

Title 11 ► Chapter 6

Public Nuisances

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Sec. 11-6-1 Title; Authority; Public Nuisances Prohibited.

- (a) **Title/Purpose.** The title of this Chapter is the Village of Elk Mound Public Nuisance Ordinance. The purpose of this Chapter is to regulate for public health and safety reasons public nuisances and certain uses and activities in the Village.
- (b) **Authority.** The Village Board has the specific authority under Secs. 29.038, 66.0407, 66.0413, 125.14, 169.01 and 175.25, and Ch. 823, Wis. Stats., to adopt this Chapter.
- (c) **Public Nuisances Prohibited.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Elk Mound, Dunn County, Wisconsin.

State Law Reference: Secs. 29.038, 66.0407, 66.0413, 125.14, 169.01 and 175.25, and Ch. 823, Wis. Stats.

Sec. 11-6-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Agricultural Use.** Any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and

seed crops, raising of fruits, nuts and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least thirty-five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836, participating in the milk production termination program under 7 USC 1446(d), and vegetable raising.

- (b) **Appliance.** Any household or office device, instrument, utensil, or apparatus or machine that utilizes power, including, but not limited to, any stove, washer, dryer, refrigerator, dishwasher, freezer, water heater, water pump, furnace, television set, home entertainment device, any computer or peripheral device or other electronic device.
- (c) **Building.** Any building or structure or any portion of a building or structure.
- (d) **Debris.** Any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a substantial threat to public health or safety, create a public nuisance or public safety or health hazard, except when such items are determined by the Village Board, Village committee or other agent of the Village to be stored or housed out of public view and are not treated and maintained so as to be a public nuisance.
- (e) **Equipment.** Goods used or bought for use primarily in a business or profession, including farming.
- (f) **Hazardous Waste.** Any solid waste identified by the Wisconsin Department of Natural Resources as hazardous under Sec. 291.05(2), Wis. Stats., or its successor provisions.
- (g) **Junk.** Scrap metal, metal alloy, wood, concrete, synthetic or organic material, or any junked, inoperative, unlicensed, or unregistered motor vehicle structures, equipment, furniture, appliances, or machinery, or any part thereof. This definition of junk includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material.
- (h) **Junked.** Dismantled for parts or scrapped.
- (i) **Junkyard.** Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk, including refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises, and sanitary landfills. The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.
- (j) **Local Zoning and Land Use Regulation.** Any applicable Village zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.
- (k) **Machinery.** A device or assemblage of parts that transmits forces, motion or energy from one part to another in a predetermined way by electrical, mechanical or chemical means. "Machinery" does not include a building.

- (l) **Motor Vehicle.** A vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail, with or without a current and valid registration issued by the State of Wisconsin or other state to the owner of the vehicles.
- (m) **Not Registered.** In reference to all-terrain vehicles, as defined in Sec. 340.01(2g), Wis. Stats., "snowmobiles" as defined in Sec. 340.01(58a), Wis. Stats., or "boat" as defined in Sec. 29.001(16), Wis. Stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.
- (n) **Public Nuisance.** A thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - (2) In any way render the public insecure in life or in the use of property;
 - (3) Greatly offend 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.
 - (5) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.
- (o) **Recyclable Material.** Material that is suitable for recycling.
- (p) **Scrap Metal Processor.** A fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.
- (q) **Solid Waste.** Any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires, and other like materials. "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Ch. 283, Wis. Stats., or source material, as defined in Secs. 254.31(1), Wis. Stats., special nuclear material as defined in Sec. 254.31(11), Wis. Stats., or byproduct material, as defined in Sec. 254.31(1), Wis. Stats. "Solid waste" includes paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires and other like materials, debris and junk.
- (r) **Solid Waste Facility.** A facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary

landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard.

