

**VILLAGE OF BIG FALLS CODE OF ORDINANCES**  
**ORDINANCE #14**  
**PUBLIC NUISANCES / HEALTH HAZARDS**

**14.01 PUBLIC NUISANCES PROHIBITED**

No person shall erect, contrive, continue, maintain or permit to exist any public nuisance within the Village to include all zoning except C-1 (General Commercial) and I-1 (Industrial).

**14.02 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 danger for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

**14.03 PUBLIC NUISANCES AFFECTING HEALTH**

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 14.02:

- 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 were 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, used tires, 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. Stagnant Water:** All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Noxious Weeds:** All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed 6". The Village may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property owner under Sect. 66.0407, Wisconsin Statutes.
- F. 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.
- G. Noxious Odors, Etc.:** Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, 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 Village.
- H. Street Pollution:** Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, galley, sidewalk or public place within the Village.
- I. Air Pollution:** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village in such quantities as to endanger the health of persons or ordinary sensibilities or to threaten or cause substantial injury to property in the Village.

#### **14.04 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 Sec. 10.02.

- A. Illegal Buildings:** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village per ordinance 24.400.
- 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 of pedestrian crosswalk.
- C. Tree Limbs:** All limbs of trees which project over and less than 14 feet above any public sidewalk, street or other public place.
- D. Dangerous Trees:** All trees that 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.
- 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. Noisy Animals or Fowl:** The keeping or harboring of any animals or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises greatly annoys or disturbs a neighborhood or any considerable number of persons within the Village.

#### **14.05 PUBLIC NUISANCES – JUNKED MOTOR VEHICLES**

##### **A. Definitions:**

1. "Person" means any person, firm, partnership, corporation, association, company, or organization of any kind that owns or leases real estate in the Village.
2. "Vehicle" means a machine propelled by power other than human power and shall include without limitation automobiles, trucks and motorcycles, whether operable or inoperable.
3. "Street and highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
4. "Property" means any real property within the Village which is not a street or highway.
5. "Restoration" means a vehicle being restored or modified by the property owners.

**B. Nuisance Vehicles.** No unlicensed, non-registered vehicle shall be allowed to remain outside a closed building upon public or private property within the Village for a period in excess of one month unless it is in connection with a duly authorized vehicle sales or repair enterprise located in a properly zoned area.

**C. Vehicle restoration/modification.** A single vehicle may be restored to driving condition without inside storage for a period of one (1) year unless the owner notifies the Plan Commission in writing that the restoration is continuing and a completion date of the restoration is given to the Commission.

**D. Abandonment of Vehicles.** No person shall abandon any vehicle within the Village and no person shall leave any vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.

**E. Wrecked Vehicles on Street.** No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the Village.

## **F. Enforcement**

- 1. Public Property and Streets.** If any Village Board member or peace officer finds any vehicle placed or stored upon public property or on a public street or highway in violation of this ordinance, such vehicle shall be removed to a junk or salvage yard and stored there for 15 days or until claimed by the owner, whichever is sooner. At the end of the said time, such junk or salvage yard shall dispose of the vehicle. The junk or salvage yard may charge the owner a reasonable fee for removal and storage of such vehicle.

## **G. Private Property**

1. If any Village Board member or peace officer finds any vehicle placed or stored upon private property in violation of this ordinance, the owner of such property shall be given notice by certified mail to remove the same within three (3) days of delivery of said notice. If such vehicle is not removed within the time specified, the Village Board shall issue a violation notice to the owner of the property upon which the vehicle is placed or stored.
2. The owner of any property on which a vehicle is stored or permitted to remain in violation of this ordinance, as well as the owner of the vehicles, shall be jointly and separately liable for violations of this ordinance.

**H. Penalty.** Any person violating the provision above will be fined \$100.00 for each offense. Any person fined under this section must also pay the costs of prosecution and, in default of payment, shall be imprisoned in the County Jail for a period not to exceed 30 days. Each day of violation, and each vehicle in violation, shall constitute a separate offense.

## **14.06 ABATEMENT OF PUBLIC NUISANCES:**

- A. Enforcement:** The Village Board shall enforce those provisions of this chapter that comes within the jurisdiction of the Village 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 Village President 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 Village President determines 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 President of the Village Board may direct the County Sheriff's Department 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 Village President determines that a public nuisance exists on private premises but that the nature of such nuisance does not threaten great and immediate danger to the public health, safety, peace, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days the County Sheriff's Department shall cause the nuisance to be removed as provided in Sub. (B).
- D. Other Methods Not Excluded:** The Village Board shall construe nothing in this chapter as prohibiting the abatement of Public nuisances in accordance with State laws.
- E. Court Order:** Except when necessary under Sub. (B), the Village President 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.

## **14.07 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 assessment

**14.08 INTERPRETATION**

If any section or provision of this ordinance is ruled invalid by any court, the remainder of the ordinance shall not be rendered ineffective.

**14.09 EFFECTIVE DATE**

This ordinance shall become effective upon its adoption and publication as required by law.

Adopted this 8th day of September 2016.

Posted September 9, 2016

John Durie, Village President

Attest:

Amy Bazile, Village Clerk/Treasurer