

Ordinance No. 11

To Define Public Nuisances and Offensive Industry AND
to Provide for Their Prohibition and Abatement.

The Village Board of Oconomowoc Lake do ordain as follows:

6.01 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Oconomowoc Lake, or, in the case of certain public nuisances hereinafter described, within one mile of the Village limits.

6.02 DEFINITIONS.

(1) Public Nuisance. 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) Greatly offend the public morals or decency; (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.

(2) 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 definition of sub. (1) of this section:

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

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

(c) 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, including dumps or accumulations of refuse, rubbish, ashes or garbage within one mile of the Village limits in which such pests may breed.

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

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

(f) All noxious weeds and other rank growth of vegetation.

(g) All animals running at large.

(h) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.

(i) The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances or by dumps or accumulations of refuse, rubbish, ashes or garbage within the Village limits or within one mile therefrom.

(j) Any use of property, substances or things within the Village of Oconomowoc Lake, or any dump or accumulation of refuse, rubbish, ashes or garbage within one mile of

the Village limits emitting or 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 Village.

(k) All abandoned wells not securely covered or secured from public use.

(l) 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 Village.

(3) Public Nuisances Offending Morals and Decency.
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 sub (1) of this section.

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

(b) All gambling devices and slot machines.

(c) 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 Oconomowoc Lake.

(d) Any place or premises within the Village of Oconomowoc Lake where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(e) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

(4) 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 provisions of sub. (1) of this section:

(a) 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) All buildings erected, repaired or altered within the ~~fire~~ limits of the Village of Oconomowoc Lake in violation of the provisions of the ordinances of the Village, relating to materials and manner of construction of buildings and structures within said district.

(c) 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) 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) All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street or less than 10 feet above any other public place.

(f) All use or display of fireworks except as provided

by the laws of the State of Wisconsin and ordinances of the Village.

(g) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

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

(i) All loud, discordant and unnecessary noises or vibrations of any kind.

(j) 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 Village.

(k) 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 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.

(l) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(m) 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.

(n) 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.

(o) Repeated or continuous violations of the ordinances of the Village or laws of the State of Wisconsin relating to the storage of flammable liquids.

(p) All snow and ice not removed or sprinkled with ashes, sawdust or sand.

6.03 ABATEMENT OF PUBLIC NUISANCES.

(1) Inspection of Premises. Whenever complaint is made to the Village President that a public nuisance exists within the Village of Oconomowoc Lake, he shall promptly notify the Chief of Police, Health Officer or Building Inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Village President. 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.

(2) Summary Abatement.

(a) Notice to Owner. If the inspecting officer shall report that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President 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 24 hours 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 or person causing, permitting or maintaining the nuisance, as the case may be.

(b) Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant

or person causing the nuisance cannot be found, the Health Officer, in case of health nuisances, and the Chief of Police, in other cases, shall cause the abatement or removal of such public nuisance.

(3) Abatement by Court Action. If the inspecting officer shall report 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, the Village President shall cause an action to abate such nuisance to be commenced in the name of the Village in the circuit court of Waukesha County in accordance with the provisions of ch. 280 of the Wisconsin Statutes.

6.04 REGULATION OF OFFENSIVE INDUSTRY.

(1) Definition of Offensive Industry. An offensive industry is any industry, or any thing or place in which any business may be carried on, which industry or business has, is or might reasonably be expected to give rise to or cause a public nuisance as defined in section 6.02 hereof. ~~The Village Board may from time to time, by resolution specify any particular industry, thing or place or any class of industry or business as an offensive industry hereunder.~~

(2) Offensive Industries Prohibited. No person shall conduct an offensive industry within the Village limits or within four miles thereof except with the express written license of the Village Board and then only upon such terms and conditions and subject to such regulations as the Board may see fit to establish.

(3) Inspection of Premises. Whenever complaint is made to the Village President that an offensive industry is being carried on within the Village limits or within four miles therefrom, he shall proceed as required by subsection 6.03(1) hereof in the case of an alleged public nuisance, and the officers named therein shall inspect and report on the alleged offensive industry as is required therein in the case of an alleged public nuisance.

(4) Abatement. If the inspecting officer shall report that an offensive industry exists, the Village President shall cause an action to abate such nuisance to be commenced in the name of the Village in the Circuit Court of Waukesha County in accordance with the provisions of chapter 280, Wisconsin Statutes.

6.05 COST OF ABATEMENT.

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance or offensive industry, the cost of abating a public nuisance or offensive industry by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance or offensive industry, 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.

6.06 PENALTY.

(1) General Penalty. Any person who shall violate any provision of this ordinance shall, upon conviction of such violation, be subject to a penalty which shall be as follows (a separate offense shall be deemed committed on each day on which a violation of any provision of this ordinance occurs or continues):

(a) First Offense - Penalty. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$1 nor more than \$100, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 90 days.

