

## CHAPTER 13

### PUBLIC NUISANCES

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#### 13.01 PUBLIC NUISANCES PROHIBITED

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

#### 13.02 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.

(a) 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 twenty-four (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.

(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 City limits 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 in the City.

(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.

(j) Any use of property, substances or things within the City of Augusta 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 City.

(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 City.

(m) The owner of any domestic animal shall promptly dispose of in a sanitary manner any excreta deposited by such animal on any public or private property.

Whereas, the City Council finds that the use of cleated horseshoes causes unreasonable damage to pavement on city streets and alleys during warm weather months, the following ordinance is hereby ordered:

(n) Only flat soled horseshoes shall be permitted on city streets during the months of May through October each year.

(o) All horse drawn carriages operated within the City limits of the City of Augusta, shall be equipped with manure catching devices.

(p) Purchase or possession of tobacco products by a minor prohibited.

1. In this section:

(a) "Cigarette" has the meaning given in [§139.30\(1\)](#).

(b) "Law enforcement officer" has the meaning given in [§30.50\(4\)\(s\)](#).

(c) "Tobacco products" has the meaning given in [§139.75\(12\)](#).

2. Except as provided in sub. (3), no child may do any of the following:

(a) Buy or attempt to buy any cigarette or tobacco product.

(b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.

(c) Possess any cigarette or tobacco product.

3. A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under [§134.65\(1\)](#).

4. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of sub. (2) committed in his or her presence. Violators shall also be subject to the penalties provided in Section 15.04 of this code.

(q) Regulating Solid Fuel-Fired Outdoor Heating Devices. Definitions:

1. "Solid Fuel-Fired Outdoor Heating Device" means a outdoor device designed or made for solid fuel combustion so that the usable heat is derived for the interior of buildings.

2. The construction or use of "Solid Fuel-Fired Outdoor Heating Devices" within the CITY LIMITS of Augusta is prohibited.

(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 ordinance of the City of Augusta.

(d) Any place or premises within the City of Augusta where City 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 City.

(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 sign, billboards, awnings and similar structures extending over the sidewalks or extending beyond the sidewalks into the streets on any street in the City of Augusta without first obtaining written permission from the Common Council of the City of Augusta; and all posters, notices, or bills placed on utility posts or poles within the City of Augusta except notices placed thereon by the utility company itself.

(b) All buildings erected, repaired or altered within the fire limits of the City of Augusta in violation of the provisions of the ordinances of the City, 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 purpose 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 fourteen feet (14') above the surface of a public sidewalk or street or less than ten feet (10') 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 City.

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

(h) All wires over streets, alleys or public grounds which are strung less than fifteen feet (15') 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 City.

(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 City 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 City or laws as provided in s. 6.06 of this code of Eau Claire County or the laws and regulations of the State of Wisconsin.

(p) All snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in s. 6.06 of this code.

(q) Any accumulation of debris, rubbish, trash, garbage, inoperable vehicles or machinery stored contrary to 11.06 of the city ordinances, inoperable machinery or parts thereof, or any other physical thing kept or maintained on real estate in the city if the keeping or maintaining of such personal property is contrary to law or contrary to any city ordinance, including zoning.

(r) Any accumulation of (vehicles) (motor vehicles) in excess of five on any premises in the City unless such premises are zoned Heavy Industrial District and the premises comply with any permit issued for such use.

(5) Unlawful Use of Telephone No person shall do any of the following:

(a) With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

(b) With intent to harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(c) Makes or causes the telephone of another repeatedly to ring, with intent solely to harass any person at the called number.

(d) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to harass any person at the called number.

(e) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

Whoever violates any provision of this ordinance shall be object to a forfeiture as provided in Section 15.04 of the Code.


### 13.03 ABATEMENT OF PUBLIC NUISANCES

(1) Inspection of Premises Whenever a complaint is made to the City Mayor that a public nuisance exists within the City of Augusta, 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 City Mayor. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall find the same in the office of the City Clerk.

#### (2) Summary Abatement

(a) Notice to Owner If the inspecting officer shall determine that a public nuisance exists within the City and that there is great and immediate danger to the public health, safety, morals or decency, the City 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 will cause the same to be abated and will charge the cost thereof to the owner, 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 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 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 file a written report of his findings with the City Mayor, who shall cause an action to abate such nuisance to be commenced in the name of the City in the circuit court of Eau Claire County in accordance with the provisions of  Ch. 280.

(4) Other Methods Not Excluded Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the City of Augusta or its officials in accordance with the laws of the State of Wisconsin.

### 13.04 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 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.

#### 13.05 PENALTY

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in s. 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.