

General Code of Ordinances
Chapter 7 - Public Nuisances

CHAPTER 7
PUBLIC NUISANCES

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7.01 TITLE/PURPOSE. This Ordinance is entitled the Town of Centerville "Public Nuisances Ordinance". The purpose of this Ordinance is to prohibit any public nuisance in the Town of Centerville.

7.02 AUTHORITY. The Town Board of the Town of Centerville has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this Ordinance and by adoption of village powers under Section 60.10 Wisconsin Statutes to regulate, control, prevent and enforce against certain uses, activities, businesses and operations by persons that may affect public safety in the Town of Centerville.

7.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Centerville has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and has established by these sections and this Ordinance the regulations, controls and enforcements against certain uses, activities, businesses and operations by persons that may affect public safety.

7.04 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

7.05 PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which continues 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.

7.06 PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration

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shall not be construed to exclude other health nuisances coming within the definition of Section 7.05:

A. ADULTERATED FOOD. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

B. CARCASSES, UNBURIED. 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.

C. INSECTS OR VERMIN, BREEDING PLACES FOR. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed.

D. PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not fly tight.

E. UNAUTHORIZED HUMAN BURIAL AREAS. Any place in the Town where the body of a deceased person or parts of a deceased person are located and buried on private or public land in the Town without written approval of the Town Board and are not timely removed within 60 days after receipt of written notice to remove from the Town Board. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with Chapter 157 Wisconsin Statutes.

F. WEEDS, NOXIOUS. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed one foot. The following plant species are "noxious weeds" as defined in Section 66.0407 Wisconsin Statutes: Canada Thistle, Field Bindweed, and Leafy Spurge. The following are defined as "nuisance weeds": Purple Loosestrife, Burdock, Wild Mustard and Yellow Rocket.

G. POLLUTION, WATER. 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. POLLUTION, STREET. Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

I. ANIMALS, LOOSE. Any animals running at large in the Town. (See also Chapter 6, Section 6.10.)

7.07 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions and things are 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 Section 7.05:

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A. **ILLEGAL BUILDINGS.** All buildings erected, repaired or altered in violation of Town ordinances relating to materials and manner of construction of buildings and structures within the Town.

B. **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.

C. **LOW-HANGING TREE LIMBS.** All limbs of trees which project over and less than 13'6" above any public sidewalk, street or other public place.

D. **DANGEROUS TREES.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

E. **FIREWORKS.** All use or display of fireworks except as provided by State laws and Town ordinances. (See also Chapter 6, Section 6.07.)

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.

G. **LOW-HANGING WIRES AND CABLES.** All wires and cables over streets, alleys or public grounds which are strung less than 15' above the surface thereof.

H. **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, greatly annoys or disturbs a neighborhood of any considerable number of persons within the Town.

I. **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 Town, but including those 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.

J. **UNLAWFUL ASSEMBLIES.** Any unauthorized or prohibited 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.

K. **BLIGHTED BUILDINGS AND PREMISES.**

1. Premises existing within the Town which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management or due to the 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 Town.

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2. Blighted premises contribute to conditions that are dangerous to the public health, safety, morals and general welfare of the people; the conditions necessitate excessive and disproportionate expenditure of public funds for public health, safety, crime prevention, fire protection and other public services; such conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

3. Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and shall be fostered and encouraged by this section. It is essential to the public interest that this section be liberally construed to accomplish the purposes of this subsection.

7.08 BURNING RESTRICTED. (See Chapter 4, Section 4.06 BURNING PERMIT.)

7.09 ABATEMENT OF PUBLIC NUISANCES.

A. ENFORCEMENT. The Law Enforcement Officer, Fire Chief and Town 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 insure that such provisions are not violated. No action shall be taken under this section 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 has satisfied himself that a nuisance does in fact exist.

B. SUMMARY ABATEMENT. If the inspecting officer determines 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, the Chairman 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.

C. ABATEMENT AFTER NOTICE. If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not 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 ten (10) days. If such nuisance is not removed within ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Section B above.

D. 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.

E. COURT ORDER. Except when necessary under Section B. above, an officer hereunder shall not 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.

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7.10 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 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.

7.11 PENALTY. Any person, who violates any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance, shall be subject to a penalty as provided in Section 13.09 of this General Code.