

ORDINANCE NO. 01-2016

AN ORDINANCE TO REPEAL TITLE 12 PUBLIC NUISANCES AND
RECREATE TITLE 12 PUBLIC NUISANCES

The Village Board of the Village of Neosho, Dodge County, Wisconsin, does ordain as follows:

- Section I: TITLE 12 of the Village of Neosho are hereby repealed and replaced with the sections below::
- Section II: 12-1-1 Public Nuisances Prohibited.
No Person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.
- Section III: No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.
[§ 12-1-2 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.
[§ 12-1-3 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.
[A.](#)
Adulterated food. All decayed, 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 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.
[D.](#)
Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
[E.](#)
Privy vaults and garbage cans. Privy vaults and garbage cans which are not flytight.
[F.](#)
Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
[G.](#)
Noxious weeds.^[1] All noxious weeds, as defined in § 66.0517(1), Wis. Stats. In addition, other rank growth of vegetation, and all weeds, grasses and plants over twelve inches in height, excluding trees and shrubs, which:
[\(1\)](#)
Detract from the surrounding area and properties.
[\(2\)](#)
Become a possible fire hazard, as determined by the Fire Chief.

(3)

Become a health hazard due to their pollen or a potential cover for disease-carrying rodents and other small animals.

(4)

Are of an infectious or poisonous nature in or adjacent to a populated area, regardless of height.

(5)

Become a potential hazard to vehicular traffic in vision clearance triangles.

I.

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.

J.

Noxious odors, etc. 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 stench 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.

K.

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.

L.

Pesticide application. The application, or causing of the application, of any pesticide, as defined in § 94.67(25), Wis. Stats., in such a manner as to endanger the health of persons within the Village.

12-1-4 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.

A.

Disorderly houses. 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, gambling or sale and/or use of controlled substances as defined in Ch. 961, Wis. Stats.[\[1\]](#)

B.

Gambling devices. All gambling devices and slot machines.

C.

Unlicensed sale of liquor and beer. 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 this Code.

D.

Continuous violation of Village ordinances. 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.

E.

Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws or this Code.

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.

A.

Signs, billboards, etc. 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.

B.

Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the Village.

C.

Unauthorized traffic signs. All unauthorized signs, signals, markers 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 their color, location, brilliance or manner of operation, interfere with the effectiveness of any device, sign or signal.

D.

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.

E.

Trees and shrubs.

F.

Dangerous trees. All trees which are injurious to public health or safety because of a diseased or damaged condition, and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.

G.

Fireworks. All use, possession or display of fireworks except as provided by the laws of the state.

H.

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.

I.

Wires and cables over streets. All wires and cables over streets, alleys or public grounds which are strung less than 18 feet above the surface thereof.

J.

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, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.

K.

Obstructions of streets; excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same except as permitted by this Code or which, although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or do not conform to the permit.

L.

Snow, ice and debris removal. All debris not removed, and all snow and ice not removed or sprinkled with salt, ashes, sawdust or sand.

M.

Refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

N.

Open pits, basements, etc. All open and unguarded pits, wells, excavations and basements.

O.

Flammable liquids violations. Repeated or continuous violations of this Code or the laws of the state relating to the storage of flammable liquids.

12-1-6 Junk, Certain Vehicles and Firewood.

A.

Public nuisances declared. The following are hereby declared to be public nuisances wherever they may be found within the Village:

(1)

Any motor vehicle, truck body, tractor or trailer as enumerated in Subsections C and D below and defined in Subsection B below.

(2)

Any junk stored contrary to Subsection E below.

(3)

Any firewood used or stored contrary to Subsection F below.

B.

Definitions. The words, phrases and terms used in this section shall be interpreted as follows:

DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS

Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

IN THE OPEN

Land which may be viewed from public streets or adjoining property.

JUNK

Worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Village property values, health, safety or general welfare.

MOTOR VEHICLE

As defined in § 340.01(35), Wis. Stats.

UNLICENSED MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS

Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

C.

Storage of inoperable vehicles, etc.

(1)

Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property in the Village for a period exceeding 10 days.

(2)

Exceptions.