- (s) **Village Committee.** A committee or commission established by the Village Board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the Village.
- (t) **Unlicensed or Unregistered.** In reference to motor vehicles, mobile homes, manufactured homes, camper trailers, recreational vehicles, truck bodies, semi-trailers, or trailers, are those that are required for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.
- (u) **Vehicle.** Every device in, upon, or by which any person or property is or may be transported. "Vehicle includes, but is not limited to, all of the following:
 - (1) **Aircraft** as defined in Sec. 29.001(16), Wis. Stats.
 - (2) **All-Terrain vehicles** as defined in Sec. 340.01(2g), Wis. Stats.
 - (3) **Antique vehicles** as described in Sec. 341.265, Wis. Stats.
 - (4) **Automobiles** as defined in Sec. 340.01(4), Wis. Stats.
 - (5) **Boats** as defined in Sec. 29.001(16), Wis. Stats.
 - (6) **Camping trailers** as defined in Sec. 340.01(6m), Wis. Stats.
 - (7) **Farm equipment** as defined in Sec. 100.47(1), Wis. Stats.
 - (8) **Farm tractors** as defined in Sec. 340.01(16), Wis. Stats.
 - (9) **Hobbyist or homemade vehicles** as defined in Sec. 341.268, Wis. Stats.
 - (10) **Junk vehicles** as defined in Sec. 340.01(25j), Wis. Stats.
 - (11) **Implements of husbandry** as defined in Sec. 340.01(24), Wis. Stats.
 - (12) **Manufactured homes** as defined in Sec. 101.91(2), Wis. Stats.
 - (13) **Mobile homes** as defined in Sec. 340.01(29), Wis. Stats.
 - (14) **Mopeds** as defined in Sec. 340.01(29m), Wis. Stats.
 - (15) **Motor bicycles** as defined in Sec. 340.01(30), Wis. Stats.
 - (16) **Motor buses** as defined in Sec. 340.01(31), Wis. Stats.
 - (17) **Motor homes** as defined in Sec. 340.01(33m), Wis. Stats.
 - (18) **Motor trucks** as defined in Sec. 340.01(34), Wis. Stats.
 - (19) **Motorcycles** as defined in Sec. 340.01(32), Wis. Stats.
 - (20) **Railroad trains** as defined in Sec. 340.01(48), Wis. Stats.
 - (21) **Recreational vehicles** as defined in Sec. 340.01(48r), Wis. Stats.
 - (22) **Road machinery** as defined in Sec. 340.01(52), Wis. Stats.
 - (23) **Road tractors** as defined in Sec. 340.01(53), Wis. Stats.

- (24) **Salvage vehicles** as defined in Sec. 340.01(55g), Wis. Stats.
 - (25) **School buses** as defined in Sec. 340.01(56), Wis. Stats.
 - (26) **Semi trailers** as defined in Sec. 340.01(57), Wis. Stats.
 - (27) **Snowmobiles** as defined in Sec. 340.01(58), Wis. Stats.
 - (28) **Special interest vehicles** as defined in Sec. 341.266, Wis. Stats.
 - (29) **Trailers** as defined in Sec. 340.01(71), Wis. Stats.
 - (30) **Truck tractors** as defined in Sec. 340.01(73), Wis. Stats.
 - (31) **Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles** that require no registration or licensure by the State of Wisconsin.
- (v) **Wild Animal.** Any animal of a wild nature that is normally found in the wild and that is not a domestic animal.

Sec. 11-6-3 Public Nuisances Affecting Health or Safety.

No person may create, contrive, erect, maintain, cause, continue, install, construct or permit to exist in the Village a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places or physical conditions, not properly and timely removed, after written notice to remove from the Village Board to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be a public nuisance.

- (a) **Noxious Weed Areas.** Pursuant to Section 8-1-3, any place in the Village where noxious weeds conditions are over one (1) foot high, are located on private or public land conditions and are not timely cut or removed within five (5) days after posting or publication of a notice to destroy noxious weeds under Sec. 66.0407, Wis. Stats. and Section 8-1-3 or within five (5) days after receipt of written notice to remove such weeds from the Village Board or designee.
- (b) **Unburied Animal Carcass Areas.** Any place in the Village where unburied animal carcasses are located on private or public land and are not timely removed or discarded, including timely burial in a sanitary manner, within five (5) days after receipt of written notice to remove such carcasses from the Village Board or designee. This Subsection does not apply to any animal or pet cemetery approved in writing by the Village.
- (c) **Noxious or Polluted or Waste Areas.** Any place in the Village where noxious, nauseous, unwholesome, or polluted water and waste are located on private or public land, including Village roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the Village, and these conditions are not timely removed within thirty (30) days after receipt of written notice from the Village Board or designee.

