

## Chapter 18

### NUISANCES

- 18.01 Public Nuisances Prohibited
- 18.02 Definitions
- 18.03 REPEALED
- 18.04 Cost of Abatement
- 18.05 Weeds
- 18.06 Vehicles-Nuisances-Repair Work
- 18.07 REPEALED
- 18.08 Junk or Debris Accumulation

18.01 PUBLIC NUISANCES PROHIBITED.

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

18.02 DEFINITIONS.

(a) Public Nuisance. A public nuisance is an act condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, or safety of the public; or
- (2) In any way renders the public insecure in life or in the use of property; or
- (3) Greatly offends the public morals or decency; or
- (4) Unlawfully and substantially interferes with, obstructs, or renders dangerous for passage any public way, navigable body of water, or the use of public property.

(b) Public Nuisances Affecting Health. The following situations are specifically declared to be public health nuisances. Such enumeration, however, shall not be construed to exclude other health nuisances coming within the definition of subsection (a) of this section.

- (1) Any decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) The carcass of any animal, bird 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.
- (3) Any accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (4) Any stagnant water in which mosquitoes, flies or other insects can reproduce.
- (5) Privy vaults and garbage cans which are not fly-tight.
- (6) All noxious weeds and other rank growth of

vegetation.

(7) Any animal running at large.

(8) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other emissions within the Village 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 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 wastes or other substances.

(10) Any use of property or substances within the Village causing any noxious or disagreeable odors, or emissions repulsive to the physical senses of ordinary persons which annoys, injures or inconveniences the health of any appreciable number of persons within the Village.

(11) Any abandoned well not securely covered or secured from public use.

(12) Any obstruction to any water course, culvert, drainage ditch, swale, or ravine.

(13) Any open and insecurely guarded cistern, well or other dangerous excavation.

(14) Treehouses, foxholes, trenches or abandoned wells not securely covered or secure from public use.

(15) The deposit of garbage or refuse on any street or public or private property except as may be permitted by this Code.

(16) 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.

(c) Public Nuisances Offending Morals and Decency.

The following situations 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 subsection (a) of this section:

(1) Any disorderly house, bawdy house, house of

ill fame, gambling house and any building or structure kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) Any gambling device or slot machine.

(3) Any place 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 this Code.

(4) Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, 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 or ordinances of the Village.

(d) Public Nuisances Affecting Peace and Safety. The following situations 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) Any sign, billboard, awning or other similar structure over or near a public place so situated or constructed as to endanger the public safety.

(2) Any building erected, repaired or altered within the fire limits of the Village of Paddock Lake in violation of the building regulations of the Village.

(3) Any unauthorized sign, signal or marking device placed in view of any public highway or railway crossing which may be mistaken for an official traffic control device.

(4) Any tree, hedge, billboard or other obstruction which prevents persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk. A 35-foot vision clearance shall be maintained on corner lots. This area shall be open from the ground to the sky, except that ornamental fences and hedges are permitted if maintained at a height of not more than 3-1/2 feet above the

adjacent street level.

(5) Any limb of a tree which projects over and less than 14 feet above the surface of a public sidewalk or street or less than 10 feet above any other public place.

(6) Any use or display of fireworks except as provided by the laws of the State and ordinances of the Village.

(7) Any building or structure so old or out of repair as to be unsafe, unsanitary or otherwise unfit for human use.

(8) Any wire over a street, alley or public ground which is strung less than 18 feet above the surface.

(9) Any loud, discordant or unnecessary noise or vibrations of any kind.

(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) Any obstruction of a public way and any excavation in or under the same, except as permitted by this Code or any such obstruction, although made in accordance with this Code which is kept or maintained for any unreasonable or illegal length of time after its purpose has been accomplished.

(12) Any open or unguarded pit, well, excavation or unused basement freely accessible from any public premise.

(13) Any abandoned refrigerator or icebox from which the doors and other covers have not been removed or which cannot be opened from the inside by pushing only with the strength of a small child.

(14) Any unauthorized use of property on or abutting a public premise which causes large crowds of people to gather and obstructs traffic or the free use of the streets or sidewalks.

(15) Repeated or continuous violations of the ordinances of the Village or laws of the state

relating to the storage of flammable liquids.

(16) Any snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in this Code.

(17) Signs affixed to any public or private property without the permission of the owner.

(18) Maintenance and operation of any premises for the running or exhibition of go-karts or other similar small motor vehicles that have exhaust noises which are audible at over 300 feet distance from the source of the noise.

