# CHAPTER 10
# PUBLIC NUISANCES

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**10.01 PUBLIC NUISANCE 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.

**10.02 PUBLIC NUISANCE PROHIBITED.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the town.

**10.03 AFFECTING HEALTH.** The following act, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of §10.01 of this chapter.

**(1)** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

**(2) CARCASSES, UNBURIED.** Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

**(3) INSECTS OR VERMIN, BREEDING PLACE FOR.** 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 breed.

**(4)** All stagnant water in which mosquitoes, flies or other insects can multiply.

**(5)** Garbage cans that are not fly tight.

**(6) WEEDS, NOXIOUS.** All noxious weeds and other rank growth of vegetation.

**(7)** All animals running at large.

**(8)** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

**(9)** Any use of property, substances or things within the Town emitting or causing any foul, offensive noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.

**(10) ABANDONED WELLS.** All abandoned wells not securely covered or secured from public use.

**10.04 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 § 10.01 above:

**(1)** 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 by the ordinances of the Town.

**(2) HOUSES, OTHER PREMISES.** 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, repeatedly and intentionally violated.

**(3) ILLEGAL DRINKING.** Any place or premises resorted to for drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State or ordinances of the Town.

**10.05 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 and safety coming within the provisions of §10.01 of this chapter:

**(1)** 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)** All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town relating to materials and manner of construction of building and structures within such district.

**(3) INTERSECTIONS, OBSTRUCTION OF.** 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.

**(4)** All use or display of fireworks except as provided by the laws of the State and ordinances of the Town.

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

**(6)** All loud, discordant and unnecessary noises or vibrations of any kind.

**(7) DANGEROUS EXCAVATIONS.** All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

**(8)** All lots or parcels of land in the Town that have not been rough graded within one year of the date of occupancy of any residence constructed on such lot or parcel of land.

**10.06 NUISANCE LIGHT ON RESIDENTIAL PROPERTIES. (1) DEFINITIONS.** In this section:

**(a) GLARE.** An excessive brightness contrast producing a sensation of visual discomfort resulting from viewing a strong, intense light source.

**(b) INTERMITTENT LIGHT.** Any artificial light that flashes, revolves or fluctuates in such a manner that the variance is easily distinguished by personal observation.

**(c) LIGHT SOURCE.** A device (such as a lamp) that provides visible energy.

**(d) PERSON.** Any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club, or organization of any kind.

**(e) SPILL LIGHT.** Any artificial light flowing onto an adjacent property.

**(2) GLARE AND SPILL LIGHT DECLARED A NUISANCE.** Glare, spill and intermittent artificial light impacting on residential properties between the hours of 6 p.m. and 7 a.m. which causes loss of enjoyment, comfort or repose, and use of such properties is declared a nuisance.

**(3) NUISANCE DETERMINED. (a)** Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 horizontal foot candles or more at approximately 4' from the ground or floor surface at which the measurement is taken. Such measurements shall be taken by the Building Inspector utilizing appropriate equipment and techniques.

**(b)** Glare light shall be considered a nuisance when an artificial light source has not been properly located, shielded, directed or controlled, and as a result there is a direct line of sight between the light source or its reflection and a point 5 feet above the ground or higher in the nearest habitable area on the complainant's property and of such intensity as to cause discomfort or annoyance.

**(c)** Intermittent light shall be considered a nuisance when it impacts upon a habitable area of a complainant's property with such intensity and variance as to cause discomfort or annoyance.

**(d)** Visually exposed neon tube and other visually exposed illuminating elements shall be prohibited in the Town except where the lighting is used as a part of the building design. In no instance shall exposed illuminating elements be installed as a part of any building design unless the design has been submitted to and approved by the Architectural Control Committee and the Plan Commission.

**(4) PRODUCTION OF LIGHT NUISANCE PROHIBITED.** No artificial light source shall be installed, allowed to be installed or permitted on any property which light source flashes or revolves, or due to its intensity or physical characteristics, causes glare or spills onto a residential property in such a manner as to cause a nuisance during the hours of 6 p.m. through 7 a.m.

**(5) RESPONSIBILITY.** Every installer of artificial lights and every owner or occupant of property on which artificial lights are installed shall comply with sub. (4) above.

**(6) EXEMPTIONS.** The provisions of subs. (4) and (5) above shall not apply where:

**(a)** Such lights are caused to be installed by city, county or State governments to light public ways or areas for public benefit; or

**(b)** There is no written complaint filed with the Building Inspector by a person directly affected by such light; or

**(c)** Such lights are required by law for safety reasons and there is no practical way to control them to eliminate the nuisance.

**(7) MAKING A COMPLAINT. (a)** Any adult resident of the Town may seek relief from nuisance light on a residential property by filing a written complaint with the Building Inspector.

**(b)** The written complaint shall contain the complainant's name and address, the address of the property where the alleged nuisance light is installed, a

brief description of the light source and the complainant's signature.

**(c)** Upon receipt of a complaint, the Building Inspector shall investigate whether the regulations set forth in subs. (3) or (4) could or are being violated.

