

Village of Arpin, Wood County, Wisconsin

Ordinance #26

AN ORDINANCE TO REGULATE NUISANCES WITHIN THE VILLAGE OF ARPIN, WOOD COUNTY WISCONSIN

The Village Board of the Village of Arpin, Wood County, Wisconsin, do ordain as follows:

Section 1 – No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Arpin.

Section 2 – **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:
 - (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, ally, 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 declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of sub. (1) Of this section.
 - (a) All decayed harmfully adulterated or unwholesome food or drink.
 - (b) Carcasses of animals, birds, fish or fowl not intended for human consumption or food which is not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (c) Accumulation 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.

*Section 2 – **Definitions (cont.):***

- (e) The escape of smoke, soot, cinders, noxious acids, fumes, gases, unbearable odors, 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 to cause substantial injury to property in the Village.
- (3) 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 provisions of sub. (1) of this section.
- (a) 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) All trees, hedges, signs, 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 buildings or structures so old dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
 - (d) All wires over streets, alleys or public grounds that are strung less than 15 feet above the surface thereof.
 - (e) All loud, discordant and unnecessary noises or vibrations of any kind. Any noise affecting peace in the Village. Penalty assessment determined by Village Board.
 - (f) 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.
 - (g) 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. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

Section 2 – Definitions (cont.):

- (h) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a devise for opening from the inside.

Section 3 – Abatement of Public Nuisances:

- (1) Inspection of premises. Whenever complaint is made to the Police Department that a public nuisance exists within the Village of Arpin, the Police shall promptly inspect or cause to be inspected the premises complained of and shall make a written report of the 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.
- (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 a great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the 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 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 Police shall cause the abatement or removal of such public nuisance.
- (3) Abate 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 County Court of Wood County in accordance with the provisions of Ch. 280 of the Wisconsin Statutes.

*Section 3 – **Abatement of Public Nuisances (cont.):***

- (4) Other Methods Not Excluded. The Village of Arpin or its officials in accordance with the laws of the State of Wisconsin shall construe nothing in the ordinance as prohibiting the abatement of public nuisances.

*Section 4 – **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.

*Section 5 – **Penalty Provisions:***

- (1) General Penalty. Any person who will violate any provision of this section shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (a) First Offense. Any person who shall violate any provision of this ordinance shall upon conviction thereof receive a warning letter.
 - (b) Second Offense-Penalty. Any person who shall violate any provision of this ordinance shall upon conviction thereof, forfeit \$50, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution.
 - (c) Third Offense-Penalty. Any person found guilty of violating this section who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit \$100 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution.
- (2) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of this section, the court may issue an execution against the property of the defendant for said forfeiture and costs.

*Section 6– **Severability:***



The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions, sections, sub sections, paragraphs, clauses or phrases or the ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstance shall not be affected thereby.

*Section 7– **Effective Date:***

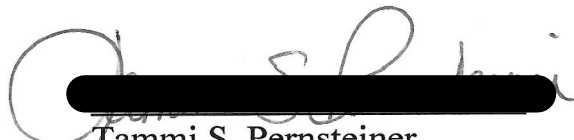

This ordinance shall take effect and be in force after passage and publication as provided by law.

Passed 12-10-08

Posted 1-2-09



John Esser
Village President

12-10-08
Date Signed



Tammi S. Pernsteiner
Clerk/Treasurer

12-10-08
Date Signed