- (d) **Noxious Emission Odor Areas.** Any place in the Village where noxious odor, stench, or gas escape or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within thirty (30) days after receipt of written notice to remove from the Village Board. "Noxious odor" means an odor that is extremely repulsive to the senses of ordinary persons in the Village that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the Village, as determined by the Village Board.
- (e) **Rat or Vermin Areas.** Any place in the Village where rats or other vermin are located or frequent on public or private land, and those conditions are not removed or destroyed within ten (10) days after receipt of written notice to remove from the Village Board or designee.
- (f) **Unauthorized Human Burial Area.** Any place in the Village where the body of a deceased person or parts of a deceased person are located and buried on private or public land in the Village without written approval of the Village Board and are not timely removed within thirty (30) days after receipt of written notice to remove from the Village Board. This Subsection does not apply to any established cemetery or burial site grounds approved, owned and operated in accordance with Ch. 157, Wis. Stats.
- (g) **Hazardous, Toxic or Solid Waste Facility or Site Areas.** Any place or solid waste facility in the Village where the discharge, disposal, storage or treatment of hazardous, toxic, or solid waste occurs on private or public lands without approval and licensing or permitting of the discharge, disposal, storage or treatment by all proper federal, state, county and Village governing authorities and full compliance with all applicable laws, rules, regulations or ordinances of the federal, state, county or village, and the activity or condition is not timely removed or discontinued within thirty (30) days after receipt of written notice to remove from the Village Board. To constitute a public nuisance under this Subsection, an area, facility or site must threaten or cause serious discomfort or serious injury to the health or cause serious inconvenience to the health or safety of a significant number of persons within the Village, as determined by the Village Board.
- (h) **Dangerous Wild Animal Areas.** Any place in the Village where live dangerous wild animals are kept, sold, or in any manner controlled or possessed on private or public land without written approval of the Village Board and/or in violation of any applicable animal control ordinance in Title 7, Ch. 1 of this Code of Ordinances, and the animals are not removed or destroyed within ten (10) days after receipt of written notice from the Village Board unless written approval of the Village Board is obtained within said time. To constitute a dangerous wild animal, under this Subsection, the species of animal must pose a threat to the safety of persons within the Village, including a keeper of such animal, as determined by the Village Board. It is not necessary that the Village Board find that a specific animal is dangerous in order to find a nuisance under this Subsection.
- (i) **Improper Sewage Areas.** Any place in the Village where effluent from a septic system, sewer, holding tank, cesspool, or other human waste container is located on private or

public land and the effluent is not timely removed or properly treated within ten (10) days after receipt of written notice to remove from the Village Board or designee.

- (j) **Dangerous or Dilapidated Building Areas.** Any place in the Village where a building or structure, the contents therein, or any associated electrical, heat, water or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, in violation of Village ordinances, or otherwise render the building unfit for human habitation are not timely removed or discontinued within thirty (30) days of receipt of written notice to remove from the Village Board or designee.
- (k) **Dangerous Tree Areas.** Any place in the Village where any trees or the tree's limbs located on private or public lands constitute a dangerous or unsafe condition and these dangerous or unsafe conditions have not been timely removed within thirty (30) days after receipt of written notice to remove from the Village Board or designee.
- (l) **Fire Hazard Areas.** Any place in the Village where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within ten (10) days after receipt of written notice from the Village Board, Fire Inspector or designee.
- (m) **Improper Encroachment or Discharge Areas.** Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any Village roadway or on other Village public lands without written permission from the Village Board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within thirty (30) days of the receipt of written notice to remove from the Village Board or designee.
- (n) **Junked Motor Vehicle and Junk Part Areas.** Any place in the Village within five hundred (500) feet of the center line of any Village highway in the Village, or within seven hundred fifty (750) feet of the center line of any county trunk, state trunk, or federal highway where a junked motor vehicle or junk motor vehicle parts are accumulated or stored or any place in the Village where a junked motor vehicle, junk vehicles or junk parts are accumulated or stored outside of a building for a period exceeding seventy-two (72) hours if upon public property, or for a period exceeding thirty (30) days if upon private property without obtaining a Junked Motor Vehicle Permit from the Village in accordance with applicable Village ordinances adopted under Sec. 175.25, Wis. Stats., except when applicable exemptions apply.
- (o) **Junkyard and Junked Vehicle, Appliance, and Machinery Areas.** Any place in the Village where junked vehicles, not otherwise subject to Subsection (n) above, junked appliances, junked equipment and junked machinery are accumulated or stored for a period exceeding seventy-two (72) hours if upon public property, or for a period exceeding thirty (30) days if upon private property and any place otherwise within the definition of junkyard elsewhere in this Chapter that is not timely removed or discontinued within thirty (30) days of receipt of written notice to remove from the Village Board or designee, unless applicable exemptions apply.

