

## CHAPTER 96: NUISANCES; HEALTH AND SANITATION

### Section

#### *Weeds, Grasses, and Dead Trees*

- 96.01 Definitions
- 96.02 Applicability
- 96.03 Weeds, plants, and grasses
- 96.04 Dead trees

#### *Minimum Property Maintenance Standards*

- 96.15 Policy
- 96.16 Purpose
- 96.17 Definitions
- 96.18 Prohibition of litter, rubbish or debris
- 96.19 Building standards

#### *Administration and Enforcement*

- 96.30 Summary abatement
- 96.31 Abatement by court action
- 96.32 Court order
- 96.33 Other methods not excluded
- 96.34 Costs of abatement

#### *Construction Dumpsters*

- 96.40 Location
- 96.41 Time limit
- 96.42 Sanitation
- 96.43 Usage
- 96.44 Identification
- 96.45 Permit required
- 96.46 Abatement

#### *Noise Regulations*

- 96.50 Noise which disturbs public peace prohibited

#### *Smoking Regulations*

- 96.60 Public buildings

- 96.99 Penalty

#### *Cross-reference:*

*Outdoor wood furnaces as a nuisance,*  
*see § 92.11*

*Unregistered vehicles as a nuisance,*  
*see § 95.08*

### **WEEDS, GRASSES, AND DEAD TREES**

#### **§ 96.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DESTROY.** As applied to weeds, plants, and grasses, refers to the regular and systematic cutting of such weeds, plants, and grasses which have exceeded the height of eight inches above the ground. As applied to trees, refers to the cutting down, cutting up and hauling away of such trees, not including stump removal.

**WEEDS, PLANTS, OR GRASSES.** All rank vegetable growth, other than trees, bushes, flowers, or other ornamental plants permitted to grow to a height exceeding eight inches above the surface of the ground anywhere in the city on platted lots, except on land actually used for agricultural purposes.  
(Ord. 136, passed 11-5-90)

**§ 96.02 APPLICABILITY.**

This section shall apply to the following real estate located in the city:

(A) Any land located within 100 feet of the improved portion of the following roads: River Street, Main Street from Riverview Drive to Laue Street and Second Street.

(B) Any land west of and within 100 feet of the west right-of-way line of the improved portion of Third Street.

(C) All platted areas within the city limits.

(D) All other lots of less than one-half acre within the city limits.  
(Ord. 136, passed 11-5-90)

**§ 96.03 WEEDS, PLANTS, AND GRASSES.**

It shall be unlawful for any person to permit any weeds, plants, or grasses to grow to a height exceeding eight inches above the surface of the ground, except on land actually used for agricultural purposes.

(Ord. 136, passed 11-5-90) Penalty, see § 96.99

**§ 96.04 DEAD TREES.**

It shall be unlawful for the owner of any land to fail to destroy any dead trees located within a distance equal to the height of a tree from an adjoining landowner's property.

(Ord. 136, passed 11-5-90)

**MINIMUM PROPERTY MAINTENANCE  
STANDARDS**

**§ 96.15 POLICY.**

There exists in the city 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.

(Ord. 136, passed 11-5-90)

**§ 96.16 PURPOSE.**

The purpose of this subchapter is to protect public health, safety, and welfare by establishing minimum property maintenance standards. This section shall replace or modify standards otherwise established by other portions of the City Code for construction, repair, alteration, or use of buildings. This subchapter is meant to be remedial and essential for the public interest, and it is intended that this subchapter be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this subchapter shall be deemed to be a public nuisance.

(Ord. 136, passed 11-5-90)

**§ 96.17 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING.** A structure having a roof supported by columns or walls, including mobile homes, whether movable or stationary.

**DETERIORATION.** 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.

**OCCUPANT.** Any person living, sleeping, or having actual possession of a building.

**OWNER.** Any person who alone, jointly, or severally with others has legal or equitable title to any premises, with or without accompanying actual possession thereof.

**PREMISES.** Any building, accessory structure, or other improvement to real property together with all the 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. (Ord. 136, passed 11-5-90)

#### **§ 96.18 PROHIBITION OF LITTER, RUBBISH, OR DEBRIS.**

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

(Ord. 136, passed 11-5-90) Penalty, see § 96.99

#### **§ 96.19 BUILDING STANDARDS.**

Every building shall be kept structurally sound and in a state of good repair and free of safety, health, or fire hazards and deterioration.