#### 18.03 REPEALED.

#### 18.04 COST OF ABATEMENT.

In addition to any other penalty imposed by this Code 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 in the following amounts:

(a) The use of Village personnel, in which case the Village shall bill the property owner One Hundred Fifty (\$150.00) Dollars for the first hour or fraction thereof plus an additional One Hundred (\$100.00) Dollars for each additional hour or fraction thereof, or;

(b) The Village may have engage a private contractor, in which case the Village will bill the property owner for all costs incurred plus ten (10%) percent for administrative purposes.

#### 18.05 WEEDS.

(a) Mowing Required. No person owning property within the Village shall permit to grow or pollinate upon his premises any weeds or grasses at a height exceeding ten (10) inches. It shall be the duty of every property owner to mow the premises, and to maintain it at a height less than ten (10) inches.

(b) Mowing by the Village. It shall be the duty of the Weed Commissioner to enforce this section. If any person shall fail to comply herewith, the Commissioner shall give notice by U.S. Mail to the owner of record of the property that such

notice exists, and that the owner of record shall have ten (10) days from the date of the notice to abate the nuisance. Should the owner fail to abate the nuisance within ten (10) days from the date of the notice, the Village shall have the option of:

(1) Mowing the property using Village personnel, in which case the Village shall bill the property owner One Hundred Fifty (\$150.00) Dollars for the first hour or fraction thereof plus an additional One Hundred (\$100.00) Dollars for each additional hour or fraction thereof, or;

(2) The Village may have the property mowed by a contractor, in which case the Village will bill the property owner for all costs incurred plus ten (10%) percent for administrative purposes.

For purposes of this section, a "lot" shall be deemed any lot which is of record in a plat on file with the Office of the Register of Deeds for Kenosha County, Wisconsin. Such charges shall be placed on the tax roll as a special tax to be collected in the manner of other taxes unless such lands are exempt from taxation.

(c) Notice Requirement. The Village shall only be required to notify a property owner of violation of this section one time annually. Should it be necessary for the Village to abate the nuisance additional times during any calendar year, additional notice will not be required.

#### 18.06 VEHICLES-NUISANCES-REPAIR WORK.

(a) Purpose. The purpose of this ordinance is to prevent blight, to secure health and humane living conditions, to protect the integrity of investments in real property, to prevent the decline of real estate values, to improve aesthetics and to protect the public health, safety and welfare. In order to secure this goal, activities contrary to this ordinance are deemed to constitute a matter of public concern which must be regulated or prescribed through the exercise of the Village's police powers.

(b) Definitions.

(1) "Vehicles" shall include mobile home, moped, motorbicycle, motorbus, motorcycle, motor-driven cycle, motorhome, motortruck, automobile, trailer, boat trailer, camping trailer, recreational vehicle or any vehicle as defined in Chapter 340, Wisconsin Statutes as may be amended from time to time.

(2) "Nuisance Vehicles" shall include any

inoperable, unlicensed, unroadworthy, disassembled or wrecked vehicle. A vehicle for which a license has been applied for shall be herein deemed a licensed vehicle if proof of application is prominently displayed on the front windshield. Indication of a nuisance vehicle may include, but shall not be limited to, the following:

- (a) A vehicle without a window or windows.
- (b) A vehicle with broken windows.
- (c) A vehicle with flat tires.
- (d) A vehicle without a motor, if a motor vehicle as defined in Chapter 340 of the Wisconsin Statutes as may be amended from time to time.
- (e) A vehicle in such a condition that it cannot be operated without being repaired.

(3) "Repair work" shall include mechanical, electrical and body work, maintenance, construction, reconstruction, assembly, disassembly, restoration, painting, upholstering or any similar or related work performed on any vehicle.

(4) "Street Repairs" shall mean "temporary repair work" performed on a vehicle in a manner and place which will not create a danger or hazard to vehicular or pedestrian traffic.

(5) "Temporary Repair Work" shall mean repair work which is performed within twenty-four (24) hours of a vehicle becoming unexpectedly unroadworthy on a street, highway, or thoroughfare, which work will make or attempts to make said vehicle roadworthy.

(c) Prohibition. It shall be unlawful for any person, party, firm or corporation to keep, place or store any "nuisance vehicle" or to perform "repair work" or "street repairs" upon any public thoroughfare, street or highway or upon any private or public property within the Village in a manner inconsistent with this ordinance.

(d) Repair work-Limitations. "Repair work" may be performed upon observance of the following conditions and restrictions:

- (1) "Repair work" upon residentially zoned private property cannot be performed for financial



gain or profit obtained through fees, barter, work is performed, if such repair work is performed on a repeated basis to a vehicle or vehicles, will be deemed to be repair or service work on a commercial basis and there will be a presumption that such repair work is done for fees, barter, charges or appreciation in value to a vehicle purchased for the purpose of resale. "Repair work" upon other than residentially zoned property shall be in accordance with the Village's zoning ordinances and in compliance with the applicable state, county and village laws, rules and regulations, licenses and permits.

