

**Chapter 8.28
Nuisances**

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8.28.010 Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the village of Oakfield. (Prior code § 13.01)

8.28.020 Definitions.

A. Public Nuisance. A public nuisance is a thing, act, occupation, condition or use of property which shall continue 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.

B. 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 in subsection A of this section:

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

2. 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 twenty-four (24) hours after death;

3. Accumulations of decayed animal or vegetable matter, garbage, 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;

4. All stagnant water in which mosquitoes, flies or other insects can multiply;

5. Privy vaults and garbage cans which are not fly-tight;

6. All noxious weeds and other rank growth of vegetation;

7. All animals running at large;

8. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the village limits or within one mile there from in such quantities as to endanger the health of

persons of ordinary sensibilities or to threaten or cause substantial injury to property in the village;

9. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial waste or other substances;

10. Any use of property, substances or things within the village of Oakfield emitting or causing any foul, offensive, noisome, 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 village;

11. All abandoned wells not securely covered or secured from public use;

12. 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.

C. Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public moral and decency:

1. 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 or gambling;

2. All gambling devices and slot machines;

3. 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 the ordinances of the village of Oakfield;

4. All places or premises within the Village of Oakfield, where village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly,

continuously, repeatedly and intentionally violated;

5. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state of Wisconsin or ordinances of the village.

6. 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 provisions of subsection A of this section:

1. 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;

2. All buildings erected, repaired or altered within the fire limits of the village of Oakfield in violation of the provisions of the ordinances of the village, relating to materials and manner of construction of buildings and structures within said district;

3. 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 an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal;

4. 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. All limbs of trees which project over and less than seven (7) feet above the surface of a public sidewalk or street or less than ten feet above any other public place;

6. All use or display of firework except as provided by the laws of the state of Wisconsin and ordinances of the village;

7. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;

8. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof;

9. All loud and unnecessary noises.

a. General. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

b. Sound-amplifying equipment. The following regulations shall apply to the use of sound-amplifying equipment within the Village:

i. Sound-amplifying equipment shall be permitted only to publicize events of community-wide interest and importance which are of a noncommercial nature.

ii. The only sounds permitted shall be music and human speech.

iii. The volume of sound shall be controlled so that it will not be audible for a distance in excess of 200 feet from its source and so that the volume of sound emitted therefrom shall not be unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility

c. Construction and machinery noise. No person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of similar nature between the hours of 9:00 p.m. and 7:00 a.m. except for snow removal and

emergencies. This provision shall not apply to public works construction or any other government projects.

10. 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;

11. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the village or 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;

12. All open and unguarded pits, walls, excavations or unused basements freely accessible from any public street, alley or sidewalk;

13. 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 outside;

14. 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;

15. Repeated or continuous violations of the ordinances of the village or laws of the state of Wisconsin relating to the storage of flammable liquids;

16. All snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in Chapter 12.28 of this code;

8.28.030 Abatement of public nuisances.

A. Inspection of Premises. Whenever complaint is made to the village president that a public nuisance exists within the village of Oakfield, he shall promptly notify

the chief of police, health officer or building inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the village president. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the village clerk.

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 causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within twenty-four (24) hours and shall state that unless such nuisance is so abated, the village will 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 health officer, in case of health nuisances, and the chief of police, in other cases, shall cause the abatement or removal of such public nuisances.

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 file a written report of his findings with the village president who shall

cause an action to abate such nuisance to be commenced in the name of the village in the Circuit Court of Fond du Lac County in accordance with the provisions of WSA Chapter 823.

D. Other Methods Not Excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the village of Oakfield or its officials in accordance with the laws of the state of Wisconsin. (Prior code § 13.03)

8.28.040 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. (Prior code § 13.04)

8.28.21 Motor Vehicles, Open Storage of Unlicensed or Junked Prohibited

A. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Inoperable" means any motor vehicle which is disassembled, junked, wrecked, lacking lawful current license plates, incapable of propulsion or being or legally operated on public streets or highways, or is so unsightly or in such state of physical or mechanical ruin as would tend to depreciate property values in the area or cause a public nuisance or hazard. "Inoperable" includes a vehicle which is incapable of legal operation or highway use and which has no resale value except as a source of parts or scrap.

A vehicle for which an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.

2. "Motor vehicle" means any motor vehicle as defined in §340.01(35) Wis. Stats.

Motor vehicle means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, etc.

3. "Motor vehicle accessories" mean any part or parts of any motor vehicle.

4. "Farm machinery" and "farm implement" means any self-propelled land vehicle, tool, instrument, appliance or utensil which can be used or adapted to facilitate farming, including but not limited to tractors, wagons, carts, drays, sleighs, plows, drags, binders, corn binders, mowers, spring tooth harrows, disc harrows, seeders, hay loaders, corn planters, harnesses, etc.

5. "Open" means a location or storage area which is outside of an enclosed building or unenclosed in a building.

6. "Owner" means a person who holds the legal title of a motor vehicle, motor vehicle accessory, or farm machinery and implement, except that if legal title is held by a secured party with the immediate right of possession of the vehicle vested in the debtor, the debtor is the owner. "Owner" includes any individual, firm, partnership, or corporation.

7. "Private property" means any real property not owned by the federal government, state, county, city, school board, or other public subdivision.

8. "Removal" means that physical relocation of a motor vehicle, motor vehicle accessories, farm machinery or farm implements to an authorized location.

(State Law reference— Definitions, Wis. Stats. § 340.01.)

