

31.39 NUISANCE**1. Authority.**

- (a) This ordinance, designated as Section 31.39 of the Door County Code, is enacted under the authority granted by Sections 59.02, 59.03, 59.04, 59.54, 66.0113 and/or Ch. 823 Wisconsin Statutes.

2. Definitions

- (a) "Nuisance" means a condition or situation (e.g., a loud noise, a foul odor, a condition or situation dangerous to health or safety, or a condition or situation unlawfully obstructing the public in the free use of public property) which annoys, injures or endangers the safety, health, comfort or repose of others. If the public is injured in its civil or property rights or privileges or in respect to public health or safety to any degree, a nuisance exists. "Nuisance" includes, but is not limited to, the following acts, conditions, conduct, omissions, or things:
1. Accumulations of putrescible and nonputrescible solid wastes in which disease-carrying insects, rodents, or other vermin are present or may reasonably be expected to be present.
 2. The emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odor, effluvium or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, inconvenience, or injure the health of any appreciable number of persons.
 3. Any structure that is in a state of dilapidation, deterioration or decay; or is of faulty construction; or is abandoned; and open to intrusion, so as to endanger the health, peace, and safety of the public.
 4. Any structure offered for lease for purpose of human habitation which is in such condition (e.g. old, dilapidated, or out of repair, as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation) that inhabitants can not live free of unreasonable risk to their health and safety.
 5. Any motor vehicle not in working order or that lacks current legal registration or is disassembled and which is stored outside, except at a place of business properly licensed to store junk vehicles.
 6. All unreasonably loud, annoying, or unusual noise which offends the peace and quiet of persons of ordinary sensibilities. The test for a potential violator is simply the time honored and time validated reasonable person test, i.e. what effect will my conduct have upon persons in the vicinity under the circumstances.
 7. Any obstruction (e.g., vegetation, structure, or other object) so located as to prevent persons operating vehicles approaching an intersection of roads from having a clear safe view of traffic approaching such intersection.

8. Any thing (e.g., vegetation, structure, or other object) which projects over a public right-of-way or public road, which hinders or impedes travel or field of vision, or constitutes a traffic hazard.
 9. Any explosive, inflammable liquid, combustible material, or other hazardous substance stored or used in any manner which endangers the health and safety of the public.
 10. All drink or food offered for sale to the public which is not safe or fit for human consumption.
 11. Any animal or animals: kept or maintained in unsanitary conditions or surroundings; running at large; or that persistently bark, howl or make other excessive noise.
 12. Failure to make reasonable efforts to control nuisance weeds.
- (b) "Person" means any individual, firm, partnership, association, institution, agency, corporation, or governmental entity.

3. Jurisdiction

- (a) This ordinance shall be applicable to the unincorporated areas of the County of Door, State of Wisconsin.

4. Relationship to Other Laws

- (a) The enactment of this ordinance shall not preclude the County of Door from enacting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matters.
- (b) The procedures and remedies set forth herein may be used in the alternative or in consonance with or in lieu of any other remedy or procedure authorized by law.
- (c) Neither commencement of an action, nor legal remedy granted, under this ordinance may be deemed former jeopardy for purposes of concurrent or subsequent criminal proceedings relating to the same or any other matter.

5. Prohibition

- (a) No person shall cause, continue, maintain or permit to exist any nuisance.
- (b) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

6. Penalty

- (a) Any person violating this ordinance shall:
1. Forfeit not less than \$10.00 nor more than \$500.00 for each offense; and
 2. Abate or remove such nuisance summarily and/or within a defined time period.
 3. Be enjoined or restrained from further violation.

4. Pay the fees, costs and disbursements incurred by County associated with prosecution of the action.
- (b) If a nuisance is not abated or removed, County may cause the abatement or removal of such nuisance. Any person who fails to remove or abate any nuisance after being ordered to do so, shall be liable to the County for the actual costs of abatement or removal. A lien shall be imposed on the real property from which the nuisance was abated or removed to secure payment of such costs.

7. Enforcement

- (a) County may cause written notice identifying the property, providing notice of the existence of a nuisance, and demand for abatement or removal within a specified time period, to be issued to the owner and/or occupant of the property where the nuisance exists and/or the person causing, permitting or maintaining such nuisance and/or post a copy of the notice on the property where the nuisance exists. If the owner and/or occupant fails to comply, County may enter the property and abate or remove the nuisance. The person causing, permitting or maintaining such nuisance shall be liable for costs of abatement or removal. Any person affected by such determination shall, within thirty (30) days of receiving notice, apply to the circuit court for an order enjoining or restraining the County from entering the property and abating or removing the nuisance, or be forever barred.
- (b) If any nuisance exists and public health, peace or safety requires that it be summarily abated or removed, the County may proceed to abate or remove the nuisance without judicial declaration. The person causing, permitting or maintaining such nuisance shall be liable for costs of abatement or removal. If practicable, County should endeavor to provide notice and demand as provided in par. (a) supra.
- (c) County may issue a citation, pursuant to and in accordance with Section 66.0113 Wisconsin Statutes and Chapter 35 Door County Code.
- (d) County may institute other proceedings in any court of competent jurisdiction and pursue any remedy or relief afforded by law

8. Purpose

- (a) The dominant aim of this ordinance is the protection of the public from nuisances that threaten health and safety.

9. Severability

- (a) Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

10. Effective Date

- (a) This ordinance shall take effect on the day following the date of publication.

(Ord. 01-02; 01/29/02)