

Chapter 22 ENVIRONMENT

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Article I. In General

Sec. 22-1. Littering.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Aircraft means any structure invented, used or designed for navigation or flight in the air.

Highway has the meaning given in Wis. Stats. § 340.01(22).

Vehicle has the meaning given in Wis. Stats. § 340.01(74) and includes an electric personal assistive mobility device, as defined in Wis. Stats. § 340.01(15pm).

Waters of the state has the meaning given in Wis. Stats. § 281.01(18).

- (b) *Prohibited activities.* Except as provided in subsection (c) of this section, a person who does any of the following may be required to forfeit not more than \$500.00:
- (1) Deposits or discharges any solid waste on or along any highway, in any waters of the state, on the ice of any waters of the state or on any other public or private property.
 - (2) Permits any solid waste to be thrown from a vehicle operated by the person.
 - (3) Fails to remove within 30 days or otherwise abandons any automobile, boat or other vehicle in the waters of the state.
 - (4) Owns an aircraft that has crashed in the waters of the state and fails to remove the aircraft from those waters within 30 days after the crash, within 30 days after June 15, 1991, or within 30 days after the national transportation safety board pursuant to an investigation under 49 CFR 831 authorizes its removal, whichever is latest.
- (c) *Exceptions.*
- (1) Subsection (b)(1) of this section does not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or on other public or private property.
 - (2) Subsection (b) of this section does not apply to a person who deposits or discharges solid waste in conformance with Wis. Stats. chs. 30, 31, 281—285 or 289—299 or a permit, license or other approval issued by the state department of natural resources under those chapters.

(Code 1982, § 9.10)

Cross reference— Solid waste, ch. 34.

State law reference— Similar provisions, Wis. Stat. § 287.81.

Sec. 22-2. Penalty.

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter, or any order, rule or regulation made under this chapter, upon conviction thereof, shall be subject to a penalty as provided in section 1-14.

Secs. 22-3—22-30. Reserved.

Article II. Noise

Cross reference— Barking dogs, § 6-33.

Sec. 22-31. Loud and unnecessary noise, prohibited.

- (a) No person shall make, or cause to be made, any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park, or any private residence
- (b) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of engine or by emitting unnecessary and loud muffler noises.

(Code 1982, § 9.06)

State law reference— Disorderly conduct, Wis. Stats. § 947.01.

Secs. 22-32—22-60. Reserved.

Article III. Junked, Wrecked, Abandoned Property

State Law reference— Storage of junked vehicles, Wis. Stats. § 175.25.

Division 1. Generally

Sec. 22-61. Storage of rubbish, refuse and garbage.

- (a) *Definitions.* For the purpose of this section, the following definitions shall apply:

Garbage means discarded materials resulting from the handling, processing, storage or consumption of food.

Rubbish and *refuse* mean all waste matters produced from industrial or community life, including, but not limited to: paper, wood, metal, glass, cloth and products thereof, litter and street rubbish, ashes, tree stumps and branches, yard trimmings, discarded articles and machinery or machinery parts, motor vehicles and parts thereof, tires, the lumber, concrete, or other debris resulting from the construction, remodeling, or demolition of structures, tractors, refrigerators, furnaces, washing

machines and all other household and business waste. In addition, all articles coming within the definition of "junk" as set forth in section 14-782 is included within the definition of "rubbish" and "refuse" set forth in this section.

- (b) *Prohibition; exceptions.* No person shall store any rubbish, refuse, or garbage on any property within the town except as follows:
- (1) Storage in receptacles, incidental to normal residential use of property.
 - (2) Storage by a junk dealer or motor vehicle salvage dealer licensed by the town or the county.
 - (3) Storage of tree stumps, branches or trunks on farm wood lots.

(Code 1982, § 9.09(2))

State law reference— Removal of rubbish, Wis. Stat. § 66.0405.

Secs. 22-62—22-80. Reserved.

Division 2. Vehicles

Cross reference— Traffic and vehicles, ch. 50.

State Law reference— Storage of junked automobiles, Wis. Stats. § 175.05.

Sec. 22-81. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle has the same definition as set forth in Wis. Stats. § 340.01, which is adopted and incorporated herein by reference.

Motor vehicle, abandoned, means a motor vehicle which has been left unattended on other property without the permission of the property owner for more than 48 consecutive hours.

Motor vehicle, dismantled, means a motor vehicle which has parts, accessories or equipment removed therefrom so that the motor vehicle cannot be safely or legally operated upon a public highway.

Motor vehicle, inoperable, means a motor vehicle which due to damage, wreckage or removal of parts is rendered incapable of being safely or legally operated upon a public highway. An automobile is also considered inoperable due to expired or missing license plates, which render it illegal to operate on a public highway.

Motor vehicle, junked, means a motor vehicle which has been dismantled, damaged or wrecked in such a manner that it cannot be safely or legally operated upon a public highway.

Motor vehicle, wrecked, means a motor vehicle which has been damaged by collision or otherwise and the parts of which have been bent, broken or detached so that it cannot be safely or legally operated upon a public highway.

(Code 1982, § 9.09(1)(a))

Cross reference— Definitions generally, § 1-2.

Sec. 22-82. Prohibitions.

- (a) No person having ownership, custody or possession of any abandoned, dismantled, inoperable, junked or wrecked motor vehicle shall dump or store or cause to be dumped or stored any such motor vehicle within the town.
- (b) No person having ownership, custody or possession of property within the town shall dump or store or permit to be dumped or stored any abandoned, dismantled, inoperable, junked or wrecked motor vehicle upon such property.
- (c) No person shall cause any abandoned, dismantled, inoperable, junked or wrecked motor vehicle to be removed from any private property where such storage is not permitted to any other property within the town where such storage is not permitted under this division.

