

CHAPTER 14

PUBLIC NUISANCES

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

14.02 DEFINITIONS.

(1) 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 substantially annoy, molest, harass, disturb, injure or endanger the comfort, health, repose or safety of the public; in any way render the public insecure in life or in the use of property; greatly offend the public morals or decency; 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.

(2) 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 coming within the definition of subsection (1) of this section: retaining the carcasses of animals, birds or fowl, not intended or fit for human consumption, or putrefying or decomposed organic materials or food which are not buried or otherwise disposed of in a sanitary manner for more than 24 hours; accumulation 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; accumulating or permitting stagnant water to remain on any property in which mosquitoes, flies or other insects can multiply; maintaining garbage cans which are not fly-tight; permitting noxious weeds or other rank growth of vegetation; permitting animals to run at large; permitting or using any property, substances or things within the Village of North Bay emitting or causing any foul, offensive, noisy, nauseous, noxious or disagreeable odors, gases, smoke, effluvia or stenches extremely repulsive to the physical sense of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village; permitting 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.

(3) Burning. Burning, out of doors, of organic or inorganic materials creating offensive or disagreeable smoke or odors is prohibited. Refer to Chapter 16.05 (1).

14.03 ABATEMENT OF PUBLIC NUISANCES.

(1) Inspection of Premises. Whenever complaint is made to the Village President that a public nuisance exists within the Village of North Bay, he shall promptly notify the Constable, 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 practical, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.

(2) Summary Abatement.

(a) 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 Constable 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 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.

(b) 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 Constable, in other cases shall cause the abatement or removal of such public nuisance. The cost of such abatement or removal shall be charged to the person causing such public nuisance, and if not timely paid, shall be collected as a special charge against the property. (Ord. 20-13-02 on 05-13-13)

(3) 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 Racine County in accordance with the provisions of Chapter 280 of the Wisconsin Statutes.

(4) Other Methods Not Excluded. Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the Village of North Bay or its officials in accordance with the laws of the State of Wisconsin.

14.04 COST OF ABATEMENT. In addition to any other penalty imposed by this Ordinance 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.

14.05 PENALTY. The penalty for violation of the provisions of this section shall be a penalty as provided in Section 19.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of any provisions of this chapter occurs or continues.