# CHAPTER 10. PUBLIC NUISANCES

## SECTION 10.01 ABANDONED OR INOPERABLE VEHICLES; REMOVAL, IMPOUNDMENT AND DISPOSAL

(1) Definitions
In this ordinance, the following terms shall have these definitions:

(a) "General public view" shall mean capable of being seen from a location on any public street, highway or property or on private property from a point adjacent to the property on which a motor vehicle is parked, stored or placed.
(b) "Impoundment" shall mean: removal by a duly authorized employee or agent of the City of an abandoned or inoperable motor vehicle from its location in violation of this Ordinance to a suitable place of custody pending it reclamation or sale under (4), below.
(c) "Inoperable motor vehicle" shall mean a motor vehicle:

(i) That is partially dismantled or wrecked;
(ii) That is not operable;
(iii) That is unlicensed;
(iv) That could not safely or legally be operated on a highway;
(v) That has become a habitat for rodents, varmint, or insects; and
(vi) That in any other way constitutes a threat to the public health or safety.

(d) "Junked motor vehicle" means any motor vehicle or part thereof accumulated for storage or stored outside of any building, but shall not include the temporary storage of motor vehicles no longer than required for the making of accident settlements, where no salvage, dismantling, demolition, or abandonment of such motor vehicles occurs, they are ultimately transferred to a junk dealer, or to another entity for repair.
(e) "Motor vehicle" shall mean: any automobile, truck, motorcycle, trailer, semi-trailer, travel trailer, snowmobile, bus, all-terrain vehicle or any other motorized vehicle including but not limited to those defined under section 340.01, Wis. Stats.

(2) Abandoned Motor Vehicle

(a) No person shall leave any motor vehicle unattended on any public street, highway, property or on private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.
(b) Except as otherwise provided in this section, whenever any motor vehicle has been left unattended for more than 72 hours on any public street, highway or property or on private property without permission of the owner or lessee, the motor vehicle is deemed under this ordinance to be abandoned and constitutes a public nuisance. A motor vehicle is not abandoned if it is in an enclosed building, or appropriate storage place or depository maintained in a lawful place and manner authorized by the City or

parked in a paid lot or parking space where the required fee has been paid or is out of the ordinary public view.

(3) Inoperable Motor Vehicle

No person shall leave any junked or inoperable motor vehicle on any public street, highway or property or in general public view upon private property within the City for more than 7 days unless it is in connection with an automotive sales, repair or salvage business enterprise located in a properly zoned area, subject to the regulations under the Zoning Code.

(4) Impoundment and Sale

(a) Any motor vehicle in violation of this section shall be impounded until lawfully claimed or disposed of in accordance with the provisions of section 342.40, Wis. Stats. Prior to its sale under this subsection, the lawful owner of any impounded motor vehicle may reclaim it upon payment of a storage fee of $25.00 for each day it has remained in storage.

(b) The City may sell impounded motor vehicles after notice is provided in section 342.40 (3) (c), Wis. Stats., by sealed bid or auction sale. The procedure for such sale shall be provided in 342.40 (3) (c), Wis. Stats.

(c) The purchaser of any motor vehicle by sealed bid or auction sale shall have 10 days to remove the motor vehicle from the storage area upon payment of a storage fee of $25.00 for each day it has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the motor vehicle and it shall be deemed to be abandoned and may again be sold.

(5) Forfeiture

(Amended 08/1998)

Any person violating this sections shall be subject to a forfeiture not to exceed $25.00. Each day that the violation continues shall constitute a separate offense. In addition the owner shall be responsible for all costs of impoundment and disposal of the motor vehicle in question. The forfeiture shall be in addition to the cost of impounding and disposing of the vehicle. Failure to pay for such forfeiture may result in imprisonment in the county jail for not more than 30 days.

