

ORDINANCE NO. 13
REGULATING PUBLIC NUISANCES IN THE
VILLAGE OF FRIENDSHIP, ADAMS COUNTY, WISCONSIN

SECTION 13-1. Public Nuisances Prohibited. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Friendship

SECTION 13-2. Definitions. [Amended 1-3-2022]

- 1) Public Nuisance. 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; or
 - 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.
- 2) Deleterious Substance. A deleterious substance means any physical, chemical or biological materials, in concentrations or amounts that inhibits or disrupts operation or maintenance of wastewater facilities, wastewater treatment, or creates or constitutes a hazard to humans or the environment.

SECTION 13-3. Public Nuisances Affecting Health. [Amended 1-3-2022]

- 1) 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 § 13-2.
 - a. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public, including any milk or milk product other than Grade "A" as those terms are defined in Wis. Adm. Code. ATP 65.
 - 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 fly-tight.
 - 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 causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench 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, fumes, gases, fly ash or industrial dust within the limits of the Village 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.
- 2) 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.

SECTION 13-4. 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 § 13-2:

- 1) 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.
- 2) Gambling devices. All gambling devices and slot machines.
- 3) 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) 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 the laws of the State of Wisconsin or ordinances of the Village

SECTION 13-5. Public Nuisances Affecting Peace and Safety. [Amended 8-7-2000]

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 § 13-2:

- 1) 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.
- 2) 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.
- 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, 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) 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.
- 5) 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.
- 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 the laws of the State of Wisconsin and of § 12-1 of the Village Code.
- 8) 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.
- 9) Blighted or Unsightly Premises. Premises existing within the Village which are blighted because of fault in design or construction, failure to maintain them in a proper state of repair, improper management or due to accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety morals or welfare of the people of the Village.
- 10) Wires over streets. All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.

- 11) Noises and Vibrations. All loud discordant and unnecessary noises or vibrations of any kind.
- 12) 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.
- 13) 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 do not conform to the permit.
- 14) Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- 15) 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.
- 16) Obstructing traffic and use of streets or sidewalks. 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.
- 17) Flammable liquids. Repeated or continuous violations of the ordinances of the Village or laws of the state relating to the storage of flammable liquids.
- 18) Unremoved snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code

SECTION 13-6. Length of Lawn and Grasses. [Amended 1-3-2022; 10-7-2024]

- 1) Purpose; applicability. 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 Friendship. No person owning property within the Village of Friendship shall permit to grow or pollinate upon his or her premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits. In order to prevent such growth and pollination, lawns and weeds shall be maintained to a height not to exceed ~~twelve (12)~~ six (6) inches. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways.
- 2) Public nuisance declared. The Village Board finds that lawns, grasses and weeds on parcels of land within the Village of Friendship which exceed ~~twelve (12)~~ six (6) 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, interfere with the public convenience and adversely affect

property values of other land within the Village. For that reason, any lawn, grass or weed on a parcel of land which exceeds ~~twelve (12)~~ six (6) inches in length is hereby declared to be a public nuisance.

- 3) Mowing by Village. It shall be the duty of the Weed Commissioner and Director of Public Works to enforce this section and if any person shall fail to comply herewith, the Public Works Director shall provide written notice to the owner to have the grass or lawn cut so as to conform to this section.
 - a. Notice. The notice shall be served at least five days prior to cutting of the lawn, and shall inform said person that in the event of his or her 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.
 - b. If, after the expiration of time provided for in the notice, the owner of the property shall fail to cut the grass or weeds as set forth above, the Village shall cut or cause to be cut all grass and weeds from the subject property and shall charge the expenses of so doing at a rate as established by the Village Board. The charges shall be set forth in a statement to the Village Clerk/Treasurer, who 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 § 66.0907(3)(f), Wis. Stats. In addition, the Village may cause a citation to be issued for failure to comply with this section.

SECTION 13-7. Abatement of Public Nuisances.

- 1) Enforcement and Inspection. The Director of Public Works, Building Inspector, Village President, or person designated by the Village Board shall enforce those provisions of this chapter 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 this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied themselves that a nuisance does in fact exist.
- 2) Summary Abatement. If, after inspection, the inspecting officer shall determine that a public nuisance exists within the Village, abatement shall be as follows:
 - a. Where it is determined that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village 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.
 - b. 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, they shall serve notice on the person causing or maintaining the nuisance to remove the same within 15 days. If such nuisance is not removed within such 15 days, the proper officer shall cause the enforcement as provided in Subsection c.

- c. 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, they shall file a written report of findings with the Village Board who shall review and may issue citations, or 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 Ch. 823, Wis. Stats
- 3) Abatement of Health Nuisances. The Health Officer, together with the Board of Health shall have the power to abate health nuisances in accordance with Wis. Stat. SS 146.14, 251 and 823, which are hereby adopted by reference and made part of this section as if fully set forth herein.
- 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 of Wisconsin.

SECTION 13-8. 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,

SECTION 13-9. Penalty.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$1.00 and not more than \$200.00, together with the costs of prosecution, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense, where applicable. Where applicable in this Chapter, a separate offence shall be deemed committed during each day or part thereof during which a violation occurs or continues.

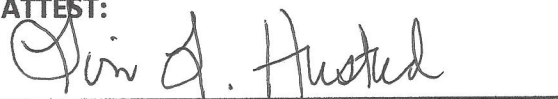
SECTION 13-10. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication.

Adopted by the Village Board this 7th day of October, 2024.



Antone Sindelar, Village President

ATTEST:



Lori Hustad, Village Clerk/Treasurer

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