**(d)** The Building Inspector shall notify the affected parties as to its findings.

**(e)** The complainant shall be willing to testify in court if required as to the nature of the nuisance of the light about which he is complaining.

**(8) RETROACTIVITY.** It is the intent of the Town that the provisions of this section shall apply to all existing installations and the owners or occupants of properties on which nuisance lights exist shall be responsible for eliminating any nuisance caused by their lights to comply with this section. Existing installations that do not comply with the terms of this section shall be brought into compliance when any changes to the lighting system are made or not later than July 1, 1992, whichever occurs earlier. Notwithstanding the forgoing, if any existing system is improved in any manner, the system shall be brought into compliance with the terms of this section at the time of improvement. Further, if the Town Board, subsequent to the receipt of a written complaint regarding any existing system, finds the system constitutes a nuisance, the Board shall notify the owner of the property on which the system has been installed and direct the owner to bring the system into compliance with the terms of this section 30 days after issuance of the Town Board's order.

**10.07 SPRINKLING RESTRICTED.** (Cr. 08/15/1995)

**(1) The** use of the municipal water system providing service to residents and businesses within the Town of Brookfield for the purpose of sprinkling or watering lawns, gardens, shrubs or trees within the confines of the Town of Brookfield shall be restricted on a year-round basis as follows:

**(a) Odd-numbered** property addresses are permitted to sprinkle only on odd- numbered days of the month and only between 6:00 p.m. and 8:00 a.m. Odd-numbered day is determined by whatever day of the month it is at 6:00 p.m. and carries through to 8:00 a.m. the following day.

**(b) Even-numbered** property addresses are permitted to sprinkle only on even- numbered days of the month and only between 6:00 p.m. and 8:00 a.m. Even-numbered day is determined by whatever day of the month it is at 6:00 p.m. and carries through to 8:00 a.m. the following day.

**(2) TOTAL BAN ON OUTDOOR WATER USE.** The use of the municipal water system providing service to residents and businesses within the Town of Brookfield for W outdoor purpose, including sprinkling or watering lawns, gardens, shrubs or trees; the washing of cars; the filling of swimming pools; and any other outdoor use within the confines of the Town of Brookfield shall, from time to time, as deemed necessary, be totally prohibited. Should a total ban on outdoor municipal water use be deemed necessary by Sanitary District No.4 -Town of Brookfield, notification to the residents and businesses in the Town of Brookfield shall be published in the Town's official newspaper. The television and radio media, as well, shall be notified as to the urgent measure being taken. A total ban takes precedence over Section 1 and Section 3 of this ordinance.

**(3) TEMPORARY PERMIT FOR NEW LAWNS.** A temporary permit may be obtained from Sanitary District No.4 -Town of Brookfield for sprinkling a confirmed newly planted lawn which will allow for a temporary exemption from Section 1 of this ordinance for a period of time not to exceed 14 days. If a permit is obtained, it must be displayed to be plainly visible for proper enforcement of this ordinance.

**(4) EXEMPTION FOR PRIVATE WELLS.** Properties that are connected to the municipal water system but also retain the use of a private well on the premises are bound by §10.07 for the use of the municipal water but are not bound by §10.07 for the use of the private well for outside use of water. The property owner must register with Sanitary District No.4 -Town of Brookfield, establishing proof thereof that a private well existing on said property is being used for the purpose of outside water use. That information shall be incorporated into a "master map" to be used in the enforcement of §10.07.

**10.09 ABATEMENT OF PUBLIC NUISANCE.**

**(1) INSPECTION OF PREMISES.** Whenever a complaint is made to the Town Board or the Board determines a public nuisance exists within the Town, the Building Inspector shall be notified and shall immediately inspect or cause to be inspected the premises and make or cause to be made a written report of the findings to the Town Board.

**(2) SUMMARY ABATEMENT. (a)** If the Building Inspector determines a public nuisance exists on private property and there is a great and immediate danger to the public health, safety, peace, morals or decency, the Town Board may direct the Building Inspector to serve notice upon the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of such notice on the premises. Such notice shall direct the owner, occupant or

person causing, permitting or maintaining such nuisance to abate or remove such nuisance within the time stated in the notice, and such notice shall further state that unless such nuisance is abated within the time stated in the notice, the Building Inspector shall cause the nuisance to be abated and shall charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same as the case may be, and if such costs are not paid within 30 days from the date of billing by the Town, the same shall be assessed against the real estate upon which such nuisance existed and collected as a special assessment against the premises in the same manner as other taxes against real estate are collected.

**(b)** If the nuisance is not abated within the time allowed by such notice or if the owner, occupant, or person causing such nuisance cannot be found, the Building Inspector shall cause the abatement or removal of such nuisance and the cost and expense thereof shall be charged and collected as provided in par. (a) above.

**(c)** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State.

**10.15 PENALTY.** Except as otherwise specifically provided in this chapter, any person found to be in violation of any provision of this chapter or any rule or order promulgated hereunder shall be subject to a penalty as provided in §25.04 of this Code of Ordinances.