(a)

Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than five disassembled or wrecked vehicles, including vehicles under repair, in the open for a period not to exceed 30 days, after which such vehicles shall be removed.^[1]

D.

Storage of unlicensed vehicles, etc.

(1)

Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property in the Village for a period exceeding 10 days.

(2)

Exceptions.

(a)

Any business engaged in the sale, repair or storage of such unlicensed vehicles.

(b)

Garden tractors and mowers may be stored in the rear yard not less than 10 feet from any property line.

E.

Storage of junk prohibited. No person shall accumulate, store or allow any junk outside of any building on any public or private real estate located in the Village.

F.

Storage of firewood. No person shall store firewood on any residential premises except for use on the premises. No firewood pile may be located within the front setback. No firewood pile shall exceed four cords and firewood shall be neatly stacked.

G.

Issuance of citation; action to abate. Whenever the Police Chief shall find any such vehicle or junk, as defined in Subsection B above, accumulated, stored or remaining in the open upon any property within the Village contrary to the provisions of Subsections C, D and E above, or firewood stored contrary to Subsection F above, he shall notify the owner of said property on which such vehicle, junk or firewood is located of the violation of this section. If such vehicle, junk or firewood is not removed within 10 days, the Police Chief shall cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle, junk or firewood is located. In addition, action to abate such nuisance may be commenced.

H.

Penalty. Any person who shall be adjudicated to have violated any of the provisions of this section shall be subject to a forfeiture as provided in § 1-4 of this Code plus the costs of said prosecution and, upon default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed 10 days. Each day that a violation of this section continues shall be deemed a separate offense.

A.

Enforcement. It shall be the duty of the Chief of Police, the Fire Chief, and a health officer to enforce those provisions of this chapter that come within the jurisdiction of their respective offices, including the issuance of citations, 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.

B.

Summary abatement.

(1)

Notice to owner. If the inspecting officer 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 may direct the Chief of Police 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 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 Village shall 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.

(2)

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.

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 or decency, he shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 10 days. If such nuisance is not removed within 10 days, he shall report such fact to the Village President, who may direct the Village Attorney to commence an action in Circuit Court for the abatement of the nuisance.

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 nor as prohibiting an action to be commenced in the Circuit Court seeking a forfeiture.

E.

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.

12-1-8 Weed Control

A.

Noxious weeds and rank growth prohibited. No owner or occupant of any lot or parcel shall allow such property to become overgrown with any weeds or grass so as to constitute a public nuisance.

C.

Enforcement. If a property owner fails to control the growth of such weeds or rank growth of vegetation on his property, the Weed Commissioner shall serve upon him notice as to this fact. If such owner fails to abate this nuisance within five days after service of the notice, the Weed Commissioner shall take action to abate such public nuisance.

D.

Costs. If the Village causes a nuisance to be removed as provided in Subsection [C](#) above, the actual cost thereof as provided in the Village fee schedule, together with an administrative fee equal to 10% of the actual cost, shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to § 66.0517, Wis. Stats.

[Amended 3-10-2008 by Ord. No. 1006-2008]

[§ 12-1-9 Trees and shrubs in street right-of-way.](#)

[§ 12-1-10 Health nuisances.](#)

[A.](#)

The Village of Neosho promulgates ordinances controlling the existence of public health nuisances within the Village of Neosho limits and makes reasonable rules for the enforcement of the provisions of this chapter. Any person violating any of the regulations of this chapter shall be subject to a penalty provided in § [1-4](#) of this Code.

[B.](#)

Any health nuisance may be abated.

[\[1\]](#)

[§ 12-1-15 Violations and penalties.](#)

In addition to the remedy for abatement provided in this chapter, any person who shall violate any provision of this chapter, or permit or cause a public nuisance, shall be subject to a penalty as not less than \$100, nor more than \$500 together with cost of prosecution, court costs and applicable fees, assessments, and surcharges.

This Ordinance shall take effect upon its passage and publication according to law.

January 6, 2016

Jeanne M. McDermott

Jeanne M McDermott, Village President

ATTEST:

Deanna L. Boldrey

Deanna L. Boldrey

Village Clerk - Treasurer