- (p) **Unlicensed or Unregistered Vehicle Area.** Any place in the Village where for a period exceeding thirty (30) days upon private property a not "registered", "unlicensed", or "unregistered" vehicle is parked, stored, or otherwise kept outside a building without the written permission of the Village Board or designee that is not timely removed or discontinued within thirty (30) days of receipt of written notice to remove from the Village Board, or designee, unless applicable exemptions apply.
- (q) **Animals at Large.** All animals running at large.
- (r) **Abandoned Wells.** All abandoned wells not securely covered or secured from public use.
- (s) **Improperly Removed Snow/Ice.** All snow and/or ice not reoved from public sidewalks within twenty-four (24) hours after it has ceased to fall or accumulate thereon.

Sec. 11-6-4 Public Nuisances Offending Morals and Decency.

No person shall create, continue, erect, maintain, cause, continue, install, construct, or permit to exist in the Village a public nuisance associated with, causing or likely to cause danger, disturbance, or injury to public morals or decency. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed by the owner or occupant of the land, after written notice to remove from the Village Board or designee to the owner or occupant of the land where the public nuisance occurs or to any person responsible for the creation, maintenance, or permitting of such nuisance in the Village, are specifically declared to be a public nuisance:

- (a) **Improper Establishments.** Pursuant to Sec. 823.09, Wis. Stats., whoever shall erect, establish, continue, maintain, use, occupy, or lease any building or part of building, erection or place to be used for the purpose of lewdness, assignation or prostitution, or permit the same to be used, in the State of Wisconsin, shall be guilty of a nuisance and the building, erection, or place, in or upon which such lewdness, assignation or prostitution is conducted, permitted, carried on, continued or exists, and the furniture, fixtures, musical instrument and contents used therewith for the same purpose are declared a nuisance, and shall be enjoined and abated.
- (b) **Illegal Drug Houses.** Pursuant to Sec. 823.113(1), Wis. Stats., any building or structure that is used to facilitate the delivery, distribution or manufacture, as defined in Sec. 961.01(6), (9) and (13), Wis. Stats., respectively of a controlled substance, as defined in Sec. 961.01(4), Wis. Stats., or a controlled substance analog, as defined in Sec. 961.01(4m), Wis. Stats., and any building or structure where those acts take place, is a public nuisance and may be proceeded against under Sec. 823.113, Wis. Stats.
- (c) **Criminal Gang Houses.** Pursuant to Sec. 823.113(1), Wis. Stats., any building or structure that is used as a meeting place of a criminal gang, as defined in Sec. 939.22(9), Wis. Stats., or that is used to facilitate the activities of a criminal gang, is a public nuisance and may be proceeded against under Sec. 823.113, Wis. Stats.

- (d) **Gambling Houses.** Pursuant to Sec. 823.20, Wis. Stats., any gambling place, as defined in Sec. 945.01(4)(a), Wis. Stats., is a public nuisance and may be proceeded against under Ch. 823, Wis. Stats.
- (e) **Illegal Alcohol Houses.** Pursuant to Sec. 125.14(5), Wis. Stats., any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured or rectified without a valid permit or license issued under this Chapter or Ch. 139, Wis. Stats., or where persons are permitted to drink alcohol beverages in violation of Ch. 125, Wis. Stats., is a public nuisance and may be closed until the activity in violation of Ch. 125, Wis. Stats., is abated. When the activity is abated, the building or place may be used for any lawful purpose.
- (f) **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.

Sec. 11-6-5 Public Nuisances Affecting Peace and Safety.