## SECTION 10.02 ANIMAL FECES ON PUBLIC RIGHT OF WAY OR OTHER PUBLIC PROPERTY

(1) Definition

In this section, “public right of way” includes streets and bridges and includes the entire width between boundary lines of every way open to the use of public matter of right for the purpose of travel including the sidewalk and the boulevard area located between the sidewalk and traveled portion of the right of way.

(2) No person shall cause or permit any animal under his or her control to excrete feces upon a public right of way, other public property, or private property of another, without the

owner's permission, within the city. Any such excreted feces shall be immediately removed or caused to be removed by such person and shall be deposited in a receptacle or other place where such deposit is permitted.

## SECTION 10.04 USE OF DEVICES OR APPARATUS WHICH INTERFERE WITH TRANSMISSION RECEPTION OR COMMUNICATION BY RADIO

(1) It is shall be unlawful for any person, firm or corporation to operate in the City of Mondovi any electrical apparatus, device, machine or equipment which needlessly and unnecessarily causes interference with radio reception between the hours of 8:00 a.m. and 11:00 p.m. when such interference can be reasonably prevented by means of repairs, adjustments, shielding the installation of corrective appliances, or other practicable operations.

(2) Any device or apparatus such as violet ray machines, machines using tesla coil or principle, x-ray machines and diathermy machines which interfere with the intelligibility of reception under the following conditions shall be considered as coming within the terms of this section:

(a) The radio receiving equipment interfered with shall be operated at a volume comparable to a person speaking in a normal tone of voice.
(b) The broadcasting station whose program is being received when interference occurs must have a proper output of at least one kilowatt and must be located not more than 150 miles from the receiving set.

(3) This section shall not apply to radio stations either broadcast, commercial or amateur, licensed by the federal government or which are under the supervision of the Public Service Commission of the State of Wisconsin.

(4) The building inspector or his/her authorized deputy shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the installation and working of all apparatus coming within the terms of this ordinance, and it shall be unlawful for any person, firm or corporation to interfere with the inspector in making said inspection or to refuse to permit the said inspection to enter the premises for such purpose.

(5) When an inspection or test shall have been made by the building inspector or his/her deputy and it is found that equipment or apparatus coming within the terms of this section is being operated in violation of this section, the person or persons responsible for the operation of such equipment shall be notified in writing to discontinue the use of such machine or to make additions, repairs or modifications thereof in order that the same may be operated in a manner which complies with the provisions of this section. The mailing of a registered letter addressed to the owner or operator of the machine at the premises where the machine is located shall constitute a sufficient notice for the purpose of this ordinance. In the event that owner or operator of such machine does not, within 10 days after receipt of notice, repair or discontinue the use

of the machine either entirely or discontinue the use of such machine during the hours of use of such machine is prohibited by this ordinance or repair the same so that it complies with the provisions of this section, such owner or operator shall be deemed to be operating such machine or apparatus in violation of the provisions of this ordinance and such person shall be subject to penalty herein provided for such violations.

(6) Any person convicted of violating any provisions of this section shall be punishable by a fine of not less than $10.00 nor more than $100.00.

## SECTION 10.05 DESTRUCTION OF NOXIOUS WEEDS

(1) Except as otherwise specifically provided in this section, the statutory provisions of sections 66.96 – 66.98 of the Wis. Stats., describing and defining regulations with respect to destruction of noxious weeds, are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutory regulations in sections 66.96 – 66.98 incorporated herein are intended to be made part of this code.

(2) The following are declared to be "noxious weeds" in addition to those set forth in section 66.96 (2) of the Wis. Stats: bull thistle, cocklebur, velvet leaf, poison ivy, and ragweed.

## SECTION 10.06 LAWN MAINTENANCE

(Amended 11/1986)

(1) Every person shall mow or cause to be mowed upon premises owned, occupied or controlled by such person all weeds or grasses exceeding 10 inches in height.

(a) This section shall apply only to premises located in the "M" and "R" districts pursuant to Ch. 18 of the Municipal Code and to premises in any other zoning district used, in whole or in part, for residential purposes.
(b) The weed commissioner may waive the requirements of subsection (a) upon premises or portions of premises deemed to be appropriate habitat for wildlife and which do not present an unsightly or blighted appearance and do not rend to decrease the value of neighboring property.

