

Public Nuisance

10.06 JUNK, JUNKED VEHICLES, ETC., REGULATED.

(1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the Village:

(a) Any motor vehicle, truck body, tractor or trailer as enumerated in subs. (3) and (4) below and defined in pars. (2)(a), (b) and (c) below.

(b) Any junk stored contrary to sub. (5) below.

(c) Any recreational equipment stored contrary to sub. (6) below.

(d) Any firewood used or stored contrary to sub. (6) below.

(2) DEFINITIONS. The following words, phrases and terms used in this section shall be interpreted as follows:

Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, 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.

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

Motor Vehicle. As defined in Sec. 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.

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

10.02 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:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) 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.

10.03 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 Sec. 10.02:

- (1) ADULTERATED FOOD. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) 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.
- (3) 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 in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed.
- (4) STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not fly tight.
- (6) NOXIOUS WEEDS. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed 8". The Village may cause all weeds and grass to be cut and removed, brush to be removed and the cost thereof charged to the property under Sec. 66.60(16), Wis. Stats.
- (7) ANIMALS. (Repealed August 3, 1995.)
- (8) 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 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.
- (9) STREET POLLUTION. 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 Village.
- (10) AIR POLLUTION. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Village.
- (11) WATER POLLUTION. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industry wastes or other substances.
- (12) ABANDONED WELLS. All abandoned wells not securely covered or secured from public use.

10.04 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:

- (1) DANGEROUS SIGNS, BILLBOARDS, ETC. All signs, 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.
- (2) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of Village ordinances relating to materials and manner of construction of buildings and structures within the Village.
- (3) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markings 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 official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign or signal.

(4) 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.

(5) LOW HANGING TREE LIMBS. All limbs of trees which project over and less than 14' above any public sidewalk, street or other public place.

(6) DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(7) FIREWORKS. All use or display of fireworks, except as provided by State laws and Village ordinances.

(8) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use. See Sec. 66.05, Wis. Stats.

(9) 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.

(10) NOISY ANIMALS OR FOWL. (Repealed August 3, 1995.)

(11) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by ordinances of the Village, 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.

(12) LOUD AND UNNECESSARY NOISE. All loud, discordant and unnecessary noises or vibrations of any kind.

(13) DANGEROUS EXCAVATIONS. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(14) ABANDONED REFRIGERATORS, ETC. 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.

(15) UNLAWFUL ASSEMBLIES. Any unauthorized or unlawful 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.

(16) CONTINUOUS VIOLATION OF ORDINANCES. Repeated or continuous violations of the ordinances of the Village or laws of the State.

(17) SNOW AND ICE REMOVAL. All snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in Sec. 8.07 of this Code.

(18) DISEASED TREES. Any diseased trees or shrubs or the limbs thereof.

10.05 CONTROL OF WEEDS AND NOXIOUS WEEDS.

(1) Every person shall destroy all noxious weeds on every parcel of land which they shall own, occupy or control.

(2) Noxious weeds shall be those weeds defined in 66.0407(1)(b), Wis. Stats., which is hereby adopted and made part of this section as well as any other weeds declared to be noxious by resolution of the Village Board of Trustees.

(3) The Weed Commissioner shall have the powers and duties enumerated in both this section and in 66.0517, Wis. Stats., except that they shall receive no compensation for their services other than their regular pay.

(4) The Weed Commissioner shall destroy noxious weeds as defined above and is further empowered to enter upon public and private lands to carry out said responsibilities. The Weed Commissioner may cut down any grass or weeds which are eight (8) inches or more in height at the Weed Commissioner's discretion.

(a) Maintenance of Managed Natural Landscapes. Any person owning, occupying or controlling any lot or yard within the Village of Hortonville containing a managed natural landscape shall destroy all noxious, invasive, and nuisance weeds Added 3/17/2016

1. Natural landscapes shall be managed in a healthy and vigorous condition, as opposed to one of impairment and decline in ways that adversely affect human health and safety. Added 3/17/2016

2. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways or to interfere with the vision corners. Added 3/17/2016

3. Minimum setbacks in all zoning districts shall be 10 feet from the established property lines and no less than 15 feet from any street or road right of way. Maximum size for a single managed natural landscape "area" or "bed" in all zoning districts (excluding Agriculture, Conservancy, Commercial, and public lands) can be no larger than 400 sq. feet; neither single or multiple "areas" or "beds" can exceed 20% of the total lot size. For all Commercial zoned properties, the only sizing restriction is that the managed natural landscaping cannot exceed 20% of the total lot size. When calculating total lot size in any zoning district, property owners can exclude mapped 0.1 PCT Base Flood Elevations and wetland areas from the overall total. Added 3/17/2016

4. A landowner who does not comply with this section shall be in violation. The Weed Commissioner shall issue a notice to comply. Added 3/17/2016

(5) The property owner or tenant, upon served written notice from the Hortonville Police Department, shall have forty eight (48) hours from receipt of said notification to remove or cut the accumulation or growth of weeds, grass, brush or other rank or offensive vegetation which has grown to a height greater than eight (8) inches.

(6) Failure of the property owner or tenant to remove or cut weeds and noxious weeds within the above timeframe shall result in an initial fine plus costs payable by the property owner or tenant to the Village for remediation. Cost for remediation will be billed at the rate of \$150.00 per hour, with a minimum billing of \$100.00. The Village reserves the right to contract services if needed for remediation. The Police Department shall be authorized to issue citations for any fines due herein upon notification by the Weed Commissioner. (Revised 3/21/19)

(7) As an alternative to the foregoing or in addition thereto, in the event the Weed Commissioner has destroyed, cut or otherwise removed noxious weeds or vegetation which is eight (8) inches or more in height, a special charge may be imposed against the real property

upon which said services are rendered, as set forth in Section 66.0627, Wis. Stats., with or without notice to the property owner.

(8) The amount of this special charge for the provision of Village services shall be set from time to time by resolution of the Village Board of Trustees.

(9) The provisions of Section 10.05 (1) through (8) above shall apply to all property within the Village with the following exceptions: any property zoned R-1 (Single Family Residential) which is in excess of one (1) acre in which case weeds or vegetation must be cut back twenty five (25) feet from the front property line; any property zoned A (Agricultural) that is being utilized for crops (for said zoned property lying fallow then weeds or vegetation must be cut back twenty five (25) feet from the front property line); any unoccupied property zoned I-1 or I-2 (Industrial) must cut back weeds or vegetation twenty five (25) feet from the front property line; and, finally, any property zoned C (Conservancy).