

CHAPTER 8
OFFENSES AND NUISANCES

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SECTION 8.01 **PUBLIC NUISANCES**(a) **Public Nuisances Prohibited.**

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

(b) **Definitions.**

(1) **Public Nuisance.** A public nuisance is any thing, act, occupation, condition, or use of property which shall continue for such length of time as to:

- (A) Substantially annoy, injure, endanger the comfort, health, repose or safety of the public;
- (B) Render the public insecure in life or use of property;
- (C) Greatly offend public morals or decency;
- (D) Unlawfully or 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 Nuisance Affecting Health.** The following acts, omissions, places, things and conditions are hereby specifically declared to be public nuisances, but such enumeration is not to be contrived to exclude other health nuisances within the definition of sub. (1) of this section.

- (A) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (B) **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 twenty-four (24) hours after death.
- (C) **Breeding Places for Vermin, Etc.** Accumulations of decayed 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 vermin breed.
- (D) **Stagnant Water.** All stagnant water in which flies, mosquitoes, or disease carrying insects may breed.
- (E) **Privy Vaults and Garbage Cans.** Privy vaults and garbage cans that are not fly-tight.

- (F) Noxious Weeds. Canada thistle, leafy spurge, field bindweed (creeping Jenny), garlic mustard, wild parsnip, ragweed, and purple loosestrife.
 - (G) Noxious Odors. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable numbers of persons within the Town.
 - (H) Abandoned Wells. All abandoned wells not securely covered and secured from public use.
 - (I) Pollution. Any use of property which shall cause any nauseous or unwholesome liquid, chemical waste or substance to flow into or upon any street, gutter, alley, sidewalk, body of water, or public place within the Town.
- (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 or decency coming within the definition of sub.(1) of this section.
- (A) 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.
 - (B) Gambling Devices. All gambling devices, video games and slot machines.
 - (C) Unlicensed Sale of Alcohol Beverages. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as required by law or ordinances of the Town.
 - (D) Continuous Violation of Town Ordinances or State Law. Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously and repeatedly violated.
 - (E) Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in

violation of laws of the State of Wisconsin or the ordinances of the Town.

- (F) Violations of Town-Required Restrictions Under Wis. Stats. § 236.293. Any violation of any recorded deed restriction, restrictive covenant, easement or other restrictions placed on a land division or condominium development that was required by the Town Board or which grants the Town or Town Board a right to enforce the restriction in question.
- (4) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting peace and safety coming within the provisions of sub.(1) of this section.
- (A) 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.
- (B) Illegal Buildings. All buildings erected, repaired or altered within the Town in violation of the provisions of the ordinances of the Town or Columbia County relating to materials and manner of construction of buildings and structures within said Town.
- (C) Unauthorized Signs. Any unauthorized sign, signal, marking or device placed or maintained upon or in view of any public highway or railway crossing which purports to be or may be mistaken as an official traffic control device, railroad signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, signal, or sign.
- (D) Obstruction of Intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles in public streets, alleys or highways from obtaining a clear view of the road signs or traffic when approaching an intersection or pedestrian crosswalk. Any such obstruction which falls within a vision clearance triangle extending 25 feet horizontally along such street line from their intersection and within a vertical clearance of 6 feet shall be presumed to be a violation of this subsection.
- (E) Tree Limbs. All limbs of trees which project over any public sidewalk, street, or other public place and present a safety hazard.
- (F) Fireworks. All use or display of fireworks except as permitted by the laws of the State of Wisconsin and ordinances of the Town.

- (G) 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.
 - (H) Wires Over Streets. All wires over streets, alleys, or public grounds which are strung less than fifteen (15) feet above the surface thereof.
 - (I) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making other noises shall greatly annoy or disturb a neighborhood, or any considerable number of persons within the Town.
 - (J) Obstructions of Streets, Excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Town of Lodi, Columbia County or State of Wisconsin or which, although made in accordance with such permit, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
 - (K) Pits, Wells, Excavations and Unused Basements. All open or underground pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
 - (L) Abandoned Refrigerators. All abandoned refrigerators or iceboxes from which the doors or other covers have not been removed or which are not equipped with a device for an easy opening from the inside.
 - (M) Use of Property Abutting a Public Way. 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 people to gather so as to obstruct traffic and free use of the street or sidewalk.
 - (N) Flammable Liquids. Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.
- (5) Junked and Abandoned Vehicles.
- (A) Junked Automobiles, Etc. No disassembled, inoperable, unlicensed, junked, or wrecked motor vehicles, truck bodies, tractors, trailers, or appliances shall be stored or allowed to remain in the open upon public or private property, within the Town for a period exceeding five (5) days if upon public property, or for a

period exceeding thirty (30) days if upon private property that is not in compliance with the zoning of the area where the violation occurs. Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed one year, after which such vehicles must be enclosed by screening or live planting.

- (i) "Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers," means motor vehicles or parts thereof incapable of propulsion or being operated upon the public streets or highways.
- (ii) "Unlicensed" as referring to motor vehicles, truck bodies, tractors or trailers means motor vehicles, truck bodies, tractors, or trailers which do not bear lawful license plates.
- (iii) "Motor vehicle" is defined in Wis. Stats. § 340.01(35).
- (iv) "Appliance" means any stove, washer, dryer or refrigerator which is no longer operable in the sense for which it was manufactured.

