

CHAPTER VII (SEVEN)

PUBLIC NUISANCES

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7.01 PUBLIC NUISANCES PROHIBITED.

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

7.02 PUBLIC NUISANCES 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) Greatly offend the public morals or decency;
- (4) 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.

7.03 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 definition of section 7.02:

(1) ADULTERATED FOOD

All decayed, harmful adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) UNBURIED CARCASSES

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.

(3) 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.

(4) STAGNANT WATER

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

(5) PRIVY VAULTS AND GARBAGE CANS

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

(6) ANIMALS NOT TO RUN AT LARGE

No person shall allow any animal or dog owned by him or under his 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 a person having custody or is not under the control of a person of suitable age and discretion.

(7) OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.

No person shall have or permit on any premises owned or occupied by him 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.

(8) ABANDONED OR UNATTENDED APPLIANCES, 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 control in a place accessible to children, any abandoned, unattended or discarded appliance, freezer, 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 from said appliance, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

(9) AIR POLLUTION

- (a) No person shall cause or allow to be emitted into the open air from any source, smoke the shade or density of which is equal to or greater than No. 2 of the Ringelmann Chart, except that smoke the shade or density of which is equal to but does not exceed No. 2 of the Ringelmann Chart may be emitted for a period or periods not to exceed 2 minutes in any 30 minute period and except when the fire box is being cleaned out or new fire is being built therein or when a breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable.
- (b) When the fire box is being cleaned out or a new fire is being built therein, smoke the shade or density of which is equal to but does not exceed No. 2 of the Ringelmann Chart may be emitted into the open air for a period or aggregate of periods not to exceed 6 minutes in any one hour; or in the alternative smoke the shade or density of which is equal to but does not exceed No. 4 of the Ringelmann Chart may be emitted into the open air for a period or aggregate of periods not to exceed 3 minutes in any one hour; but the emission of smoke permitted by this subparagraph shall be alternative and not cumulative.
- (c) No person shall cause or allow to be emitted into the open air from any fuel burning equipment or to pass any convenient measuring point in the stack dust in gases to exceed 0.85 lb. per 1000 lb. of gases adjusted to 9% CO₂ content for the products of combustion. The amount of dust or solids in the gases shall be determined according to the Test Code for Dust-Separating Apparatus of the American Society of Mechanical Engineers, which is hereby made a part of this subsection by reference.
- (d) No person shall cause or allow to be emitted into the open air from any fuel burning equipment, internal combustion engine, premises, or open fire any dust, cinders, soot, fly ash, noxious gases or waste in a manner to cause injury, detriment, nuisance or annoyance, or to endanger the health or safety of any person, or to cause or have a natural tendency to cause injury or damage to business or property.
- (e) The deposit of any waste matter from any factory or canning plant or milk plant, creamery, or butter factory or cheese factory or any other manufacturing

plant within the limits of the Village, which waste matter is of such a character as to cause offensive odors or noxious fumes or shall have a natural tendency to cause injury, detriment, nuisance or annoyance or to endanger the health or safety of any person or to cause or to have a natural tendency to cause injury or damage to business or property is a public nuisance.

(f) Definitions.

1. Dust. Gas-borne or air-borne particles larger than one micron in mean diameter. (Same for fly ash.)
2. Fuel Burning Equipment. Any furnace, incinerator, refuse burning equipment, boiler, apparatus, device, mechanism, stack, chimney or structure used in the process of burning fuel or other combustible material.
3. Fumes. Gases or vapors that are of such a character as to create an unclean, destructive, offensive or unhealthful condition.
4. Internal Combustion Engine. Any engine in which the combustion of gaseous, liquid or pulverized solid fuel takes place with one or more cylinders.
5. Open Fire. Any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney.
6. Ringelmann Chart. The standard by which the shade or density of smoke is to be measured is the Ringelmann Chart published by the United States Bureau of Mines. This chart is incorporated into this subsection by reference.
7. Smoke. All gaseous products of combustion, together with carbon, soot, fly ash and all other particulate solids in combustion gases in sufficient density to be observable.
8. Soot. Agglomerated particles consisting essentially of carbonaceous material.
9. Waste. The waste products of various industrial processes such as mineral wool, lint, peanut hulls, etc.

- (g) Whenever any person shall have been convicted on violating any provision of this section at least 3 times within one year, the Village Attorney shall commence appropriate action in the name of the Village to enjoin and restrain further continuance of such violation.

- (h) Interference with Inspection. No person shall interfere or attempt to interfere with the Director of Public Works or other person authorized by the Director of Public Works to inspect, acquire samples, or to make test on any fuel burning equipment which may be in violation of this subsection or shall refuse him entrance to the premises at reasonable hours upon identification.

(10) WATER POLLUTION.

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.

(11) NOXIOUS ODORS, ETC.

Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia of stench 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.

(12) STREET POLLUTION

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 of Bloomington.

(13) STORAGE OF JUNK, JUNKED VEHICLES, TRAILERS, APPLIANCES, FURNITURE, ETC. PROHIBITED

The open storage upon the surface of any land of junk, garbage, hewn or fallen trees, waste building materials from land development or building construction or repair, litter, rubbish and refuse, inoperable household appliances, irreparable household furniture, inoperable motor vehicles (including but not limited to cars, trucks, motorcycles, tractors, trailers, UTVs and ATVs, snowmobiles, lawn mowers, RVs and campers, boats and all other personal and recreational vehicles), inoperable motor vehicle parts, cloth, rags, clothing, paper, bottles, rubber, metals, alloys or any other article or thing which from its worn or broken condition renders it practically useless for the purpose for which it was made.

