

Chapter 315

NUISANCES

[HISTORY: Adopted by the Village Board of the Village of Francis Creek 1-21-1997 by Ord. No. 97-01 (Secs. 3.16 and 3.20 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Adult-oriented establishments — See Ch. 145.

Animals — See Ch. 158.

Fire prevention — See Ch. 212.

Hazardous materials — See Ch. 230.

Peace and good order — See Ch. 334.

Solid waste — See Ch. 427.

§ 315-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Francis Creek.

§ 315-2. 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:

- 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.

§ 315-3. 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 of § 315-2:

- 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 a sanitary manner within 24 hours after death.

- C. Breeding places for insects or vermin. 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 and dumpsters which are not flytight.
- F. Noxious weeds. All noxious weeds, as defined in this Code and the Wisconsin Statutes, and other rank growth of vegetation.¹
- 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. 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. Accumulations of refuse. Accumulations of old cans, lumber, elm firewood and other refuse, including the open storage of junk, refuse, litter, garbage, scrap or waste matter, or disassembled or damaged motor vehicles, whether awaiting repair or not.
- K. Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust in such quantities as to endanger the health or comfort of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- L. Liquid pollution. Any use of property which causes any liquid or substance to flow into or upon any property in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause injury to property in the Village.

§ 315-4. Abatement of public nuisances.

- A. Enforcement. The Village Marshal shall enforce those provisions of this chapter that come within the jurisdiction of the Marshal's office, and the Marshal 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 Marshal shall have 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.

¹. Editor's Note: See Ch. 349, Art. I, Grass and Weeds.

- B. Summary abatement. If the Marshal shall determine that a 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, upon the recommendation of the Village Marshal, may direct the Marshal 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 Marshal 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 removed as provided in Subsection B.
- D. 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.

§ 315-5. 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 Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; such cost shall be assessed against the real estate as a special charge.

§ 315-6. Violations and penalties.

- A. Any person who violates this chapter shall be subject to a forfeiture of not more than \$200. Each day in which the nuisance exists shall be deemed to be a separate violation under this chapter.
- B. In addition to any forfeiture provided in this chapter, any person violating any provision of this chapter shall be subject to an additional forfeiture equaling the costs of prosecution.
- C. Any person who shall be convicted and fined under any provision of this chapter, upon default of payment of court-ordered forfeiture and costs, shall be imprisoned in the county jail for up to 60 days or until he purges his contempt of court by paying all court-ordered amounts, whichever is sooner.