

MUNICIPAL CODE OF THE VILLAGE OF CASCO

CHAPTER 17

PUBLIC NUISANCES

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- 17.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Casco.
- 17.02 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:
- (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.
- 17.03 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 in §17.02 of this chapter:
- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (2) 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) 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.
 - (4) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (5) Privy vaults and garbage cans which are not fly tight.
 - (6) All noxious weeds and other rank growth of vegetation.
 - (7) All animals running at large.
 - (8) 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 sensitiveness or to threaten or cause substantial injury to property in the Village.
 - (9) 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.
 - (10) Any use of property, substances or things within the Village emitting 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.
 - (11) All abandoned wells not securely covered or secured from public use.
 - (12) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, sidewalk or public place within the Village.

17.04 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 on §17.02 of this chapter:

- (1) 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 of gambling.
- (2) All gambling devices and slot machines.
- (3) 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) 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) 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 or ordinances of the Village.

17.05 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 §17.02 of this chapter:

- (1) 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) 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 such district.
- (3) 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.
- (4) 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) All limbs of trees which project over and less than 14' above the surface of a public sidewalk or street or other public place.
- (6) All use or display of fireworks, except as provided by the laws of the State and ordinances of the Village.
- (7) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (8) All wires over streets, or public grounds which are strung less than 15' above the surface thereof.
- (9) All loud, discordant and unnecessary noises or vibrations of any kind. Unreasonably loud, repeated, or lengthy squealing of tires by drivers of motor vehicles within the Village limits.
- (10) All obstructions of streets, 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.

(11) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street or sidewalk.

(12) All abandoned refrigerators, ice boxes or other containers which have airtight doors, from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

(13) Any unauthorized or unlawful use of property abutting on a public street or sidewalk or of a public street, or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(14) Repeated or continuous violations of the ordinances of the village or laws of the State relating to the storage of flammable liquids.

(15) All snow and ice not removed or sprinkled with ashes, sawdust or sand.

(16) Accumulation of junk, debris, etc. is prohibited. The accumulation or storage of automobiles or parts thereof, trucks, tractors, refrigerators, furnaces, washing machines, stones, machinery or parts thereof, junk of any type, wood, brick, cement block or any other unsightly debris such as may tend to depreciate property values in the area or create an attractive nuisance or hazard, or any nuisance, is prohibited on any lot or parcel of land in the Village except as may be allowed by permit issued by the Village Board, unless such materials are properly housed and out of public view. When the person in charge of any property is in violation of this chapter, the building inspector or authorized person shall have the authority to order the premises cleaned, placed in order and made slightly and brought into compliance with the chapter within 10 days from the date of order as specified in the order. If the premises are not cleaned, placed in order, made slightly and brought in compliance with this section within the time so specified in the order, the person in charge of said property shall be considered in violation of the provision of this chapter and can and will be fined by the Village.

17.06 STORING OF DISMANTLED OR INOPERABLE MOTOR VEHICLES.

(1) No dismantled, inoperable, unlicensed, junked or wrecked motor vehicle shall be stored or allowed to remain in the open upon public or private property within the Village for a period in excess of 10 days unless it is in connection with an automotive sale, or repair, or a wrecker service enterprise located in a properly zoned area in which event the period shall not exceed 20 days.

(2) Whenever the Village President/authorized person shall find any such vehicles placed or stored in the open upon public property within the Village, he/she shall cause such vehicles to be removed by a junk or salvage yard and stored in such junk or salvage yard for a period of 30 days, at the end of which time such junk or salvage yard shall dispose of such vehicle, unless previously claimed by the owner.

(3) Whenever the Village President/authorized person shall find any such vehicles placed or stored in the open upon private property within the Village, he/she shall notify the owner of the property upon which such vehicles are placed or stored of the intention of the Village to remove such vehicles immediately. If such vehicles are not removed within 3 days after such notice, the Village President or authorized person, shall cause such vehicles to be removed to and stored in a junk and salvage yard, the cost of such removal shall be charged to the property from which they are removed, and such cost shall be entered as a special charge on the tax roll. If such vehicles are claimed by the owner, the junk or salvage yard shall charge a reasonable fee for handling and storage. Failure by the owner to claim such vehicle within 30 days of removal shall be deemed an abandonment of such vehicle and at the end of such time such junk or salvage dealer shall dispose of such vehicle. This section shall not apply to auto salvage yards or junk yards

(4) This section shall not apply to an automotive salvage yard or junkyard located in the Village that are duly licensed under ordinance provisions pertaining to such operations. Each motor vehicle involved shall constitute a separate offense.

17.10 ABATEMENT OF PUBLIC NUISANCES.

(1) ENFORCEMENT. The Village President, Fire Chief, Building Inspector and/or Health Officer 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 insure 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 himself that a nuisance does, in fact, exist.

(2) SUMMARY ABATEMENT.

(a) Notice to Owner. If the inspecting officer shall determine that public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Sheriff Department to 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 to post a copy of such notice on the premises. Such notice shall direct the person causing, permitting or maintaining such a nuisance or the owner or occupant of the premises to abate or remove such nuisance 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.

(b) 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.

(3) 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 file a written report of his findings with the Village President who, upon direction of the Village Board, shall cause an action to abate such nuisance to be commenced in the name of the Village in the Circuit Court of Kewaunee County in accordance with the provisions of Ch. 280, Wis. Stats.

(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.

17.11 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.

17.12 PENALTY. Except as otherwise provided herein, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided by chapter 4.08 and the Village Board.

*For statutory provisions regarding abatement of nuisances by village authorities, see Wis. Stats., s. 823.01 et seq

**Authority to control emission of dense smoke into the open air one mile from the limits of the municipality is granted to city councils and village boards by s. 146.10

***Jurisdiction to direct the location of, regulate or prohibit nauseous, offensive or unwholesome industries within municipal limits of 4 miles thereof is granted to cities and villages by s.66.052 which requires abatement actions for violation of ordinances governing offensive industries to be brought under ch.823. Reference to this is not included in this ordinance because in cases involving outside industries the governing body apparently must follow the procedure of ch.823 and may not employ its summary of abatement power.