

CHAPTER 10 – PUBLIC NUISANCES

10.01 (PUBLIC NUISANCES PROHIBITED)

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City limits of the City of Prairie du Chien.

10.02 (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:

- (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) 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.

10.03 (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 coming within the definitions of sec. 10.02 above:

- (1) 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.
- (2) STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply.
- (3) ANIMALS. All animals running at large.
- (4) AIR POLLUTION. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits of the City of Prairie du Chien or within one (1) mile there from in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property. Also included hereunder are outdoor wood burning furnaces which are specifically prohibited from being placed and used within the City limits of the City of Prairie du Chien.
- (5) NOXIOUS WEEDS. All noxious weeds, as defined in §66.0407, Wis. Stats., now in effect or hereafter amended. In addition, other rank growth of vegetation, all weeds, grasses and plants over twelve (12) inches in height, and all cut brush, tree limbs and other dead and/or cut growth which:
 - (a) Detract from the surrounding area and properties or which after cutting has not been removed from the premises for a period of fifteen (15) day.
 - (b) Become a possible fire hazard, as determined by the Fire Chief.
 - (c) Become a health hazard due to their pollen or a potential cover for disease-carrying rodents and other small animals.
 - (d) Are of infectious or poisonous nature and are adjacent to a populated area, regardless of height.
 - (e) Becomes a potential hazard to vehicular traffic in vision clearance triangles.

10.04 (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 coming within the definition of sec. 10.02 of this chapter:

- (1) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the City limits of the City of Prairie du Chien.
- (2) 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.

(3) TREE LIMBS. All limbs of trees which project over and less than 10 feet above any public sidewalk or less than 15 feet above a street or other public place.

(4) DANGEROUS TREES. All trees which are injurious to public health or safety because of a diseased or damaged condition; and the storage of cut wood from said trees.

(5) WIRES AND CABLES OVER STREETS. All wires and cables over streets, alleys or public grounds which are strung less than eighteen (18) feet above the surface thereof.

(6) DILAPIDATED BUILDINGS. All buildings or structures so dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or its intended use.

(7) 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 any person within the City limits of the City of Prairie du Chien.

(8) SNOW, ICE AND DEBRIS REMOVAL. All debris not removed from sidewalks and all snow and ice not removed from sidewalks or sprinkled with salt, ashes, sawdust, or sand, as provided in sec. 8.07 of this Code.

(9) REFRIGERATORS. All inoperable refrigerators or iceboxes.

(10) OPEN PITS, BASEMENTS, ETC. All open and unguarded pits, wells, excavations and basements.

(11) FLAMMABLE LIQUIDS VIOLATIONS. Repeated or continuous violations of this Code or the laws of the State relating to the storage of flammable liquids.

10.05 (JUNK, CERTAIN VEHICLES, RECREATIONAL EQUIPMENT AND FIREWOOD AND HOUSEHOLD APPLIANCES)

(1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the City limits of the City of Prairie du Chien:

(a) Any motor vehicle, truck body, tractor or trailer as enumerated in sub. (3) and (4) below and defined in sub. (2)(a), (b) and (c) below.

(b) Any junk stored contrary to sub. (5) below.

(c) Any recreational equipment stored contrary to sub. (6) below.

(d) Any firewood used or stored contrary to sub. (7) below.

(e) Any household appliances or parts thereof stored contrary to sub. (8) below.

(2) DEFINITIONS. The following words, phrases and terms used in this section shall be interpreted as follows:

(a) Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers. Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

(b) Unlicensed Motor Vehicles, Truck Bodies, Tractors or Trailers. Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

(c) Motor Vehicle. As defined in 340.01(35), Wis. Stats.

(d) Junk. Worn out or discarded material, including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials or any other unsightly debris.

(e) Recreation Equipment. Boats, canoes, boat and utility trailers, travel trailers mobile homes, off-highway vehicles and snowmobiles and jet skis.

(f) Household Appliances. Household appliances or parts thereof do not fall under the classification of junk as set forth in sec. 10.05(2)(d) above.

(g) In the Open. Land which may be viewed from public streets or adjoining property.

(3) STORAGE OF INOPERABLE VEHICLES, ETC.

(a) Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property within the City limits of the City of Prairie du Chien.

(b) Exceptions.

1. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three (3) disassembled or wrecked vehicles, including vehicles under repair, in the open for a period in excess of thirty (30) days.

2. Junk yards licensed under sec. 12.12 of this Code.

(4) STORAGE OF UNLICENSED VEHICLES, ETC.

(a) Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property within the City limits of the City of Prairie du Chien for a period exceeding ten (10) days.

(b) Exceptions. Any business engaged in the sale, repair or storage of such unlicensed vehicles in a properly zoned district.

(5) STORAGE OF JUNK PROHIBITED. No person, except outside of any building on any public or private real estate located within the City limits of the City a junk dealer licensed under sec. 12.12 of this Code, shall accumulate, store, or allow any junk of Prairie du Chien.

