

Chapter 273

NUISANCES

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[HISTORY: Adopted by the Town Board of the Town of Washington 6-19-1986 as Ch. 6, Subch. I of the 1986 Code. Amendments noted where applicable.]

§ 273-1. Public nuisances prohibited.¹

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

§ 273-2. 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.

§ 273-3. 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 general definitions of § 273-2 of this chapter:

- A. The sale or offering for sale of any decayed, harmfully adulterated or unwholesome food or drink.

1. Editor's Note: See Ch. 823, Wis. Stats.

- B. Any animal, bird or fowl carcass not intended for human consumption or food which is not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Any accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal, scrap vehicles or any other material in which insects, rats or other vermin may breed.
- D. Any stagnant water in which insects can multiply.
- E. Any privy vault or garbage can which is not fly-tight.
- F. All noxious weeds and other uncontrolled growth of vegetation.
- G. Any animals running at large.
- H. Any escaping of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town limits in such quantities as to endanger the health of persons of ordinary sensitivities or to threaten or cause substantial injury to property in the Town.
- I. Any use of property, substances or things within the Town emitting or causing any offensive, 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 Town.
- J. Any abandoned well not securely covered or secured from public use.

§ 273-4. Public nuisances offending morals and decency.

The following acts 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 general definition of § 273-2 of this chapter:

- A. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse, gambling or obscenity as defined in §§ 944.20 to 944.25, Wis. Stats.
- B. All gambling devices and slot machines.
- C. 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 in Chapter 230, Intoxicating Liquor or Fermented Malt Beverages.
- D. 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.

- E. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the Town of Washington and/or of the State of Wisconsin.

§ 273-5. 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 general definition of § 273-2 of this chapter:

- A. All buildings erected, repaired or altered within the Town in violation of the provisions of the ordinances of the Town or County of Door relating to materials and manner of construction of buildings and structures.
- B. Any tree, hedge, billboard or other obstruction which prevents persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- C. Any tree limb which projects over and less than 10 feet above the surface of a public sidewalk or street or other public place.
- D. Any building or structure so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- E. All loud, discordant and unnecessary noises or vibrations of any kind.
- F. 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 Town.
- G. Disorderly conduct. [Added 5-8-1989]

§ 273-6. Public nuisances affecting the use and enjoyment of property.

The accumulation or storage of old automobiles or parts thereof, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, junk, wood, brick, cement block or other unsightly debris, such as may tend to depreciate property values in the area or create an unattractive nuisance or hazard, health hazard, or other nuisance shall not be allowed on any lot or parcel of land within the Town except in a licensed junkyard, or except when such materials are properly housed and out of public view.

§ 273-7. Abatement of public nuisances.

- A. Inspection of premises.
 - (1) Whenever a complaint is made to the Town Board that a public nuisance exists within the Town, the Board shall designate one of the Supervisors to inspect, or cause to be inspected, the premises complained of and shall make a written report of findings to the Town Board. Whenever practicable, the

inspecting officer shall cause photographs to be made of the premises and shall file same in the office of the Town Clerk/Treasurer.

- (2) If the inspecting officer shall be refused entry, or if the building is unoccupied, the inspecting officer may make application to the judge of any court of general jurisdiction in Door County, Wisconsin, stating the facts in the case, and such court shall thereupon issue a special inspection warrant directed to an appropriate law enforcement official commanding him to take sufficient aid and to be accompanied by the inspecting officer in making the inspection specified in Subsection A(1) above.
- (3) A special inspection warrant shall not be required when, in the opinion of the inspecting officer, an emergency situation exists because of great and immediate danger to the public health, safety, peace, morals and decency.

B. Summary abatement.

- (1) Notice to owner. If the inspecting officer shall determine that a public nuisance exists within the Town and that there is a great and immediate danger to the public health, safety, peace, morals and decency, the Town Board shall 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 said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such 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 Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or persons causing, permitting or maintaining the nuisance, as the case may be.
- (2) Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Town Board shall cause the abatement or removal of such public nuisance.

C. 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 and decency, the officer shall file a written report of findings with the Town Board who shall cause an action to abate such nuisance to be commenced in the name of the Town in any court of general jurisdiction in Door County in accordance with the provisions of Ch. 823, Wis. Stats.

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 of Wisconsin nor shall anything herein considered to be in conflict with Chapter 342 of this Code concerning Abandoned Motor Vehicles, the procedures in such Chapter 342 applying to Abandoned Motor Vehicles.

E. Court order. Except when necessary under Subsection B, no officer hereunder shall

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 of general jurisdiction in Door County for an order assisting the abatement of the public nuisance.

§ 273-8. Cost of abatement. ²

In addition to any other penalty imposed by this chapter for the erection or contrivance of a 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.³

§ 273-9. Violations and penalties. [Amended 5-8-1989]

The penalty for violation of any provision of this chapter shall be a forfeiture of not more than \$25 for each violation together with costs of prosecution. The penalty for second and subsequent offenses and continuing violations shall be as provided in § 1-5 of this Code.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: See § 66.0627, Wis. Stats.