(2) If any person neglects to maintain his or her lawn as required by this section, the weed commissioner shall, after first giving five (5) days written notice by mail to the owner or occupant, mow or cause to be mowed all such weeds and grasses in the manner deemed to be the most economical method.

(a) For each day devoted to doing so, the weed commissioner shall receive such compensation as is determined by the City Council upon presenting to the City

treasurer the account therefore, verified by oath, and approved by the mayor. Such account shall specify by separate items, the amount chargeable to each piece of land, describing the same, and shall, after being paid by the treasurer, be filed with the City Clerk who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "for the maintenance of lawns" as a tax on the lands upon which such weeds and grasses were owed, which tax shall be collected as other taxes are.

## SECTION 10.07 MINIMUM PROPERTY MAINTENANCE AND STANDARDS

(Amended 09/1989)

(1) Policy

There exists in the City of Mondovi, structures, residential yards, or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated, or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the City.

(2) Purpose

The purpose of this section is to protect public health, safety and welfare by establishing minimum property maintenance standards. This section does not replace or modify standards otherwise established by other portions of the Municipal Code for construction, repair, alteration or use of buildings. This section is meant to be remedial and essential for the public interest and is intended that this section be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this section shall be deemed to be a public nuisance.

(3) Definitions

For purpose of this section:

(a) "Accessory structure" shall be a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
(b) "Building" shall be a structure having a roof supported by columns or walls, including mobile homes, whether movable or stationary.
(c) "Deterioration" shall be the condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
(d) "Nuisance" shall be any public nuisance known at common law or in equity jurisprudence or as provide by the statues of the State of Wisconsin or the Municipal Code of the City of Mondovi.

(e) "Occupant" shall be any person living, sleeping, or having actual possession of the building.
(f) "Owner" shall be any person, who alone, jointly, or severally with others, has legal or equitable title to any premises, with or without accompanying actual possession thereof.
(g) "Person" shall be any natural individual, firm, trust, partnership, association, or corporation.
(h) "Premises" shall be any building, accessory, structure, or other improvement to real property together with all surrounding real property over which the owner or occupant has legal title or dominion and which is located within the corporate limits of the City of Mondovi.

(4) Prohibition of Litter, Rubbish, or Debris
No person shall, on land owned, occupied or controlled by such person, accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, rubbish, lumber, metal scraps, machine parts, discarded or nonfunctioning appliances, accessories, furniture or other material on such property which present a blighted appearance on the property or which tends to decrease the value of neighboring property.

(5) Maintenance of Buildings and Accessory Structures

(a) Every building and accessory structure shall be kept structurally sound and in a state of good repair and free of safety, health, or fire hazards. Loose or torn window or porch screens shall be removed and/or replaced.
(b) Exterior surfaces or buildings and accessory structures shall be weather tight and, unless inherently resistant to deterioration, painted or treated with a suitable preservative which will provided adequate resistance to weathering and deterioration of the surface.

(6) Notice and Remedy

(a) Upon determination by the city building inspector a violation of this section, the City Clerk shall notify the owner and, if different from the owner, the occupant of the premises of such violation.
(b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed 30 days, to correct the violation. The notice shall be served upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.
(c) The person so notified shall have the right to appeal the initial determination in accordance with the procedures set forth in Ch. 25 of the Municipal Code.
(d) If, upon expiration of the time given for correction of a violation, and time for any appeal therefore, such correction is not made, the city building inspector shall file an action in the name of the City in the Circuit Court of Buffalo County, Wisconsin, in accordance with the provisions of Ch. 823 of the Wisconsin Statues as amended from time to time.

(7) This section shall be a complete alternative to all other ordinances for the enforcement of property maintenance standards.