(6) STORAGE OF RECREATIONAL EQUIPMENT REGULATED. No person shall within the City limits of the City of Prairie du Chien store any recreational equipment on any street right of way.

(a) Allowance of Limited On-Street Parking of Travel Trailers and Mobile Homes.

(1) That travel trailers and mobile homes may be parked on the street right of way adjacent to any business establishment located in a B-2 Highway Commercial District that in the normal course of business is engaged in the sales, maintenance, or repair of said items. Parking shall be for a period of time not to exceed 48 hours per item.

(b) Violation of this Ordinance shall be subject to fine as set forth in Section 25.04 of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin.

(HISTORY: Amended by Ordinance 2004-11, approved on July 6th 2004.)

(7) STORAGE OF FIREWOOD REGULATED. No person shall store firewood on any premises within the City limits of the City of Prairie du Chien, except if said firewood is to be used on that premises. Further no firewood stored may be located within the front setback or within five (5) feet of any side or rear property line and further the amount of firewood stored must not exceed an amount that would be consumed by the household in a one-year period.

(8) STORAGE OF HOUSEHOLD APPLIANCES REGULATED. No person shall accumulate, store, or allow household appliances or parts thereof in the open upon any public or private property within the City limits of the City of Prairie du Chien.

(9) ISSUANCE OF CITATION; ACTION TO ABATE. Whenever any police officer or the City Planner/Zoning Administrator for the City of Prairie du Chien shall find any vehicle, junk, or recreational equipment as defined in sub. (2) above, accumulated stored or remaining in the open upon any property within the City limits of the City of Prairie du Chien contrary to the provisions of subs. (3), (4), (5), and (6) above, or firewood stored contrary to sub. (7) above, or household appliances or parts thereof stored contrary to sub. (8) above, he/she shall notify the owner of said property in writing on which said vehicle, junk, recreational equipment, firewood, household appliances, or parts thereof is located in violation of this section. If such vehicle, junk, recreational equipment, firewood, or household appliances, or parts thereof, is not removed within ten (10) days of written notification, the City of Prairie du Chien Police Department shall issue a citation to the property owner or the occupant of the property upon which such vehicle, junk, recreational equipment, firewood, or household appliances, or parts thereof are located. In addition, action to abate such nuisance may be commenced, as provided in sec. 10.06 of this chapter.

10.06 (ABATEMENT OF PUBLIC NUISANCES)

(1) ENFORCEMENT. It shall be the duty of the City of Prairie du Chien Police Department to enforce provisions of this chapter. No action shall be taken under this section to abate a public nuisance unless the Chief of Police for the City of Prairie du Chien Police Department, or someone under his/her direction, has inspected or caused to be inspected the premises where the nuisance is alleged to exist and the Chief of Police has satisfied himself/herself that a nuisance does exist.

(2) SUMMARY ABATEMENT.

(a) Notice to Owner. If the Chief of Police for the City of Prairie du Chien has determined that a public nuisance exists within the city limits of the City of Prairie du Chien and that there is a great and immediate danger to the public health, safety, or peace, the Mayor may direct the Chief of Police to serve notice on the person causing, permitting or maintaining such nuisance, or upon the owner or occupant of the premises where such nuisance is caused, permitted, or maintained, and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within twenty-four (24) hours and shall state that unless such nuisance is so abated, the City shall cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case 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 Chief of Police for the City of Prairie du Chien shall cause the abatement or removal of such public nuisance.

(3) ABATEMENT BY COURT ACTION. If the Chief of Police for the City of Prairie du Chien 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, or peace he/she shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within ten (10) days. If such nuisance is not removed within ten (10) days. If such nuisance is not removed within ten (10) days, he/she shall report such fact to the Mayor, who may direct the City Attorney to commence an action in Circuit Court for the abatement of the nuisance.

(4) 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 the laws of the State, nor as prohibiting an action to be commenced in the Circuit Court seeking a forfeiture as provided in sec. 10.09 of the chapter.

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

10.07 (DISEASED AND INFECTED TREE CONTROL)

(1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the City limits of the City of Prairie du Chien:

(a) Any living or standing tree or part thereof infected with the Dutch Elm disease or other tree diseases.

(b) Any dead diseased or infected tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned or sprayed with an effective fungicide or insecticide.

(2) NUISANCES PROHIBITED. No person shall permit any public nuisance as defined in sub. (1) above to remain on any premises owned or controlled by him/her within the City limits of the City of Prairie du Chien.

(3) INSPECTION. The City Forester may enter upon private premises at all reasonable times for the purpose of carrying out any of the provisions of this section.

(4) ABATEMENT OF DISEASE NUISANCES.

(a) Whenever the City Forester finds, with reasonable certainty on examination or inspection, that any public nuisance as defined in this section exists within the City limits of the City of Prairie du Chien, he/she shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of the disease fungus or the insect pests or vectors known to carry such disease.

(b) Before abating any such nuisance on private premises or in the terrace strip between the lot line and the curb, the Forester shall proceed as follows:

1. If the Forester shall determine that danger to other trees from said nuisance is not imminent, he/she shall make a written report of his/her findings to the Council, who shall proceed as provided in § 27.09(4), Wis. Stats., now in existence or hereafter amended.

