pursuant to § 66.0627, Wis. Stats.
- F. Animals at large. All domestic animals running at large or not confined within the owner's property.
- G. Abandoned wells. All abandoned wells not securely covered or secured from public use.
- H. Nauseous or unwholesome liquid. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, right-of-way, or public place within the Town of Port Washington.
- I. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.

§ 250-4. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions, and objects are hereby declared to be public nuisances affecting peace and safety; however, such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of § 250-2:

- A. Dangerous signs, billboards, etc. All signs and billboards, awnings and other 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. 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 their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.

- C. 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. Any such obstruction which falls within a vision clearance triangle as prescribed by Chapter 340, § 340-50 of this Code shall be presumed to be a violation of this subsection.
- D. Low-hanging tree limbs. All limbs of trees which project over and less than eight feet above the surface of a public sidewalk or 14 feet above the surface of the portion of the street, highway, or alley traveled by vehicles.
- E. Fireworks. The use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- F. 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 or occupancy.
- G. Low-hanging wires and cables. All wires over streets, alleys, highway, or public grounds which are strung less than 15 feet above the surface thereof.
- H. Loud, discordant and unnecessary noises or vibration. Any noise or vibration which greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.
- I. Noisy animal or fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, or making of other noises **shall** greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- J. Obstruction of streets; excavations. All obstructions of streets, alleys, highways, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town of Port Washington, 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.
- K. Unguarded pits, wells, etc. All open and unguarded pits, wells, excavations, or unused basements, freely accessible from any public street, alley, highway, or sidewalk.
- L. Abandoned appliances. All public accessible or abandoned appliances from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- M. Hazardous materials. Repeated or continuous violations of the ordinances of the Town or Wisconsin Statutes relating to the use or storage of flammable liquids and/or hazardous materials.

§ 250-5. Litter, rubbish and trash.

- A. As used in this section, the following terms shall have the meaning indicated:

LITTER — Includes, but is not limited to, trash and wastepaper lying scattered about and an untidy accumulation of objects of any kind.

RUBBISH — Includes, but is not limited to, waste materials and refuse of every character and kind, collected and/or accumulated.

TRASH — Includes, but is not limited to, things or objects worth little or nothing or a thing or object in a crumbled, broken or inoperable condition.

- B. All owners of property located within a residential zoning district of the Town of Port Washington who fail to keep their premises free of litter, debris, trash or rubbish shall be in violation of this chapter.
- C. All property owners within the Town of Port Washington who allow their property to accumulate trash, litter or rubbish shall be considered to be in violation of this chapter.

§ 250-6. Occupancy of tent or camper.

No person shall occupy any camper or tent for more than 30 days. §

250-7. Junked vehicles and appliances; abandoned vehicles.

- A. Junked automobiles, etc. No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers or appliances shall be stored or allowed to remain in the open upon public or private property within the Town for a period exceeding five days if upon public property or for a period exceeding 30 days if upon private property.
- B. Farm exemption. All farms that produce farm products for sale, defined under § 93.01(5), Wis. Stats., are exempt from this section.
- C. Definitions. As used in this section, the following terms shall have the meaning indicated:

APPLIANCE — Any stove, washer, refrigerator or freezer which is no longer operable in the sense for which it was manufactured.

DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS — Motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways or which are otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.

MOTOR VEHICLE — Defined in § 340.01(35), Wis. Stats.

UNLICENSED — As referring to motor vehicles, truck bodies, tractors, or trailers shall be defined as follows: motor vehicles, truck bodies, semitractors and trailers which do not bear lawful and current license plates.

- D. Abandoned vehicles, etc. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public stretch of highway, or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any street or highway or on any public or private property within the Town of Port Washington without the permission of the owner for a period of more than 72 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

§ 250-8. Abatement.

- A. Inspection of premises. Whenever a complaint is made to any Town Board member or a Town enforcement officer that a public nuisance exists within the Town of Port Washington, the above-mentioned Board member or officer shall promptly and forthwith inspect or cause the inspection of the premises complained of and shall make a written report of his findings to the Town Board. Whenever practicable, the above-mentioned Board member or officer shall photograph the premises and shall file the same in the office of the Town Clerk.

B. Summary abatement.

- (1) Notice to owner. If the above-mentioned Board member or officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, any Town Board Supervisor may direct the Town Attorney to serve a notice upon a person causing, permitting, or maintaining such nuisance, whether an owner or occupant of the premises where such nuisance is caused, permitted or maintained. If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant thereof, as well as direct mail notice to the last known owner of said property. Such notice shall direct the person causing, permitting, or maintaining such nuisance, or the owner or occupant to the premises, to abate and remove such nuisance within 24 hours or a mutually agreed upon time between the property owner and Town Board Supervisor and shall state that unless such nuisance is so abated, the Town may cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the nuisance.
 - (2) 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 in the case of health nuisances and other cases shall cause the abatement or removal of such public nuisance.
- C. Abatement by court action. If the above-mentioned Board member or 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 or she shall file a written report of his or her findings with the Town Chairperson, who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Ozaukee County in accordance with the provisions of Ch. 823, Wis. Stats. In the alternative, any Town

Board Supervisor may direct the Town enforcement officer to issue one or more citations for each day of violation of said time period and to report back whether compliance has occurred.

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

§ 250-9. 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 abatement of any public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting, or maintaining the nuisance. If notice to abate the nuisance has been given to the owner previously, such cost shall be assessed against the real property where such violation occurred as a special charge unless paid earlier.

§ 250-10. Violations and penalties.

Any person who violates a provision of this chapter shall be required to forfeit not less than \$10 nor more than \$1,000 for each violation.