(Ord. 136, passed 11-5-90)

### **ADMINISTRATION AND ENFORCEMENT**

#### **§ 96.30 SUMMARY ABATEMENT.**

(A) *Notice to owner.* If the Chief of Police determines that a public nuisance exists within the city and that there is a danger to public health, safety,

peace, or welfare, notice may be served by the Chief of Police or an authorized patrol person on the person causing, maintaining, or permitting the nuisance or on the owner or occupant of the premises where the nuisance is caused, maintained, or permitted. A copy of the notice shall be posted on the premises. The notice shall direct the person causing, maintaining, or permitting such nuisance, or the owner or occupant of the premises, to abate or remove the nuisance within a period not less than 24 hours or greater than seven days and shall state that unless the nuisance is so abated the city will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, maintaining, or permitting the nuisance as the cause may be.

(B) *Abatement by city.* If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the city shall cause the abatement or removal of the public nuisance.

(Ord. 140, passed 12-1-92)

#### **§ 96.31 ABATEMENT BY COURT ACTION.**

As an alternative to or in addition to abatement by the city under § 96.30, the city may cause an action to abate the nuisance to be commenced in the name of the city in the Circuit Court of Buffalo County in accordance with the provisions of Wis. Stats. Ch. 823 or other applicable law.

(Ord. 140, passed 12-1-92)

#### **§ 96.32 COURT ORDER.**

Except where necessary under § 96.30 to correct an immediate danger to public health or safety, no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if the premises are occupied and, if the permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(Ord. 140, passed 12-1-92)

**§ 96.33 OTHER METHODS NOT EXCLUDED.**

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with state law. (Ord. 140, passed 12-1-92)

**§ 96.34 COSTS 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 city 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, the cost shall be assessed against the real estate as a special charge if authorized under Wis. Stats. §§ 254.59 and 823.06 or other law. (Ord. 140, passed 12-1-92)

**CONSTRUCTION DUMPSTERS****§ 96.40 LOCATION.**

(A) *Single-Family Residential Zones.* No commercial or construction dumpsters shall be located within ten feet of an abutting dwelling, unless the occupant of the abutting dwelling agrees to such and signs the authorization form which shall be submitted with the permit application for the dumpster. No dumpster shall be placed so that it blocks any public sidewalk.

(B) *Multi-Family, Commercial and Industrial Zones.* No temporary commercial or construction dumpster shall be located within ten feet of an abutting residential property or on a public street or alley unless a permit is obtained from the Building Department.

(C) (1) If permitted and the dumpster is placed on the public street or alley, the dumpster shall be

directly in front of or on the side of the property address utilizing the dumpster. Additionally, a dumpster placed on the street shall:

- (a) Not be more than 18 inches from the curb;
- (b) Not obstruct driveways of abutting properties;
- (c) Not obstruct traffic;
- (d) Be protected at both ends by a barricade; and
- (e) The barricades shall provide a reflective area not less than 36 square inches at each end.

(2) A dumpster shall not be placed on the public street if on-street parking for vehicles is not allowed at that location.

(Ord. 163, passed 11-5-07) Penalty, see § 96.99

**§ 96.41 TIME LIMIT.**

(A) *Single-Family Residential Zones.* During any six-month period a dumpster and any replacement dumpster shall be placed for a total of not more than 14 days in any six-month period if placed on the street and not more than 30 days in any six-month period if placed elsewhere.

(B) *Multi-Family and Commercial.* A dumpster and any replacement dumpster placed under this subchapter and not in a public street may remain on the site as long as required, but not to exceed a total of six months. A dumpster or any replacement dumpster placed upon a public street may be placed for not more than a total of 14 days in any six-month period.

(C) *Industrial.* A dumpster or any replacement dumpster placed under this subchapter may remain on the site as long as needed, but not to exceed a total of 18 months.

(Ord. 163, passed 11-5-07) Penalty, see § 96.99

**§ 96.42 SANITATION.**

The following requirements shall be maintained while the dumpster is on or at the site:

(A) The area around the dumpster shall be kept free of debris and litter, to include the removal of nails, screws, and the like, with the use of a magnet-type tool;

(B) Any dumpster into which animal or vegetable waste or material has been dumped or deposited shall be removed or emptied within 24 hours;

(C) Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed and cleaned to eliminate the odor; and

(D) A full dumpster shall be removed from the property within two days.  
(Ord. 163, passed 11-5-07) Penalty, see § 96.99

**§ 96.43 USAGE.**

A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is placed.  
(Ord. 163, passed 11-5-07) Penalty, see § 96.99

**§ 96.44 IDENTIFICATION.**

The name and telephone number of the owner of the dumpster and/or the company that is responsible for the dumpster shall be displayed in a weatherproof manner on the dumpster.  
(Ord. 163, passed 11-5-07) Penalty, see § 96.99

**§ 96.45 PERMIT REQUIRED.**

A permit shall be required for a dumpster. The permit shall be obtained from the City Hall - Clerk's Office after paying the required fee of \$25. The

permit shall be displayed in a weatherproof manner on the dumpster.