No person shall create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Village a public nuisance associated with, causing or likely to cause, potential danger, disturbance or injury to the public peace and order. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed, after written notice to remove from the Village Board or designee to the owner or occupant of the land where the public nuisance occurred or is maintained or to any person responsible for the creation, maintenance, or permitting of such nuisance in the Village, are specifically declared to be a public nuisance:

- (a) **Loud Noise Areas.** Any place in the Village where any unreasonably loud, discordant and unnecessary sound conditions, including sounds from non-farm animals or from any human created or aided sounds, including alleged music, is located on private or public land, without written approval of the Village Board or its designee and is not timely removed or discontinued within ten (10) days of the written receipt of notice to remove from the Village Board or designee.
- (b) **Disorderly Conduct Area.** Any place in the Village where unpermitted, abusive, indecent, profane, or boisterous sounds, unpermitted fighting, brawling, or rioting or other unpermitted disorderly conduct conditions are located or occur on private or public lands and these disorderly conditions have not been timely removed or discontinued within ten (10) days of receipt of written notice to remove from the Village Board or designee.
- (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 its color, location, brilliance or manner of operation, interferes with the effectiveness of any such traffic device, sign or signal.

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- (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) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (f) **Abandoned Refrigerators.** All abandoned refrigerators or freezers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (g) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (h) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (i) **Dilapidated Buildings.** All buildings or structures that are in violation of Village ordinances and so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

Sec. 11-6-6 Public Nuisances Regarding Motor Vehicles, Junk, Recreational Equipment or Firewood.

- (a) **Generally.** The following are also declared to be public nuisances wherever they may be found within the Village:
 - (1) Storage of abandoned or junked motor vehicles or motor vehicle accessories as enumerated at Subsection (b).
 - (2) Parking of vehicles in street yard contrary to Subsection (c).
 - (3) Storage of junk contrary to Subsection (d).
 - (4) Parking or storage of recreational equipment contrary to Subsection (e).
 - (5) Storage of firewood contrary to Subsection (f).
- (b) **Abandoned or Junked Motor Vehicles or Motor Vehicle Accessories.**
 - (1) **Definitions.** As used in this Section:
 - a. **Junked Motor Vehicle.** Any motor vehicle which is partially dismantled or wrecked and does not comply with TRANS 305, Wis. Adm. Code.
 - b. **Motor Vehicle.** Any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to, automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, etc.
 - c. **Motor Vehicle Accessories.** Part or parts of any motor vehicle.
 - d. **Abandoned Motor Vehicle.** A motor vehicle which, through disuse and failure to be used, remains in one location for a period of thirty (30) days or more, or

a motor vehicle which has been reported as stolen to any Police Department, or a motor vehicle which does not have affixed a current motor vehicle license.

- e. **Person.** Any individual, partnership, or corporation.
 - f. **Private Property.** Any real property not owned by the federal, state, county or Village government, school district, or public subdivisions.
 - g. **Removal.** The physical relocation of a motor vehicle to an authorized location.
- (2) **Storage Prohibited.**
- a. No person owning or having custody of any junked motor vehicle, abandoned motor vehicle, or motor vehicle accessories shall store or permit any such vehicle or accessories to remain on any private property within the Village for a period of more than thirty (30) days. No person owning any private property in the Village shall store or permit to remain any such junked or abandoned motor vehicle or motor vehicle accessories on his/her property for more than a thirty (30) day period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this Section.
 - b. No person, after notification to remove any abandoned motor vehicle, junked motor vehicle or motor vehicle accessories from any private property has been given pursuant to this Section, shall move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.
- (3) **Storage; Permitted When.** This Section shall not apply to:
- a. Any junked motor vehicle or motor vehicle accessories or any abandoned motor vehicle stored inside an enclosed building or within a fence creating a complete, opaque enclosure (woven material or chain link fences may not be used) at a height of no less than the height of the material being fenced. The term fence and the provisions regarding fences referenced in Section 13-1-142 are incorporated herein by reference as if fully set forth.
 - b. Any licensed automobile salvage yard in a properly zoned district; or
 - c. Any licensed auto repair and/or auto body shops in a properly zoned district, but this Section shall apply to automobile service stations or tire, battery and accessory sale stores.
- (4) **Investigation of Premises.** The Police Department, on routine patrol or upon receipt of a complaint from the Building Inspector or any other person, may investigate a suspected abandoned motor vehicle, junked motor vehicle, or motor vehicle accessories and record the make, model, style, and identification numbers and its situation.
- (5) **Notice of Removal.**
- a. Notwithstanding any other provisions in this Chapter regarding enforcement of public nuisances, whenever the Chief of Police, or any member of his/her Department, shall find or be notified that any abandoned motor vehicle, junked motor vehicle or motor vehicle accessories has been stored or permitted to remain

on any private property within the Village, other than those permitted instances described in Subsection (b)(3), the Chief of Police or any member of the Police Department shall give notification in writing in person:

1. To the owner of the private property, as shown on the tax assessment records of the Village, if such owner can be ascertained by the exercise of reasonable diligence; and
 2. To the owner of the private property, as shown on the tax assessment records of the Village, on which the same is located, to remove the junked motor vehicle, abandoned motor vehicle, or motor vehicle accessories within ten (10) days.
- b. The officer shall document the time, date and place of service of the notice. Such notice shall also contain the following information:
1. Nature of complaint.
 2. Description and location of the motor vehicle and/or motor vehicle accessories.
 3. Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than ten (10) days from the date of notification.
 4. Statement that removal from the location specified in the notification to another location upon which storage is not permitted is prohibited and shall subject the person to additional penalty.
 5. Statement that if removal is made within the time limits, specified, notification shall be given in writing of such removal to the Chief of Police.
 6. Statement of the penalties provided for if there is non-compliance with such notice.
- c. If the owner of record of the private property on which such junked or abandoned motor vehicle or motor vehicle accessories are located cannot be so notified in person and/or if such owner of record of such junked or abandoned motor vehicle or motor vehicle accessories cannot be so notified in person, the Chief of Police or any member of the Police Department shall send by certified mail to such person(s) a notice as set forth above to remove the junked or abandoned motor vehicle, or motor vehicle accessories within ten (10) days.
- (6) **Penalties.** Each and every violation of the provisions of this Section shall constitute a separate offense, and each and every day any provision of this Section is violated shall constitute a separate offense for which a forfeiture may be imposed.
- (c) **Street Yard Parking.**
- (1) **Purpose.** It is hereby recognized that uncontrolled residential off-street parking, specifically in residential street yards, is a public nuisance. The purpose of this Section is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety and welfare of the Village.

- (2) **Definitions.** The definitions of words or phrases used herein shall be as defined in Section 13-1-200 of the Village Code of Ordinances, and as defined below.
- a. **Drive Apron.** The connection between a driveway and the traveled portion of a street, in the public right of way, including any sidewalk area abutting thereon.
 - b. **Driveway.** An improved surface maintained for motor vehicle access and parking. Such surfaces include those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.
 - c. **Improved Surface.** A surface of bituminous or Portland cement concrete or other material, other than grass, such as crushed rock, gravel or other materials, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water.
 - d. **Motor Vehicle.** A vehicle as defined in Sec. 340.01, Wis. Stats.
 - e. **Parking Pad.** An improved surface which is not a driveway or drive apron, connected to a driveway upon which vehicles are parked.
 - f. **Residential.** Any single-family dwelling or two-family dwelling in any residential district (R-1, R-2 or R-3) or any dwelling formerly single-family or two-family in any district which has been converted to a boarding house or lodging house or other multiple-family dwellings.
- (3) **Parking Standards.** The parking of any motor vehicle upon a residential lot shall be in compliance with the following standards:
- a. **Permitted Parking Area.** The parking of any motor vehicle within the street yard shall be on a driveway or parking pad.
 - b. **Front Yard Parking Pads Restricted.** No parking pad shall be allowed in the street yards except:
 1. The Board of Appeals is granted the authority to grant a variance from this requirement in circumstances where sufficient space is neither available in any side yard nor in the rear yard, upon such terms and conditions as the Board requires, provided, however, that the parking pad be shielded from the street by landscaping, hedges or decorative fencing;
 2. In a licensed mobile home park, a parking pad for a maximum of two (2) vehicles shall be allowed in the street yard.
 - c. **Single-Width Driveways.** A single-width driveway running from the street access to a garage or parking pad shall not utilize more than fifteen percent (15%) of any street yard, except for street yards with a street footage width of less than seventy (70) feet, in which case the maximum width for a single driveway shall be eleven (11) feet.
 - d. **Double-Width Driveways.** A double-width driveway running from the street access to a garage or parking pad shall not utilize more than twenty-seven percent (27%) of any street yard; provided, the maximum width of a driveway shall not