(B) Abandoned Vehicles, Etc. No person shall have an unattended motor vehicle, trailer, semi-trailer or mobile home on any public street, highway, alley or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear abandoned. When any such vehicle has been left unattended on any street or highway or on any public or private property within the Town without the permission of the owner for a period of more than seventy-two (72) hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(c) **Abatement of Public Nuisances.**

- (1) Inspection of Premises. Whenever the Town Chairperson receives a complaint that a specific nuisance exists within the Town, he or she shall promptly notify the Town Board who shall forthwith have inspected the offending premises and, whenever practical, shall have photographs and/or recordings be made and filed in the office of the Town Clerk.
- (2) Summary Abatement.
 - (A) Notice to the Owner. If the Town Board or Building Inspector determine that a public nuisance exists and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairperson may serve or direct the Town Attorney to serve notice on the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within forty-eight (48)

hours and shall state that unless such nuisance is so abated the Town will cause the same to be abated and will charge the costs thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be and that the costs of abatement may be assessed against the real estate as a special charge.

- (B) Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Town Board shall cause the abatement or removal of such public nuisance.
- (d) Abatement by Court Action.
If the Town Board or building inspector determines that a public nuisance exists but that the nature of such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, a written report of the findings shall be submitted to the Town Chairperson who may cause action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Columbia County in accordance with the Wisconsin Statutes.
- (e) Other Methods Not Excluded.
Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town in accordance with the laws of the State of Wisconsin.
- (f) Cost of Abatement.
(1) 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 Town 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 provided the person assessed has first been given notice of the amount of the debt and an opportunity to appear before the Town Board to contest the special assessment of the debt.
- (g) Penalty.
(1) First Offense/Penalty. Any person who shall violate this ordinance shall, upon conviction thereof, forfeit not less than twenty dollars (\$20) nor more than five hundred dollars (\$500) together with the cost of prosecution and any applicable assessments, and in default of payment, shall be imprisoned in the county jail until said forfeiture, costs and assessment are paid, but not exceeding ninety (90) days. Each day of continued violation shall be considered a separate offense.

- (2) Second Offense/Penalty. Any person who shall violate any provision of this Ordinance who has previously been convicted of a violation of the same provision shall upon conviction thereof forfeit not less than thirty dollars (\$30) nor more than five hundred dollars (\$500) for each such offense, together with the costs of prosecution and any applicable assessments, and in default of payment, shall be imprisoned in the County jail until such forfeiture, costs and assessment of prosecution are paid but not to exceed ninety (90) days. Each day of continued violation shall be considered a separate offense.
- (h) Severability.
- (1) The various provisions of this ordinance are deemed severable and it is expressly declared that the Town Board would have passed the other provisions hereof irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall be affected thereby and shall continue in full force and effect.

History Notes: Adopted March 31, 1981; amended April 29, 1986; amended through 1994 codification; amended by Ordinances adopted December 28, 2004 and May 31, 2005

SECTION 8.12 **EXCESSIVE AND UNREASONABLE NOISE**

- (a) No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.
- (b) No person, firm or corporation occupying or having charge of any building or premises, or any part thereof, shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.
- (c) Any person who shall violate this ordinance shall, upon conviction thereof, forfeit not less than \$25 nor more than \$200, together with the costs of prosecution and any applicable assessments, and in default of such forfeiture, costs and assessments, shall be confined in the Columbia County jail until such forfeiture, costs and assessments are paid, but not exceeding 90 days. Each day of violation of this ordinance shall be deemed a separate offense.

History Notes: Adopted through 1994 codification.

SECTION 8.13 **VIOLATION OF RESTRICTION FOR TOWN BENEFIT**(a) **Violations.**

No person shall violate the express terms of any recorded deed restriction, restrictive covenant, easement or other restriction that was required by the Town Board and is expressly in favor of the public, the Town of Lodi or the Lodi Town Board and against a parcel of real property owned by the person or on which the person is present with the express or implied permission of the owner. This Ordinance applies only to recorded deed restrictions, restrictive covenants, easements or other restrictions which are expressly restrictions for public benefit.

(b) **Penalty.**

Any person violating this Section shall be subject to a forfeiture under Section 1.21 of the Lodi Municipal Code.

History Notes: Created by Ordinance adopted May 31, 2005.

SECTION 8.21 **HOUSES OF PROSTITUTION**(a) **Owners and Keepers.**

No person shall keep or maintain or in any way be connected with, or contribute to the support of any prostitution house or house of ill fame or shall knowingly own, or be interested therein as proprietor or landlord thereof.

(b) **Inmate or Frequenter.**

Any person engaging in prostitution of or found at or frequenting either of the places described in this Section shall be deemed a disorderly person and shall be subject to the penalty hereinafter provided.

(c) **Prostitution.**

It shall be unlawful for any person to commit or offer or agree to commit a lewd act or an act of prostitution.

(d) **Penalties.**

Any person violating this Section shall be subject to any available criminal penalties and also to a forfeiture of not less than \$50.00 nor more than \$500.00 for the first offense; and not less than \$100.00 and no more than \$1,000.00 for any succeeding offense or offenses committed during the same calendar year, together with the costs of prosecution and any applicable assessments.

History Notes: Adopted June 29, 1999.

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