

**TOWN OF HORTONIA ORDINANCE PROHIBITING THE
ERECTION, CONTRIVANCE, CAUSATION, CONTINUATION,
MAINTENANCE OR PERMITTING OF ANY PUBLIC
NUISANCE WITHIN THE TOWN OF HORTONIA.**

The Town Board of the Town of Hortonia does ordain as follows:

1. PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Hortonia.

2. PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- b) In any way render the public insecure in life or in the use of property;
- c) 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.

3. PUBLIC NUISANCES 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 regulated or prohibited by Town Ordinances or State Statutes:

- a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- b) **Unburied Carcasses.** Carcasses of domestic animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
- c) **Breeding Places for Vermin.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;

- d) Stagnant Water. All stagnant water created by artificial means in which mosquitoes, flies or other insects can multiply;
- e) Garbage Cans. Garbage cans or other containers which are not fly-tight;
- f) Water Pollution. The pollution of any public well or cistern, stream, lake, drainageway or other body of water by sewage, creamery or industrial wastes or other substances;
- g) Noxious Odors. Any use of property, substances or things within the Town causing any foul, offensive, noisome, nauseous, 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. The above provisions are not intended to prevent normal farming operations within the proscribed areas;
- h) Street Pollution. 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 Town;
- i) Animals at Large. All domestic animals running at large;
- j) Accumulations of Refuse. Accumulations of old cans, lumber, elm firewood and other refuse and debris;
- k) Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

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. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety regulated or prohibited by Town Ordinances or State Statutes.

- a) **Signs, Billboard.** All signs and billboards, awnings and other similar structures over or near street, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety;
- b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town;
- 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 device, sign or signal;
- 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) **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.
- f) **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;
- g) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof;
- h) **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 shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town;
- i) **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the Town or which, although made in

accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit;

- j) **Open Excavations.** All open and unguarded pits, wells, excavations, or unused basements accessible from any public street, alley or sidewalk;
- k) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;
- l) **Junk Vehicles.** All junked, disassembled, inoperable or wrecked motor vehicles, or parts thereof, which have been allowed to remain outside of any building upon public or private property for a period in excess of thirty (30) days, unless in connection with an automotive sales or repair business located in a properly zoned area;
- m) **Storage of Junk.** The storage of junked or discarded property including trash, wood, bricks, washing machines, refrigerators unrepairable equipment or machinery, or equipment or machinery parts, as may tend to depreciate property values or be detrimental to the appearance, neatness and cleanliness of the neighborhood, provided that nothing in this subsection shall prohibit reasonable storage of construction materials during the construction of any building or structure, and construction debris shall be contained within adequately sized dumpsters placed on site.
- n) **Loud and Unnecessary Noise.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
 - i. **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Town for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated

by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- ii. Radios, phonographs, similar devices. The using, operating or permitting the playing, using or operating of any radio receiving set; musical instrument, phonograph or other machine or device for the producing reproducing of sound, in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be *prima facie* evidence of a violation of this Section.
- iii. Loudspeakers, amplifiers for advertising. The using, operating or permitting the playing, using or operating of any radio receiving set, musical instrument, phonograph, loudspeaker, sound, amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- iv. Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- v. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

The provisions of this Section shall not apply to:

- i. Any vehicle of the Town while engaged in necessary public business.
- ii. Excavations or repairs of streets or other public construction by or on behalf of the Town, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.

- iii. The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in nature.

6. ABATEMENT OF PUBLIC NUISANCES.

- a) **Enforcement.** The Constable, Building Inspector, Chief of the Fire Department, or Town Board 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 this Section to abate a public nuisance unless the officer shall have 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 shall determine 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 Chair may direct the proper officer to cause the same 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 shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, s/he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days, the proper officer shall cause the nuisance to be removed as provided in subsection (b).
- d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

7. 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 Town 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.

8. PENALTY. Any person, corporation, or other entity convicted of a violation of this Ordinance shall be fined not less than \$150.00 nor more than \$500.00 together

with the costs of prosecution of each offense. Every calendar day of violation shall be deemed a separate offense.

Adopted and approved this 3RD day of OCTOBER, 2006.



Kevin Bolssen, Chair

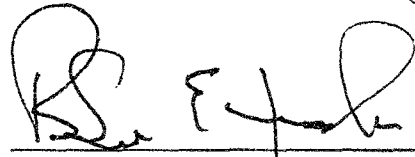
ATTESTED TO:



Faye Marks, Clerk



Dennis Clegg, Supervisor



Bob Luedtke, Supervisor