## SECTION 10.08 PROHIBITION OF LITTER, RUBBISH OR DEBRIS

(1) No person shall, on land owned, occupied or controlled by such person, accumulate outside of a building or accessory structure, or allow the accumulation of, any material which presents a blighted appearance on the property or which tends to decrease the value of any neighboring property, including but not limited to waste matter, litter, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, or furniture.

(2) Upon receipt of a signed complaint, or their own observation of a potential violation of this section, the Police Department shall investigate the property in question to determine whether it is in violation of this section. If the Police Department determines that the property is in violation of this section, the police shall issue a notice of violation to the owner(s) of the property and, if different than the owner(s), the occupant(s) of the property.

(3) Such violation shall specify the nature of the violation, the required remedy, and a reasonable period of time, not to exceed 10 days, to correct the violation. The notice shall be served upon the owner(s) and occupant(s) either personally or by certified mail, addressed to the last known address of such person or persons.

(4) The person(s) to whom the notice(s) of violation have been issued shall correct the violation, or seek municipal administrative review of the Police Department's determination, pursuant to Chapter 25 of this Municipal Code and Chapter 68 of the Wis. Stats., within the period of time specified in the notice.

(5) If the violation has not been corrected within the period of time as specified in the notice of violation and no request for municipal administrative review has been filed, or if the Police Department's initial determination is upheld on review and any appeals therefrom, the City of Mondovi shall be authorized to enter the property in question, clean up and dispose of any material which presents a blighted appearance on the property or which tends to decrease the value of any neighboring property. All costs incurred by the City of Mondovi to clean up the property, including but not limited to the cost of labor, equipment, and disposal fees, shall be paid by the owner of the property.

(6) <u>Prohibition of depositing debris or waste material on public or private property</u>
No person shall throw or deposit, or cause to be thrown or deposited, any type of debris or waste material on or along any highway or on any other public or private property owned by others. "Debris or waste material" shall be defined under this ordinance as including but not being limited to, the removal or deposit of snow upon public property, streets or thoroughfares, or upon private property of others. This

ordinance is not meant to restrict or limit the removal of snow from the roads or public thoroughfares by the City or other government units, which activity is meant to facilitate commerce and transportation.

## SECTION 10.09 PUBLIC NUISANCES

(Amended 06/2006)

(1) Definitions
"Public nuisance" shall be defined as a thing, act, occupation, condition, or use of property which shall continue for such a length of time as to:

(a) Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public; or
(b) In anyway render the public insecure in life or in the use of property; or
(c) Greatly offend the public morals or decency; or
(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 use of public property.

(2) Public Nuisance 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:

(a) The escape of smoke, soot, cinders, noxious acids, fumes, gases, dust, fly ash, industrial waste product, or other atmospheric pollutants within the City limits or within one mile there from in such quantities as to create substantial discomfort or annoyance of persons of ordinary sensibilities, or to otherwise endanger the health or to threaten or cause substantial injury to persons or property in the City.
(b) Any usage of property, substances, or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, dust, effluvia or stenches extremely repulsive to the physical sense of ordinary persons which annoy, cause discomfort, injure, or inconvenience any appreciable number of persons within the City.
(c) 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 City.
(d) The deposit or accumulation of any material, 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.

## SECTION 10.10 PENALTIES

Any person violation section 10.02, 10.05, 10.06, and 10.07 shall, in addition to any other penalty imposed, be subject to a forfeiture of not more than $25.00 for each offense and if such

person fails to comply with any notice, after the time period set forth by such notice has expired, each day following the expiration of such notice shall be deemed a separate offense. Any person violating section 10.08 or 10.09 shall, in addition to any other penalty imposed, be subject to a forfeiture of $100.00 for each offense and if such person fails to comply with any notice after the time period set forth by such notice has expired, each day following the expiration of such notice shall be deemed a separate offense. For each subsequent violation of this section, the forfeiture may be increased to $200.00 for the second violation, and $500.00 for each subsequent violation, to discourage repeat offenders.