

## CHAPTER 1987-10

### PUBLIC NUISANCE

\_\_\_\_\_.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Potter.

\_\_\_\_\_.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. Such public nuisances to include public nuisances affecting health, public nuisances offending morals and decency; and, public nuisances affecting peace and security.

\_\_\_\_\_.03 ABATEMENT OF PUBLIC NUISANCES.

- (1) Inspection of Premises. Whenever any person files a written complaint with the Village Clerk setting forth that a public nuisance exists as defined above, then the Village President shall promptly notify the Village Board, who shall forthwith inspect or cause to be inspected the premises complained of and shall make written report of their findings to the Village President. Whenever practicable, the inspecting group 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 Village Board, shall determine that a public nuisance exists within the Village of Potter and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Village Clerk 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 Village officer designated by the Village Board, shall cause the abatement or removal of such public nuisance.
- (3) Abatement by Court Action. If the Village Board 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, they shall file a written report of their findings with the Village President who shall cause an action to abate such nuisance to be commenced in the name of the Village of Potter in the circuit court of Calumet County in accordance with the provisions of Chapter 280 of the Wisconsin Statutes.
- (4) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Village of Potter or its officials in accordance with the laws of the State of Wisconsin.

\_\_\_\_\_.04 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, the cost of abating a public nuisance by the Village 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.

\_\_\_\_\_.05 PENALTY. Any person, firm or corporation who fails to comply with any provisions of this ordinance shall, upon conviction thereof forfeit not less than \$10.00 nor more than \$100.00 together with the costs of prosecution for each violation and in default of payment thereof, shall be imprisoned in the County jail of Calumet County, Wisconsin, until payment of such forfeiture and costs, but not exceeding thirty (30) days. A separate offense shall be determined committed on each day on which a violation of any provision of this ordinance occurs or continues.

Approved this 13<sup>th</sup> day of January, 1987.

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JAMES MEYERS  
President

ATTEST:

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DIANE HILLMANN  
Clerk