1. Storage of vehicles, trailers, appliances, and furniture restricted.

- a. No disassembled, inoperable, broken, unlicensed, junked or wrecked motor vehicles, boats, recreational vehicles, campers, truck bodies, tractors, trailers, appliances, or furniture shall be stored or allowed to remain in the open upon public or private property within the Village for a period exceeding 5 days if upon public property, or for a period exceeding 30 days if upon private property.

- b. Any business engaged in automotive sales or repair may retain such vehicles in the open or on private property for a period not to exceed 1 year, after which such vehicles must be enclosed and kept out of view of the public.

2. Definitions.

- a. The term “Motor Vehicles” as used in this section is defined as follows: Any motor vehicle typically operated on public or private roadways, trails or waterways, including but not limited to automobiles, trucks, motorcycles, boats, recreational vehicles, campers, all-terrain vehicles, utility-terrain vehicles, snowmobiles, lawn mowers, golf carts, personal electric vehicles, truck bodies, tractors or trailers. The term “motor vehicle” is further defined in section 340.01(35), Wisconsin Statutes.
- b. The term “disassembled, inoperable, junked or wrecked motor vehicles, boats, recreational vehicles, campers, truck bodies, tractors, trailers” as used in this section is defined as follows: Motor vehicles, boats, recreational vehicles, campers, truck bodies, tractors, trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets, highways, trails or waterways.
- c. The term “unlicensed – motor vehicles, boats, recreational vehicles, campers, truck bodies, tractors or trailers” as used in this code is defined as follows: Motor vehicles, boats, recreational vehicles, campers, truck bodies, tractors or trailers which do not bear lawful current license plates.
- d. The term “appliance” is defined as, but not limited to, any stove, washer, dryer, refrigerator, freezer, hot water heater, microwave, computer, or other equipment which is no longer operable in the sense for which it was manufactured.
- e. The term “furniture” is defined as, but not limited to, any sofa, chair, table, bed, shelves, lights or other fixtures, or any other household equipment which is broken, irreparable or otherwise no longer operable in the sense for which it was manufactured.

7.04 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 enumerations shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of 7.02.

(1) DISORDERLY HOUSES.

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, unless such gambling is expressly authorized or permitted by the laws of the State of Wisconsin..

(2) GAMBLING DEVICES.

All gambling devices and slot machines, unless expressly authorized or permitted by the laws of the State of Wisconsin.

(3) UNLICENSED SALE OF LIQUOR AND BEER.

All places where intoxicating liquor or fermented malt beverages are sold, possessed, brewed, bottled, manufactured, or rectified without a permit or license as provided for by the ordinances of the Village of Bloomington and/or Wisconsin Statutes.

(4) CONTINUOUS VIOLATION OF VILLAGE ORDINANCES.

Any place or premises within the Village of Bloomington where Village ordinances or State Laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(5) ILLEGAL DRINKING.

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 of Bloomington.

7.05 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 7.02:

(1) 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.

(2) UNAUTHORIZED TRAFFIC SIGNS

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.

(3) 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 crossing.

(4) FIREWORKS.

All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village of Bloomington.

(5) 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.

(6) WIRES OVER STREETS.

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

(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 a neighborhood of any considerable number of persons within the Village of Bloomington.

(8) OBSTRUCTIONS 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 Bloomington 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.

(9) 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.

(10) FLAMMABLE LIQUIDS.

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

7.06 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 jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaints to insure 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 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 Bloomington and that there is a 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 shall serve notice on the person causing or maintaining the nuisance to remove the same within 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).

(4) **OTHER METHODS NOT EXCLUDED.**

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village of Bloomington 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 such 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.

7.07 COST OF ABATEMENT.

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 abating a public nuisance by the Village of Bloomington 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.

7.08 PENALTY

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 section 15.04 of this Municipal Code.

7.09 OUTDOOR SOLID OR LIQUID FUEL-FIRED HEATING DEVICES.

(1) Definitions. The following definitions shall be applicable herein:

(a) **Outdoor Solid or Liquid Fuel-Fired Heating Device.** An outdoor solid or liquid fuel fired heating device shall include any device or structure not located or completely contained within the principal structure, designed for solid or liquid fuel combustion and for the purpose of providing indoor heat including, but not limited to, combination fuel furnaces or boilers which burn solid or liquid fuel.

(2) Public Nuisance. All solid or liquid fuel-fired heating devices constructed or installed after the effective date of the original ordinance, May 2, 2011, including replacements of outdoor solid or liquid fuel heating devices constructed prior to that date, shall be considered a public nuisance within the Village and are completely banned.

- (3) Abatement. Any person who violates any provision of this ordinance shall be subject to Abatement and Cost of Abatement as provided in Sections 7.06 and 7.07 of this Chapter.
- (4) Penalty. Any person who violates any provision of this ordinance shall be issued a citation and required to pay a forfeiture of Fifty Dollars (\$50.00) plus court costs for each violation.