(Ord. 163, passed 11-5-07) Penalty, see § 96.99

**§ 96.46 ABATEMENT.**

Any dumpster not in compliance with this subchapter is hereby declared to be a public nuisance and may be abated by the city at the owner or responsible person's expense. Abatement shall be at the city's option, including the removal and/or the emptying of the dumpster.

(Ord. 163, passed 11-5-07) Penalty, see § 96.99

**NOISE REGULATIONS****§ 96.50 NOISE WHICH DISTURBS PUBLIC PEACE PROHIBITED.**

(A) No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof, or squealing tires of a motor vehicle upon the paved streets in the city unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property, or the health, safety, or limb of some person. The restriction on the making of such noise applies to any and all endeavors including the construction of buildings, residential or commercial, the removal of earth, rock, and other like materials with or without motorized equipment, the cutting of trees and any like activity which produces noise at levels which are unreasonable given the time at which the noise is made and the circumstances under which the noise is made.

(B) No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud muffler noise. This includes the use of Jake Brakes within the city limits.



(C) No driver of any vehicle, including motorcycles, all-terrain vehicles and bicycles, shall cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin and emit loud noises or to unnecessarily throw stones or gravel, nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace.

(D) No person shall play any radio, television set, phonograph, cassette player, compact disc player, digital music player, or any musical instrument from a residence, business, motor vehicle, or any other area in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(Ord. 162, passed 3-5-07)

### **SMOKING REGULATIONS**

#### **§ 96.60 PUBLIC BUILDINGS.**

The statutory provisions of Wis. Stats. § 101.123, defining regulations prohibiting smoking, are adopted by reference and made part of this code as if fully set forth herein. Any future amendments, revisions or modifications of Wis. Stats. § 101.123 are incorporated by reference.

(Ord. 160, passed 12-4-03) Penalty, see § 10.99

#### **§ 96.99 PENALTY**

(A) Any person who shall violate any provision of this chapter which a specific penalty is not provided shall be subject to a forfeiture not to exceed \$200, plus costs of the action, for each such violation. Every day during which the nuisance exists shall constitute a separate violation.

(B) (1) Upon determination by the City Police Department of a violation of §§ 96.01 through 96.04 and §§ 96.15 through 96.19, the City Clerk shall notify the owner and, if different from the owner, the occupant of the premises of the violation.

(2) 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. Ten days shall be given to correct a failure to cut weeds, plants, and grasses. 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 the person or persons.

(3) The person so notified shall have the right to appeal the initial determination to the Common Council within ten days of receipt of the notice.

(4) If upon expiration of the time given for correction of a violation and time for any appeal therefore such correction is not made, the Common Council may do any or all of the following, including any other remedies available by law:

(a) File an action in the name of the city in the Circuit Court for Buffalo County in accordance with the provisions of Wis. Stats. Ch. 823 as amended from time to time.

(b) Fix a period of time for payment of the special charge incurred by the city to remedy a violation of §§ 96.01 through 96.04 and §§ 96.15 through 96.19 and, if not paid within the period, the special charge shall become a lien as of the date of the delinquency and shall be automatically extended upon the current or next tax roll against the property under Wis. Stats. § 66.0627.

(c) Commence an action to collect a forfeiture of not more than \$25 for each offense, and if the person fails to comply with any notice after the time period set forth by the notice has expired, each week following the expiration of the notice shall be deemed a separate offense and subject to an additional forfeiture of no more than \$25.

(C) (1) Violation of any provision of §§ 96.40 through 96.46 shall be punishable by a fine in an amount of not more than \$500, or imprisonment for a term of not more than 90 days, or both.

(2) In addition, a person found guilty of a violation of §§ 96.40 through 96.46 shall be ordered to abate the problem and pay the cost incurred by the city if the city abated the problem.

(Ord. 136, passed 11-5-90; Am. Ord. 136A, passed 8-3-92; Am. Ord. 136B, passed 8-3-92; Am. Ord. 163, passed 11-5-07)