8.28.22 Prohibited on open, private property; exception.

No disassembled, dismantled, partially dismantled, junked, wrecked or inoperable or unlicensed motor vehicle, motor vehicle accessory, farm machinery, or farm implement shall be stored or allowed to remain in the open upon private property within the village for a period of more than **72 hours** unless it is in connection with an automotive or farm implement sales or repair business enterprise located within a properly zoned area or is an implement of husbandry as defined in Wis. Stats. §340.01.

8.28.23 Notification of owner; removal; charges.

A. Whenever the chief of police shall find any such motor vehicle, motor vehicle accessory, farm machinery, or farm implement placed or stored in the open upon private property in the village, he shall notify in writing, personally or by certified mail return receipt, the owner and any lien holders of such motor vehicle, motor vehicle accessory, farm machinery, or farm implement, and/or owner of such property upon which such motor vehicle, motor vehicle accessory, farm machinery, or farm implement is placed or stored, of the intention of the village to remove such motor vehicle, motor vehicle accessory, farm machinery, or farm implement.

B. The notice shall state that the failure of the owner or lien holders to exercise their rights to reclaim the motor vehicle, motor vehicle accessory, farm machinery, or farm implement under this section shall be considered a waiver of all right, title and interest in the motor vehicle and consent to the sale of the motor vehicle, motor vehicle accessory, farm machinery, or farm implement. Each retained motor vehicle, motor vehicle accessory, farm machinery, or farm implement not reclaimed by its owner or

lien holder may be sold. If any such motor vehicle, motor vehicle accessory, farm machinery, or farm implement is not removed within 15 days after such notice, the chief of police shall cause such motor vehicle, motor vehicle accessory, farm machinery, or farm implement to be removed, the cost of such removal to be charged to the property from which it was removed, and such charge to be entered upon the tax roll as a special assessment.

C. Upon removal, the motor vehicle, motor vehicle accessory, farm machinery, or farm implement shall be stored in a junk or salvage yard or other suitable place for 30 days and the owner thereof shall be so notified, if the name and whereabouts of the owner can be readily ascertained. At the end of such time such motor vehicle, motor vehicle accessory, farm machinery, or farm implement shall be disposed of unless claimed by the owner. If such motor vehicle, motor vehicle accessory, farm machinery, or farm implement is claimed by the owner, then all reasonable charges for handling and storage shall be paid by the owner. Within five days after the sale or disposal of a motor vehicle, motor vehicle accessory, farm machinery, or farm implement as provided in this subsection, the village shall advise the Wisconsin Department of Transportation of the sale or disposition on a form supplied by the Department.

(State Law reference— Disposition of unregistered vehicles, Wis. Stats. § 341.65(2))

8.28.24 Storing junked, discarded material.

No person shall, for more than 72 hours, store junked or discarded property including automobiles, automobile parts, trucks, tractors, boats, boat parts, boat motors, furnaces, refrigerators, washing machines, stoves, appliances, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris which depreciates property

values in the neighborhood, except in an enclosure which houses such property from public view, or upon a permit issued by the village board.

(State Law reference— Disposition of unregistered vehicles, Wis. Stats. § 341.65(2))

8.28.25 Abandonment prohibited

No person shall leave unattended any motor vehicle, trailer, semitrailer, mobile home, boat, or any gas-driven vehicle on any public street or highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been

abandoned. When any such vehicle has been left unattended on any village street or highway, or on any public or private property within the village, without the property owner's permission, for more than 72 hours, the vehicle is deemed abandoned or constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized village official pursuant to this ordinance.

(State Law reference—similar provision, Wis. Stats. § 342.40(1c))

8.28.26 Impoundment; authority of police chief.

Any vehicle in violation of Article 8.28.25 shall be impounded until lawfully claimed or disposed of under section 8.28.27; except, that if the chief of police or his duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the village prior to expiration of the impoundment period upon determination by the chief of police or his duly authorized representative that the vehicle is not wanted for evidence or other reason. Provided, all substantially complete vehicles in excess of

19 model years of age shall be disposed of in accordance with section 8.28.27.

State Law reference— similar provision, Wis. Stats. § 342.40(2).

8.28.27 Notification of owner; disposal of vehicle.

A. If the chief of police or his duly authorized representative determines that the value of the abandoned vehicle exceeds \$100.00, he shall notify the owner and the lien holders of record by certified mail that the vehicle has been deemed abandoned and impounded by the village and may be reclaimed within 15 days upon payment of accrued towing, storage and notice shares, and if not so reclaimed shall be sold. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lien holders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lien holders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and consent to the sale of the vehicle.

B. In the event an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions as provided above, it may be sold by sealed bids. The description of the vehicle and the terms of sale shall be published as a Class 1 notice five days before the sale. At such sale, the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized village representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the village may either re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold.

C. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the village treasury. Upon sale of an abandoned vehicle, the village shall supply the purchaser with a completed form designed by the state department of transportation enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the village for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the village shall be made available to any interested person or organization which makes a written request for such list. The village may charge a fee for the list.

D. Any abandoned vehicle which is determined by the chief of police or his duly authorized representative to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

State Law reference— similar provision, Wis. Stats. § 342.40(3)(c).

8.28.28 Owner responsible for impoundment and sale costs.

The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the village against the owner.

State Law reference— similar provision, Wis. Stats. § 342.40(3)(b).

8.28.29 Notice to state department of transportation.

Within five days after the sale or disposal of a vehicle as provided in this article, the chief of police or his duly authorized representative shall advise the state department of transportation, division of motor vehicles, of such sale or disposition on a form supplied by the division. A copy of such form shall also be given to the purchaser of the vehicle and a copy shall be retained on file in the village office.

State Law reference— similar provision, Wis. Stats. § 342.40(3)(e).

8.28.30 Violation; penalty.

Any person violating any of the provisions of this ordinance shall, upon conviction, be subject to a penalty as provided in Chapter 1.20