

CHAPTER 10
PUBLIC NUISANCES

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PUBLIC NUISANCES 10.01

10.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the County.

10.02 PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which continues 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.

10.03 COUNTY LAND RESTRICTIONS.

(1) It is illegal to build or use any elevated device on lands owned by the County of La Crosse unless it does not damage the tree and it is removed each day at the close of hunting hours.

(2) Vehicle restrictions. It is illegal to operate any motorized vehicle, including but not limited to snowmobiles, trail bikes, and all terrain vehicles on lands owned by the County of La Crosse except where their use is authorized by posted notice or permit.

(3) Horses. Horses shall be restricted from all county lands except where their use is authorized in advance or by posted notice or permit.

(4) It is illegal to start fires or camp on any county property other than those sites designated in county parks.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY. The following acts, omissions, places, conditions and things are 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 within the definition of ss. 10.02.

(1) DISORDERLY HOUSES. All disorderly houses, bawdy houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) GAMBLING DEVICES. All gambling devices and slot machines.

(3) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license therefor as required by County ordinances or State Statutes.

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(4) CONTINUOUS VIOLATION OF COUNTY ORDINANCES. Any place or premises within the County where County 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 State laws.

10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions and things are 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 ss. 10.02.

(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) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the County relating to materials and manner of construction of buildings and structures within the County.

(3) 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 official traffic control devices, railroad signs or signals or which because of their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.

(4) 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 crosswalk.

(5) TREE LIMBS. All limbs of trees which project over and less than 10 feet above any public sidewalk, street or other public place.

(6) DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(7) FIREWORKS. All use or display of fireworks except as provided by State laws and County ordinances.

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

(9) WIRES AND CABLES OVER STREETS. All wires and cables over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.

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(10) 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 ordinances of the County 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.

(11) UNLAWFUL ASSEMBLIES. 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.

(12) DISPLAY OF LIGHTS AT NIGHT.

(a) The County Board finds that the public peace and good order of this County are threatened by frequent incidents involving the displaying of bright lights late at night, disturbing rural residents.

(b) This subsection shall not be construed as a regulation of hunting or hunters. It shall apply to all persons, whether hunting or not.

(c) It is unlawful for any person to display any light between the hours of 10 p.m. and sunrise if such light is displayed by a person in a motor vehicle or such light uses a motor vehicle as an energy source, except:

1. Lights displayed within any incorporated city or village.
2. Lights displayed on a person's own property whether owned or rented or with the permission of the owner or tenant.
3. The headlights of a vehicle which is actually traveling on a public road or private driveway. Parked vehicles shall turn headlights off, but parking lights and warning flares may be used at any time to mark a parked or disabled vehicle.
4. A light of any description displayed from a motor vehicle on a public highway for the sole purpose of reading roadside signs or information upon mail boxes, but the burden shall be on the defendant to establish by clear, satisfactory and convincing evidence that this was his sole purpose in displaying such light.
5. To a peace officer on official business, an employee of the Department of Natural Resources on official business or a person authorized by the Department to conduct a game census.
6. Street and traffic lights erected by governmental units.

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7. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot for raccoons, foxes or other unprotected animals during the open season for the animals hunted.

8. To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.

9. If rules promulgated by the Department of Natural Resources specifically permit a person to use or possess a light for shining wild animals during these times.

(d) Any person violating this subsection shall upon conviction forfeit not less than \$25 and no more than \$500, together with the costs of prosecution.

10.06 ABATEMENT OF PUBLIC NUISANCES.

(1) ENFORCEMENT. The County Officials shall enforce those provisions of this chapter that come within the jurisdiction of their offices and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

(2) SUMMARY ABATEMENT. If the inspecting officer determines that a public nuisance exists within the County and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Chairperson of the County Board 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 determined by the Office of the Coproration Counsel.

(3) ABATEMENT AFTER NOTICE. If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance does not 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 10 days, the proper officer shall cause the nuisance 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 County or its officials in accordance with State laws.

(5) COURT ORDER. Except when necessary under sub. (2), an officer hereunder shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon 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.

10.07 COST OF ABATEMENT. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the County 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.

10.10 PENALTY. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in ss. 25.04 of this General Code, except Section 11.45(2) will be subject to a \$25 forfeiture for each and every offense.