2. If the Forester shall determine that danger to other trees within the City limits of the City of Prairie du Chien is imminent, he/she shall notify the owner or abutting owner of the property on which such nuisance is found in writing, if he/she can be found, otherwise by publication in a newspaper of general circulation in the City that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than 10 days from the date of such notice unless the Forester shall find that immediate action is necessary to prevent spread of infection. If the owner fails to comply with the notice within the time limited, the Forester shall cause the abatement thereof.

(c) No damage shall be awarded to the owner for destruction of any tree, wood or material or any part thereof pursuant to this section.

(5) SPRAYING OF TREES.

(a) Whenever the Forester shall determine that any tree or material within or near the City is infected with a disease, he/she may cause to be sprayed all high value trees within a 1,000 foot radius thereof with an effective spray, provided such spraying shall be performed prior to July 15 or after October 15 of any year.

(b) Before causing the spraying of any tree on private property in accordance with this section, the Forester shall notify the owner, as provided in sub. (4)(b) 2. above.

(6) ASSESSMENT OF COSTS OF ABATEMENT AND SPRAYING.

(a) The entire cost of abating any public nuisance as defined in sub. (2) above or of spraying any tree in accordance with sub. (4) above may be charged to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with § 66.0627 Wis. Stats., now in existence or hereafter amended.

(b) The Forester shall keep strict account of the costs of work done under this section and shall report monthly to the Clerk-Treasurer all work done for which assessments are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of land and the amounts chargeable to each. The Clerk-Treasurer shall include in his/her report to the Council the aggregate amounts chargeable to each lot or parcel so reported, and such amounts shall be levied and assessed against such parcels or lots in the same manner as other special taxes.

10.08 (WEED CONTROL AND DISPOSAL OF OTHER GROWTH)

(1) NOXIOUS WEEDS, RANK GROWTH, AND DISPOSAL OF DEAD OR CUT GROWTH. No owner or occupant of any lot or parcel within the City limits of the City of Prairie du Chien shall allow such property to become overgrown with any weeds, grass or allow cut brush, cut trees, or cut tree limbs or other dead or cut growth to remain on the premises so as to constitute a public nuisance as defined in sec. 10.03 (5) of this chapter.

(2) NOTIFICATION. The Mayor shall annually, on or before May 15, publish a Class 2 notice, under

Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds and other rank growth of vegetation as defined in sec. 10.03 (5) of this chapter, on lands in the City limits of the City of Prairie du Chien which he/she owns, occupies or controls.

(3) ENFORCEMENT. If a property owner fails to control the growth of such weeds or rank growth of vegetation or allows cut brush, cut trees, or cut tree limbs, or other dead or cut growth to remain on his/her property, the Police Department of the City of Prairie du Chien shall serve upon him/her notice as to that fact. If such owner fails to abate this nuisance within five (5) days after service of the notice, above referred to, the Police Department for the City of Prairie du Chien shall take action to abate such public nuisance. Further, and as to control of growth of noxious weeds or rank growth of vegetation, notice hereunder shall be effective for the remainder of the mowing season.

(4) COSTS. If the City causes a nuisance to be removed as provided in sub. (3) above, the actual cost thereof, together with an administrative fee equal to 10% of the actual cost, shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to § 66.98, Wis. Stats.

10.09 (PENALTY)

In addition to the penalties provided in this chapter, 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 sec. 25.04 of this Code, plus the costs of such prosecution and upon default of payment of such forfeiture and costs are paid, shall be imprisoned on the County Jail until such forfeiture and costs are paid, but not to exceed ten (10) days. Each day that a violation of this section continues shall be deemed a separate offense. **(HISTORY: Created by Ordinance 2003-07, approved on July 1st 2003.)**

10.10 (FAILURE TO MAINTAIN EXTERIOR OF PREMISES)

(1) PUBLIC NUISANCE DECLARED. The exterior of every structure located within the City of Prairie du Chien, Crawford County, Wisconsin, including fences and enclosures, shall be maintained in good repair, free of broken glass, loose or dilapidated shingles, crumbling stone or brick, excessively peeling paint, loose or rotting boards, or any other condition or conditions indicative of deterioration or inadequate maintenance, all to the end that the property itself may be preserved safety and fire hazards eliminated, and adjoining properties protected from blight. Any of the foregoing are found to be public nuisances and shall be promptly removed and abated by the property owner.

(2) No person, firm, corporation, or other entity shall permit any public nuisance as defined in subsection (1) above to remain on any premises located within the corporate limits of the City of Prairie du Chien, Crawford County, Wisconsin, owned, controlled or occupied by such person, firm, corporation, or other entity.

(3) ABATEMENT OF PUBLIC NUISANCE. The abatement of any public nuisance as defined hereunder shall be under the terms and conditions set forth in Section 10.06 and 10.09 of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin. **(HISTORY: Amended by Ordinance 2005-04, approved on March 1st 2005)**