(b) Second Offense - Penalty. Any person found guilty of violating this ordinance who shall have been previously convicted of a violation of this ordinance shall upon conviction thereof, forfeit not less than \$10 nor more than \$200 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

(2) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of this ordinance, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

6.07 OTHER METHODS NOT EXCLUDED.

Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances or offensive industry by the Village of Oconomowoc Lake or its officials in accordance with the laws of the State of Wisconsin.

6.08 VALIDITY, INTERPRETATION AND EFFECTIVE DATE.

A. Severability. The several sections, subsections, paragraphs and subparagraphs of this ordinance are hereby declared to be severable. If any section, subsection, paragraph or subparagraph of this ordinance shall be finally declared by a decision of a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not effect the validity of any other provision of this ordinance.

B. Statutory References. References herein to Sections of the Wisconsin Statutes shall be deemed to include all amendments to or substitutions for such statutory provisions made after the date of adoption of this ordinance.

C. Effective Date. This ordinance shall take effect and be in full force after its posting, except that the provisions of subsections 6.02(2) (c), (i) and (j), insofar as they relate to nuisances outside of the village limits, shall take effect only after approval of the town boards of the towns of Oconomowoc and Summit.

Passed and adopted by the Village Board of the Village of Oconomowoc Lake, this 12th day of March, 1960.

Malcolm B. Jones
Village President

[VILLAGE SEAL]

Countersigned:
R. W. H. Lindsay
Village Clerk

TOWN OF SUMMIT

TOWN HALL OFFICE

ROUTE 4 BOX No. 453-D

OCONOMOWOC, WISCONSIN

PHONE: LOGAN 7-2757

THOMAS SCHWAAB, CHAIRMAN
ROUTE 1, NASHOTAH, WIS.

EDWIN ROHLOFF, SUPERVISOR
ROUTE 4, OCONOMOWOC, WIS.

HAROLD HAMLEY, SUPERVISOR
ROUTE 1, OCONOMOWOC, WIS.

~~MRS. S. JANE ABBOTT, CLERK~~
ROUTE 4, OCONOMOWOC, WIS.

RAY J. KOCH, TREASURER
ROUTE 4, OCONOMOWOC, WIS.

EDWIN COMSTOCK, ASSESSOR
ROUTE 3, OCONOMOWOC, WIS.

Wesley Kohn, Clerk

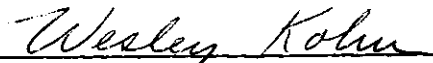
May 18, 1960

Miss Ruth H. Lindsay, Clerk,
Village of Oconomowoc Lake,
P. O. Box 41
Oconomowoc, Wis.

Dear Miss Lindsay:

The Town of Summit Board of Supervisors has reviewed the copy of Village of Oconomowoc Lake Ordinance No. 11. The Board wishes to go on record that they will cooperate to the full extent of their own ordinances, but that delegation of their own sovereign powers to another municipality would be ill advised. The Board feels that in the combination of Town of Summit ordinances and zoning laws there is sufficient restrictiveness to meet the intent of the Village Ordinance No. 11 on prohibition and abatement of public nuisances.

Sincerely yours,


Wesley Kohn, Clerk
Town of Summit

WK s

WILLIAM CHAPMAN

ATTORNEY AT LAW

136 NORTH MAIN
OCONOMOWOC, WISCONSIN

May 18, 1960

Village of Oconomowoc Lake
Box 41
Oconomowoc, Wisconsin

Attention: Ruth H. Lindsay, Clerk

Dear Mrs. Lindsay:

Your letter of May 6, 1960 and Ordinance number 11, which was sent with your letter, were discussed at the regular meeting of the Town Board of the Town of Oconomowoc on May 16th.

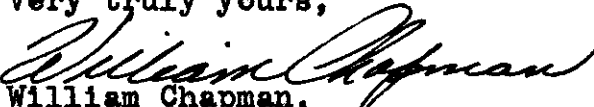
The Board has directed me to reply to your request that it give approval to this ordinance.

It is the opinion of the Board that it can properly and adequately maintain control over nuisances of the type mentioned in your ordinance, over which you desire extra-territorial jurisdiction. The members of the Board feel that the Town of Oconomowoc has sufficient rules and regulations for such control and that it would therefore be unnecessary for the Village to undertake the enforcement of its Ordinances within the Town.

The Town Board will be more than happy to cooperate with the Village when conditions or activities, thought to be nuisances, are brought to the attention of the members of the Board.

Thank you.

Very truly yours,


William Chapman,
Town attorney

cc E. J. Reiten
Town Clerk

