

Chapter 152

NUISANCES

§ 152-1. Public nuisances prohibited.

§ 152-2. Public nuisance defined.

§ 152-3. Specific public nuisances.

§ 152-4. Enforcement; inspections;
abatement.

§ 152-5. Recovery of abatement costs.

§ 152-6. Violations and penalties.

[HISTORY: Adopted by the Town Board of the Town of Pleasant Springs 11-7-1989 by Ord. No.89-1 as § 4.01 of the 1989 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Animals-See Ch.55.

Mass public assemblies —See Ch. 60.

Holding tanks-See Ch. 110.

Littering-See Ch. 129.

Noise —See Ch. 148.

Peace and good order-See Ch.165.

Property maintenance —See Ch.170.

Abandoned vehicles — See Ch.200.

§ 152-1. Public nuisances prohibited.

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

§ 152-2. Public nuisance defined.

- A. 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.
- B. As a factor in determining the existence of a public nuisance, as defined above, consideration shall be given to the proximity of other residences and buildings and the degree of interference with the orderly use thereof.

§ 152-3. Specific public nuisances.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other nuisances coming within the definition of § 152-2 above.

- A. Unburied carcasses. 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 48 hours after death.
- B. 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 and which do not constitute an ordinary and necessary part of a legal, ongoing agricultural operation.
- C. Storage of junk, etc. The unreasonable or unsanitary accumulation of junk, refuse, litter, or garbage, unless such is stored in a building or agricultural storage structure or otherwise reasonably concealed from public view. Any reasonable accumulation of manure, feed, silage, hay, straw, etc., as an ordinary and necessary part of a legal, ongoing agricultural operation shall be excepted.
- D. Disorderly houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or rezoned to for the purpose of prostitution, promiscuous sexual intercourse, gambling, nude or indecent dancing, or massage for the purposes of sexual gratification or stimulation.
- E. Unlicensed sale of liquor and beer. All places where intoxicating liquor or fermented malt beverages are sold or distributed without a permit or license from the Town or in violation of other applicable laws or regulations.
- F. Continuous violation of Town ordinances or state laws. Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
- G. Illegal drinking. Any place or premises rezoned 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 Town.
- H. Illegal building construction. All buildings erected, repaired, or altered in violation of the provisions of the ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- I. Obstruction of intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public highways from obtaining a clear view of traffic when approaching an intersection.

- J. Violation of zoning laws or land use restrictions. Use of real property within the Town which is in violation of applicable zoning laws or restrictions or which is carried on without the proper permits, licenses, or other authorization required by law. •

§ 152-4. Enforcement; inspections; abatement.

- A. Enforcement. The Town Board or its designee 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 shall have satisfied himself that a nuisance does in fact exist. [Amended 11-4-2003]
- B. Abatement after notice. **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 serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. **If** such nuisance is not removed within such 10 days, the proper officer shall cause the nuisance to be abated by appropriate legal action, which may include an action to obtain an injunction or other appropriate abatement order from a court of competent jurisdiction.
- C. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

§ 152-5. Recovery of abatement 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 Town 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.

§ 152-6. Violations and penalties.

Any person who shall violate any provisions of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-1 of this Municipal Code, in addition to the other penalties and remedies set forth herein.

I. Editor's Note: Original § 4.01(3) K, Vehicle abandonment prohibited, has been moved and included as Ch. 200, Vehicles, Abandoned, of this Code.