- exceed twenty-four (24) feet in any case and shall not exceed eighteen (18) feet for street yards with a street footage width of less than seventy (70) feet.
- e. **Triple-Width Driveways.** A triple-width driveway running from the street access to a garage or parking pad shall not utilize more than thirty-three (33%) of any street yard; provided that the maximum width of a driveway shall not exceed thirty (30) feet in any case, and shall not be permitted for street yards with a street footage width of less than eight (80) feet.
 - f. **Circular Driveways.** Circular driveways used for turnaround or through traffic shall not utilize more than thirty percent (30%) of any street yard, and shall not be permitted for street yards with a street footage width of less than eight (80) feet.
 - g. **Setback Areas.** On residential lots, the required street yard setback shall not be considered a part of the permitted parking area but shall be landscaped, except that motor vehicle parking shall be permitted in a legal driveway or garage and except that the Board of Appeals is granted the authority to grant a variance from this requirement upon such terms and conditions as the Board requires, in circumstances where sufficient space is neither available in any side yard nor in the rear yard.
- (4) **Penalties.** Each and every violation of the provisions of this Section shall constitute a separate offense and each and every day any provision of this Section is violated shall constitute a separate offense for which a forfeiture may be imposed.
- (d) **Storage of Junk Prohibited.**
- (1) No person shall accumulate, store or allow any junk outside of any building on any public or private property located in the Village.
 - (2) "Junk" means worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, tires, tools, discarded building materials, or any other unsightly debris, the accumulation of which has an adverse effect upon health, safety or general welfare or which annoys any appreciable number of reasonable persons in the Village.
- (e) **Storage of Recreational Equipment Regulated.** No person shall park or store any recreational equipment in any street yard, whether or not on a driveway or parking pad, for a period of more than forty-eight (48) hours. Recreational equipment shall be defined as race cars, demolition cars, mud bogging vehicles, truck and tractor pulling vehicles and/or any other related equipment or accessories.
- (f) **Storage of Firewood Regulated.** Violation of Section 13-1-141 shall be considered to be a public nuisance.

Sec. 11-6-7 Abatement of Public Nuisances.

- (a) **Nuisances Prohibited.**
- (1) **Nuisances Not To Be Maintained.** No person may maintain or permit a public nuisance within the Village of Elk Mound.

- (2) **Criteria.** The Village Board determines that a nuisance is unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health, or safety of another or others. Criteria for a public nuisance are, but not limited to, those grounds listed in Sec. 11-6-2 and as follows:
 - a. The number of people affected;
 - b. The location of the operation or property;
 - c. The degree or character of the injury inflicted or the right impinged upon;
 - d. The reasonableness of the use of the property;
 - e. The nature of the business maintained;
 - f. The proximity of dwellings to the business; and
 - g. The nature of the surrounding or community.
 - (3) **Repeated Offenses.** Repeated violations of a Village ordinance or regulation constitutes a public nuisance as a matter of law.
- (b) **Summary Abatement.**
- (1) **Order; Notice.**
 - a. If the enforcement official of the Village determines that a public nuisance exists within the Village of Elk Mound and that there is imminent danger to public health, safety, peace, morals, comfort or welfare, the enforcement official, or his/her designee, may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting an imminent danger to the public and requiring that prompt action be taken as such official deems necessary to abate the nuisance. Notwithstanding any other provisions of this Chapter, the order shall be effective immediately.
 - b. Notice of the order shall be personally served, or delivered by certified mail, by the enforcement official or his/her deputy on the owner and/or occupant of the premises where such nuisance is caused, maintained or permitted; a copy of such notice shall also be posted on the premises. Such order shall direct the person causing, maintaining or permitting such nuisance, or the owner and/or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days, 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 and/or person causing, maintaining or permitting the nuisance, as the case may be. Any person to whom such order is directed shall comply with the order immediately.
 - (2) **Abatement by Village.** Whenever the owner or occupant shall refuse or neglect to remove or abate the condition described in the order, or if the nuisance is not abated within the time period provided, or if the owner, occupant or person causing or maintaining the nuisance cannot be found, the Village official having the duty of enforcement shall cause the abatement or removal of such public nuisance. The Village shall recover the expenses incurred thereby from the owner and/or occupant of the premises or from the person(s) who has caused or permitted the nuisance.

