

## **Chapter 186**

### **NUISANCES**

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**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 9, Ch. 6 of the 1984 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Alcoholic beverages -- See Ch. 93.

Animals -- See Ch. 101.

Fire prevention -- See Ch. 139.

Food-handling establishments -- See Ch. 149.

Pollution -- See Ch. 200.

Property maintenance -- See Ch. 205.

Solid waste -- See Ch. 228.

Trees and shrubs -- See Ch. 251.

Abandoned and junked vehicles -- See Ch.  
261.

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#### **§ 186-1. Public nuisances prohibited.**

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

#### **§ 186-2. Public nuisance defined.**

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

### **§ 186-3. 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 § 186-2:

- A. Adulterated food.** All decayed, harmfully 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 foods which are 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, 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. Stagnant water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Privy vaults and garbage cans.** Privy vaults and garbage cans which are not fly-tight.
- F. Noxious weeds.** All noxious weeds and other rank growth of vegetation. All weeds shall be kept cut to a height of not to exceed one foot.
- G. 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.
- H. Noxious odors, etc.** Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, 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.
- I. Street pollution.** 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.

### **§ 186-4. Public nuisances offending morals and decency.**

The following acts, omissions, places, conditions and things are hereby specifically 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 § 186-2:

- A. **Disorderly houses.** 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. **Gambling devices.** All gambling devices and slot machines.
- C. **Unlicensed sale of liquor and beer.** 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<sup>1</sup>.
- D. **Continuous violation of Village ordinances.** Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- E. **Illegal drinking.** 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.

**§ 186-5. Public nuisances affecting peace and safety.**

The following acts, omissions, places, conditions and things are hereby 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 § 186-2:

- A. **Signs, billboards, etc.** 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.
- B. **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.
- C. **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 an official traffic control device, railroad sign or signal or which because of their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.
- D. **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.
- E. **Tree limbs.** All limbs of trees which project over any public sidewalk, street or other public place and present a safety hazard.

1. Editor's Note: See Ch. 160, Intoxicating Liquor and Fermented Malt Beverages

- F. Dangerous trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village<sup>2</sup>.
- H. 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.
- I. Wires over streets.** All wires over streets, alleys, or public grounds which are strung less than 20 feet above the surface thereof.
- J. Noisy animals or fowl.** 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.
- K. Obstructions of streets; excavations.** 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<sup>3</sup>, 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 or do not conform to the permit.

#### **§ 186-6. Abatement of public nuisances.**

- A. Enforcement.** The Chief of Police, the Chief of the Fire Department, the Building Inspector and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have 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 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 President may direct the proper officer 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 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 serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisance to be removed as provided in Subsection B.

2. Editor's Note: See Ch. 143, Fireworks

3. Editor's Note: See Ch. 234, Streets and Sidewalks

- D. Other methods not excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

**§ 186-7. Recovery of abatement costs.**

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.

**§ 186-8. Regulation of Smoking.**

- A. State Statutes Adopted.** Section 101.123.Stats., is hereby adopted.

**B. Definitions:**

- (1) **Person in charge.** Means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.
- (2) **Prohibited place.** Means any place or location in the Village of Genoa City as described in ss. 101.123 (2) (a) , (d) and (e) , Stats.
- (3) **Enclosed indoor area.** Means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50% of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes a retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

- C.** No person may smoke in or at any prohibited place or location.

- D.** A person in charge:

- (1) May not allow any person to smoke in or at any prohibited place or location under the control or direction of the person in charge.
- (2) May not provide matches, ashtrays, or other equipment where smoking is prohibited.
- (3) Shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:
  - (a) Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

- (b) Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.
    - (c) Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.
  4. Shall immediately notify an appropriate law enforcement agency of a violation if a person refuses to leave a place or location after being requested to do so.
- E. If the person in charge has not previously received a warning notice for a violation of subs. (3) (b) through (3) (c), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
- F. All definitions and other provisions of Section 101.123 of the Wisconsin Statutes consistent with the foregoing, and as may be amended from time to time, are hereby adopted by reference.
- G. A violation of this sub-section 186-8 of the Municipal Code relating to the prohibition of smoking in various places shall be \$100 for each violation except that the forfeiture for a person in charge cannot exceed \$100 per day.