(2) Except for authorized street repairs, "repair work" which renders a vehicle inoperable for a period of more than three (3) working days, must be performed in a garage or fenced in area which screens repair work from the view of the owners, users and occupiers of abutting and neighboring properties and from the view of passerbys using public thoroughfares, streets and highways. All "repair work" performed in a fenced in area shall be completed within seven (7) days of the day "repair work" was begun on the vehicle.

(3) "Street repairs" may be performed only within the scope of the definition thereof.

(e) Nuisance Vehicles-Limitations. "Nuisance Vehicles" may be kept, placed or stored outside of a garage or enclosed structure only in conjunction with a duly authorized and licensed auto sales, repair or salvage business lawfully operated within a property zoned and in compliance with all state and local laws, rules, regulations, licenses and permits.

(f) Nuisance Vehicles - Removal. Subject to the procedures herein set forth, nuisance vehicles may be moved to a storage lot designated by motion of the Village Board of Trustees, such removal to be made by an authorized tow agency as designated by the Village Board at the direction of the Sheriff's Department and at the cost and expense of the owner of said vehicle or the owner of the real estate upon which the vehicle was located when towed. Any vehicle so removed may be disposed of by the tow agency, if unclaimed, through procedures provided for in state and local law. Owners of nuisance vehicles or persons who are in the possession of property upon which a nuisance vehicle is located shall be provided with a ten (10) day written notice by the Village, served personally or by registered or certified mail, stating that they must abate the nuisance therein specified within ten (10) days or in the alternative the vehicle will be moved to a proper vehicle storage lot by a tow as authorized herein and that the vehicle owner or owner of the real estate shall be responsible for the payment of the cost of

removal, plus storage charges and will be subject to a forfeiture as herein provided. The ten (10) days herein provided for shall continue to run even if the vehicle is temporarily removed for a period of time or no action is taken to permanently abate the specified nuisance. If at the end of the ten (10) days the nuisance has not been permanently abated, the owner or bailee shall be in violation of this ordinance and shall be liable for a daily forfeiture commencing with the eleventh (11<sup>th</sup>) day following the date of notice by personal service or the thirteenth (13<sup>th</sup>) day following the date of notice sent by registered or certified mail. Unlicensed vehicles, except vehicles for which a license has been applied for, and a record of application conspicuously displayed on the front windshield, which are upon public thoroughfares, rights-of-way, streets and highways may be removed without advanced notice. However, within twenty-four (24) hours of the tow of an unlicensed vehicle, there shall be an attempt made by the Sheriff's Department to determine the name of the owner and to serve the owner with a notice as to the location of the vehicle and of the appropriate claim procedures which will permit the owner to recover the vehicle. In the event that a vehicle owner has been issued one or more notices of a violation of this section within one (1) calendar year, no further notice shall be necessary for similar violations within the same calendar year, and in such an event, the investigating officer may, in his sole discretion, forgo the issuance of the previously described ten (10) day notice and immediately issue a citation for the violation of this ordinance and/or immediately remove the vehicle to a proper vehicle storage lot by a tow as authorized herein and in such an event the vehicle owner or owner of the real estate shall be responsible for the payment of the cost of removal, plus storage charges and will be subject to the forfeitures provided herein, including imposition of a special assessment against the real property upon which the vehicle was located before being towed.

(g) Abandoned Vehicles. Whenever any vehicle, whether licensed or unlicensed, has been left unattended on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned or in the event that a vehicle has been left unattended for more than 24 hours on a public highway or street or in the event that a vehicle has been left unattended without the permission of the private property owner, the vehicle is deemed abandoned and constitutes a public nuisance and shall be removed pursuant to the procedures in subsection (f) above.

18.07 JUNK VEHICLES. (Repealed by Ordinance #272 9/19/84).

18.08 JUNK OR DEBRIS ACCUMULATION.

(a) Accumulation of Junk, Debris, etc. Prohibited. The accumulation or storage of automobiles, trucks, tractors,

refrigerators, furnaces, washing machines, stoves, machinery, or parts thereof, or any other unsightly debris such as wood, bricks, or cement blocks, which may tend to depreciate property values in the area or create any nuisance, is prohibited in the Village except as may be allowed by permit issued by the Village Board.

(b) Repealed per Ordinance No. 554 passed 4/20/05.

(c) Penalty for Violation. If the premises are not brought in compliance with this section within the time so specified in the order, the person in charge of the property shall be penalized as provided in Sections 18.04 and 1.07 of this Code.

(d) Violation, Separate Offense. Each day of continued violation constitutes a separate violation.