(Code 1982, § 9.09(1)(b))

Sec. 22-83. Exemptions.

The following are exempted from the prohibitions in section 22-82:

- (1) Storage of dismantled, inoperable, junked or wrecked vehicles within a totally enclosed garage.
- (2) Temporary storage not to exceed 60 days of dismantled, inoperable, junked or wrecked motor vehicles by a sales or repair business located in a properly zoned area.
- (3) Storage of dismantled, inoperable, junked or wrecked motor vehicles by a junk dealer or motor vehicle salvage dealer licensed by the town or the county.

(Code 1982, § 9.09(1)(c))

Secs. 22-84—22-110. Reserved.

Article IV. Public Nuisances

Sec. 22-111. Prohibition.

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

(Code 1982, § 10.01)

Sec. 22-112. Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property, which continues for such length of time as to:

- (1) Substantially annoys, injure or endanger the comfort, health, repose or safety of the public;
- (2) In any way renders the public insecure in life or in the use of property;
- (3) Greatly offends the public morals or decency;
- (4) 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.

(Code 1982, § 10.02)

Cross reference— Definitions generally, § 1-2.

Sec. 22-113. Affect on health.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition in section 22-112:

- (1) *Adulterated food.* All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) *Unburied carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) *Breeding places for insects or vermin.* Accumulations 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 can breed.
- (4) *Stagnant water.* All stagnant water in which mosquitoes, flies or other insects can multiply.

- (5) *Privy vaults and garbage cans.* Privy vaults and garbage cans which are not fly-tight.
- (6) *Noxious weeds.* All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed one foot.
- (7) *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.
- (8) *Noxious odors, gases, etc.* Any use of property, substances or things within the town emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia or stenches 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 town.
- (9) *Street pollution.* Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the town.
- (10) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the town or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the town.
- (11) *Loose animals.* Any animals running at large in the town.
- (12) *Health nuisances identified by health officer.* Any health nuisance identified by the health officer or the board of health pursuant to section 2-175

(Code 1982, § 10.03)

Sec. 22-114. Offending morals and decency.

The following acts, omissions, places, conditions and things are 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 in section 22-112:

- (1) *Disorderly houses.* All disorderly houses, bawdy houses, houses of ill fame, gambling houses and building or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (2) *Gambling devices.* All gambling devices and slot machines.
- (3) *Unlicensed sale of liquor and beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled,

- (4) *Continuous violation of town ordinances.* Any place or premises within the town where town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) *Illegal drinking.* Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws.

(Code 1982, § 10.04)

Sec. 22-115. Affecting peace and safety.

The following acts, omissions, places, conditions and things 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 definition in section 22-112:

- (1) *Dangerous signs, billboards, etc.* All signs, 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.
- (2) *Illegal buildings.* All buildings erected, repaired or altered in violation of town ordinances relating to materials and manner of construction of buildings and structures within the town.
- (3) *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 official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign or signal.
- (4) *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.
- (5) *Low-hanging tree limbs.* All limbs of trees which project over and less than ten feet above any public sidewalk, street or other public place.
- (6) *Dangerous trees.* All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (7) *Fireworks.* All use or display of fireworks except as provided by state laws and town ordinances.
- (8) *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.
- (9) *Low-hanging wires and cables.* All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

- (10) *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, greatly annoys or disturbs a neighborhood or any considerable number of persons within the town.
- (11) *Obstructions of streets, etc.; excavations.* All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the streets, alleys, sidewalks or crosswalks, except as permitted by the ordinances of the town but including those 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 which do not conform to the permit.
- (12) *Unlawful assemblies.* Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (13) *Blighted buildings and premises.*
 - a. Premises existing within the town which are blighted because of faulty design or construction, failure to maintain such premises in a proper state of repair, improper management, or due to the accumulation thereon of junk, rubbish, refuse, garbage, junked vehicles, or other unsightly debris structurally unsound fences, and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the town.
 - b. The blighted premises contribute to conditions that are dangerous to the public health, safety, morals and general welfare of the people; the conditions necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection and other public services; the conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.
 - c. Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and this shall be fostered and encouraged by this article. It is essential to the public interest that this article be liberally construed to accomplish the purposes of this section.

(Code 1982, § 10.05)

Sec. 22-116. Abatement.

- (a) *Enforcement.* The code enforcement officer, the fire chief, the building inspector and the health officer shall enforce those provisions of this article 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 has 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 determines that a public nuisance exists within the town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the town chairperson may direct the proper officer to cause the public nuisance 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 determines that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspecting officer shall serve notice on the person causing or maintaining the nuisance to remove the public nuisance within ten days. If such nuisance is not removed within ten days, the proper officer shall cause the nuisance to be removed as provided in subsection (b) of this section.
- (d) *Other methods not excluded.* Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the town or its officers in accordance with the laws of the state.
- (e) *Court order.* Except when necessary under subsection (b) of this section, an officer under this article shall not use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(Code 1982, § 10.10)

Sec. 22-117. Cost of abatement.

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the town 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.

(Code 1982, § 10.11)

Sec. 22-118. Penalty.

Any person who shall violate any provision of this article, or any regulation, rule or order made under this article, or permit or cause a public nuisance shall be subject to a penalty as provided in section 1-14.

(Code 1982, § 10.12)