

Chapter 168

NUISANCES

[HISTORY: Adopted by the Town Board of the Town of Summit 11-1-1965. Amendments noted where applicable.]

GENERAL REFERENCES

Adult-oriented establishments — See Ch. 68.
False alarms — See Ch. 72.
Animals running at large or making noise — See Ch. 75.
Unsafe buildings — See Ch. 86.
Open burning — See Ch. 93.
Curfew — See Ch. 111.
Drug paraphernalia — See Ch. 117.
Discharge of firearms — See Ch. 129.
Fireworks — See Ch. 136.
Hazardous materials — See Ch. 145.
Intoxicating liquor and fermented malt beverage licensing — See Ch. 150.
Junkyards — See Ch. 154.
Loitering — See Ch. 160.
Peace and good order — See Ch. 178.
Property maintenance — See Ch. 184.
Dumping and littering — See Ch. 205, Art. I.
Streets and sidewalks — See Ch. 209.

ARTICLE I

Public Nuisances

§ 168-1. Public nuisances prohibited.

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

§ 168-2. Conditions constituting public nuisance.

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 dangerous for passage any street, alley, highway, navigable body of water or other public way.

§ 168-3. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of § 168-2.

- A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. 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. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Privy vaults and garbage cans which are not fly-tight.
- F. All noxious weeds and other rank growth of vegetation.
- G. All animals running at large.
- H. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town 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.
- I. Burning of garbage in trash burners.
- J. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.
- K. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, 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.
- L. All abandoned wells not securely covered or secured from public use.

§ 168-4. Public nuisances offending morals and decency.

The following acts, omissions, places, conditions and things are 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 definition of § 168-2.

- A. 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.
- 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 by the ordinances of the Town.
- 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 State of Wisconsin or the ordinances of the Town.

§ 168-5. 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 § 168-2.

- A. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.
- B. 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.
- C. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- D. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.
- E. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.
- F. All loud, discordant and unnecessary noises or vibrations of any kind.
- G. 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.
- H. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- I. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- J. 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.

- K. 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.
- L. Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

ARTICLE II Abatement of Public Nuisances

§ 168-6. Inspection of premises.

Whenever complaint is made to the Chairman that a public nuisance exists within the Town he shall promptly notify the Chief of Police, Health Officer or Building Inspector, who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the Chairman. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk/Treasurer.

§ 168-7. Notice and demand to owner.

If the inspecting officer shall determine that a public nuisance exists on private property and that there is a great and immediate danger to the public health, safety, peace, morals and decency, the Chairman may direct the Chief of Police to serve notice on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of said notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance 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 person causing, permitting or maintaining the same, as the case may be.

§ 168-8. Abatement by Town.

If the nuisance is not abated with the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Health Officer, in case of health nuisance, or the Chief of Police, in other cases, shall cause the abatement or removal of such public nuisance.

§ 168-9. 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 Chairman, who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Waukesha County in accordance with the provisions of Ch. 823, Wis. Stats.

§ 168-10. Other methods not excluded.

Nothing in this chapter shall prohibit the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

§ 168-11. Cost of abatement.

In addition to any other penalty for the erection, contrivance, creation, continuance or maintenance of a public 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 other special taxes.