

Ferryville Ordinance Chapter 8 PUBLIC NUISANCES

CHAPTER 8 PUBLIC NUISANCES

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8.01 PUBLIC NUISANCES PROHIBITED.

(1) No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Ferryville.

8.02 PUBLIC NUISANCE DEFINED

(1) A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) 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 use of property.
- (c) Negatively effects the value of neighboring property.
- (d) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

8.03 PUBLIC NUISANCES AFFECTING HEALTH.

(1) The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of section 8.02:

- (a) Adulterated food. All decayed, harmful adulterated or unwholesome food or drink sold or offered for sale to the public.

(b) Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in sanitary manner within 24 hours after death.

(c) Breeding places for vermin, etc. 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.

(1) No dumping in the village limits of Ferryville whether it be public, commercial or private property, will be allowed to create any unsightly mess or dumping of debris consisting of any and all materials such as glass, metals, papers, tires, batteries, appliances, TV's, lamps, etc. These materials are considered to be garbage and anyone creating a dumping site will be given written notice and be required to clean site within ten days of notification. Any violators will be subject to fines and penalties under Section 13.04.

(d) All stagnant water except natural created. All stagnant water in which mosquitoes, flies or other insects can multiply.

(e) Privy vaults and garbage cans. Privy vaults and garbage cans which are not fly-tight.

(f) Animals not to run at large. No person shall allow any animal or dog owned by him/her or under his/her custody to run at large. An animal or dog shall be considered at large when it is off the premises of the owner or person having custody thereof and while so off the premises, is not restrained by a leash or is not within a vehicle operated by the owner or person having custody or is not under the control of a person of adult and discretion.

(g) Open cisterns, wells, basements or other dangerous excavations prohibited. No person shall have or permit on any premises owned or occupied by his/her any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

(h) Abandoned or unattended refrigerator, etc., prohibited. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his/her control in a place assessable to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his/her agent is securely locked or fastened.

(2) Storage of Junk, etc. The open storage of junk refuse, litter, garbage, scrap or waste matter, disassembled or damaged motor vehicles, whether awaiting repair or not.

8.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

(1) The following acts, omissions, places, conditions and things are hereby 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 of sec. 8.02.

(a) Disorderly houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse or gambling.

(b) Unlicensed sale of liquor or beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village of Ferryville.

(c) Continuous violation of city 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.

8.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

(1) 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 coming within the definition of section 8.02

(a) Signs, billboards, etc. All signs and 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.

(b) Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossings 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.

(c) 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.

(d) 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.

(e) Wires over streets. All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.

(f) No person, firm, corporation, nor entity shall within the Village limits of the Village of Ferryville, Crawford County, Wisconsin, keep, house, or harbor any livestock nor animals of husbandry including but not limited to cows, cattle, horses, mules, donkeys, sheep, goats,

swine and/or llamas nor mink, fox, skunks, raccoons, geese, ducks, or fowl (the term fowl does not include chickens) of any kind, bees, snakes, alligators, crocodiles, nor any other exotic species that may endanger public health or public safety. This subsection does not apply to the real property covered by Crawford County Tax Parcel No. 126-0107-0000. Further this subsection does not apply to service animals as defined by §106.52, Wis. Stats., or any amendments to same.

Further no person, firm, corporation, nor entity, notwithstanding the above, shall be allowed within the corporate limits of the Village of Ferryville to keep, house, or harbor more than four (4) dogs and four (4) cats at any time. Any offspring from said dog(s) and/or cat(s) shall be allowed for a period of 180 days only after birth and shall during said period not be counted toward the maximum number of dogs and cats allowed. Further service animals as defined by §106.52(1)(fm), Wis. Stats., or any amendments to same do not count towards the maximum number of dogs or cats allowed.

Further chickens are allowed within the Village limits of the Village of Ferryville only under the following limitations:

- (1) Only on property used as a single-family dwelling;
- (2) Only five (5) chickens shall at any time be allowed to be housed at a single-family dwelling. No roosters shall be allowed at any time.
- (3) All chickens so allowed shall be kept in the back yard of the single-family dwelling, the area where the chickens are kept shall be enclosed by a fence capable of containing the chickens, and also within the fenced enclosure a covered enclosure shall be provided to house said chickens.
- (4) All fenced and covered enclosures as set forth above shall at all times be maintained in a clean and sanitary condition, free from rodents, vermin, and objectionable odor. (repealed and recreated 05-17-2023)
- (g) Obstruction of streets and 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 Village of Ferryville 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 do not conform to the permit.
- (h) Unlawful assembly. 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.
- (i) Loud Music. No person, business or organization shall play any music at anytime at significant enough volume to disturb another, unless a special permit has been issued by the Village Board.

(j) Loud Music after 10 PM. No person, business or organization shall play any music that projects in any way outside their own residence, business establishment or dedicated area after 10:00 PM, unless a special permit has been issued by the Village Board.

8.06 ABATEMENT OF PUBLIC NUISANCES

(1) Enforcement. The Chief of Police, the Chief of the Fire Department, and the Health Officer shall enforce those provisions of this chapter that come within the jurisdictions 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 shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself/herself that a nuisance does in fact exist.

(2) Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the Village of Ferryville and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President 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.