(c) **Non-summary Abatement.**

- (1) **Order; Notice.** If the enforcing official determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, comfort, morals or welfare, the enforcing official shall issue an order reciting the existence of a public nuisance and requiring the owner and/or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be personally served on the owner of the property, as well as the occupant if different from the owner and applicable to the nuisances cited, or, at the option of the enforcing official, the notice may be mailed to the last known address of the person to be served by certified mail with return receipt. If the owner or the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a Class 3 notice under Ch. 985, Wis. Stats. The time limit specified in the order runs from the date of service or publication.
- (2) **Abatement by Village.** If the owner or occupant fails or refuses to comply within the time period described, the enforcement official may cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner and/or occupant of the premises or from the person who has caused or permitted the nuisance.

- (d) **Appeals.** Any person aggrieved by a notice/order of a Village enforcement official under Subsections (b) or (c) above issued in connection with any alleged violation of the provisions of this Chapter or of any applicable rules and/or regulations pursuant thereto or by any order requiring repair or demolition may file with the Clerk-Treasurer a petition setting forth his/her reasons for contesting the notice and/or order. Such petition shall be filed within fifteen (15) days of receipt of the enforcement official's notice. The Village Board shall conduct a hearing on the petition within thirty (30) days after the filing date of the appeal and make a determination on the appeal and the enforcement official's notice and/or order.

(e) **Alternative Curative Method – Repair or Razing Order.**

- (1) **Court Petition.** As an alternative curative method, whenever an owner, operator, or agent of a premise or unit thereof fails, neglects, or refuses to make repairs, raze or remove, make safe by repairs or other corrective action called for, the enforcement official may undertake such repairs or action. If the owner, operator or agent fails to repair or remove a building which is dilapidated or blighted to the extent that such building, dwelling, or structure offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such conditions, the enforcement official may apply to circuit court for an order determining that such building, dwelling, or structure constitutes a public nuisance and the defect shall be remedied. Every violation of this Code of Ordinances may constitute a public nuisance and may be enjoined and the maintenance thereof may be abated by legal action by the Village or citizen thereof.

- (2) **Razing Orders.** Where a judicial review of a decision of the enforcement official is sought when such order originates under Section 66.0413, Wis. Stats., governing the razing of buildings, the statutory procedures shall be adhered to.
- (f) **Alternative Curative Method – Ch. 823, Wis. Stats., Nuisances.** The provisions of Chapter 823, Wis. Stats., regarding public nuisances specifically addressed by that Chapter are adopted and incorporated herein by reference. At his/her option, if the enforcement official finds that a public nuisance exists, such official may file a written report of such findings with the Village Board, which shall cause an action to abate such nuisance to be commenced in the name of the Village in Dunn County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village and its officials in accordance with the laws of the State of Wisconsin.
- (g) **Court Order to Access Property.** Except when necessary under Subsection (b), no enforcement official shall 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, or to permit inspection under Section 66.0119, Wis. Stats.

Sec. 11-6-8 Cost of Abatement.

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, such cost shall be assessed against the real estate as a special charge.

Sec. 11-6-9 Enforcement; Penalty.

- (a) **Statutory Authority.** The Village Board of the Village of Elk Mound, pursuant to authority granted to local municipalities, hereby incorporates the provisions of Sec. 66.0413 and Ch. 823, Wis. Stats., as the same apply to the abatement of public nuisances.
- (b) **Inspection of Premises.** Whenever complaint is made to the Village Clerk-Treasurer that a public nuisance exists within the Village, the Village Clerk-Treasurer shall promptly notify the appropriate inspection authority who shall forthwith inspect or cause to be inspected the premises and shall make a written report which shall be submitted to the Village Clerk-Treasurer. 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-Treasurer.

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- (c) **Enforcement.** The Village President, Clerk-Treasurer, Village Board, Fire Inspector, Director of Public Works, Building Inspector and law enforcement authorities 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 insure that such provisions are not violated. No action shall be taken under Section 11-6-6 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 is satisfied that a nuisance does, in fact, exist.
- (d) **General Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 1-1-6.