(3) Abatement after notice. If the inspecting officer shall determine that a 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, he/she shall serve notice on the person causing or maintaining the nuisance to remove the same within such 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisances to be removed as provided in sub. (2). This includes all unlicensed vehicles.

(4) Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village of Ferryville or its officials in accordance with the laws of the State of Wisconsin.

(5) Court order. Except, when necessary, under sub. (2), 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 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.

8.07 COST OF ABATEMENT

(1) In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of the public nuisance, the cost of the abating a public nuisance by the Village of Ferryville 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.

8.08 PENALTY

(1) Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in s. 13.04 of this Municipal code.

8.09 HOUSING AND BUSINESS MAINTENANCE ORDINANCE

(1) Legislative intent.

(a) Purpose. It is hereby declared that in order to arrest or prevent the deterioration of residential and business properties and result in the depreciation of neighboring property values, and in order to protect the environment and preserve the aesthetic character of neighborhoods and the health, safety and welfare of the public.

(b) Scope. The provisions of this ordinance shall apply to the exterior of all units in the village including the premises on which they are located together with all unit accessory structures, except as otherwise provided.

(2) Definitions. When terms are not defined under the provisions of this or any other village ordinance, they shall have ascribed to them their ordinary accepted meanings or such as the context herein may imply.

(a) Village shall mean the Village of Ferryville.

(b) Inspector. The unit inspector is the person or persons designated by the Village Board of Ferryville.

(3) Inspection of premises.

(a) The inspector is hereby authorized and directed to make inspections to determine the condition of premises/parcel in the village as regulated by the maintenance ordinance.

(b) Inspections shall be made only under the following circumstances:

(1) When the inspector finds that there are reasonable grounds to believe that there are violations of the provisions of this ordinance which affect the health, safety or welfare of the public.

(2) Upon a complaint in writing being made by the owner or occupant of the premise/parcel.

(c) All property shall be inspected by appointment unless appointments cannot be reasonably arranged. As postage prepaid postcard shall be left at each premise/parcel to be inspected so that the occupant can note upon it a convenient time at which the property may be inspected.

(d) In the event that the inspector is denied voluntary access during a reasonable hour to any premises covered by the ordinance for the purpose of determining conditions that may be adverse to public health, safety and welfare, he/she may secure a warrant under the terms of section 66.0119 (1) and (2), Wisconsin Statutes.

(e) Every occupant of a premise/parcel shall give the owner or his/her agent access to the premises/parcel at all reasonable times for the purposes of making such repairs as might be necessary to gain compliance with any provisions of this ordinance.

(4) Enforcements - service of notices and orders-hearings.

(a) Violations of this ordinance, as determined by the inspector, shall be outlined in written form and shall be served upon all affected occupants or owners or their agents. Such notice and order shall be served by the inspector, or by such employee of the village designated by him/her, or by receipted registered mail.

(b) Such notices and orders shall include:

(1) An adequate description of the real estate so affected.

(2) A statement of the alleged violation, including the corresponding reference to the ordinance requirement.

(3) An order for remedial action to correct such violation.

(4) A reasonable time for compliance to the ordinance requirements.

(c) The time period for compliance may be extended only at the discretion of the Village Board who shall base their decision on the seriousness of the problem and the time required to remedy it.

(d) The ordinance violation that may be the separate responsibility of the owner and the occupant shall not be combined in the same notice and order unless the owner is also the occupant.

(e) Any person or persons affected by a notice or order related to enforcement of this ordinance shall be entitled to appeal such notice before the Village Board of Ferryville.

(5) Minimum standards for safe and sanitary maintenance. All buildings shall comply with all applicable building codes and the following requirements:

(a) Floors, walls, etc. - Every exterior floor, wall, foundation and roof shall be weather tight and rodent proof, capable of affording privacy and maintained in good repair. Exterior wood frame surface shall be painted or provided with comparable finish in order to prevent deterioration, exclude insects and preserve the visual aesthetic character of the neighborhood.

(b) Stairs and porches - every stairway and porch and all appurtenances thereto shall be kept in clean, sanitary and safe condition. A stairway shall have uniform treads and risers and uniform covering. All stairways and porches shall be kept free of snow and ice and obstructions to passage.

(c) Windows - all cracked, loose and broken window panes shall be replaced and made secure. Sills and sash work shall be maintained in good repair.

(6) Responsibilities of owners and occupants.

(a) Sanitary responsibility of owner-owners of buildings shall maintain the exterior of each such building in a clean, safe and sanitary condition.

(b) Disposal of rubbish and garbage according to the Ordinance 16.

(7) Yard Maintenance.

(a) See Ordinance Chapter 10.05.

(8) Maintenance of structures.

(a) All structures including accessory buildings and appurtenances shall be maintained by the owner in good repair so as to prevent blight, deterioration and infestation by insects and rodents.

(b) All exterior wood surfaces of all structures including accessory buildings and appurtenances shall be painted or otherwise protected from the elements so as to prevent decay and blight.

(c) Every fence shall be maintained in a reasonably good state of repair.

(d) Drainage of premises - every premise shall be properly drained by the owner so as to prevent stagnant water from accumulating thereon. Swimming and wading pools and other sources of water storage shall not be drained on or through neighboring property by either tenant or owner.

(e) Vacant land - the provisions of this ordinance which related to extermination of pests, drainage and fences shall also apply to vacant land.