

CHAPTER XI.

PUBLIC NUISANCES

- 11.01 Unsightly Debris Prohibited**
- 11.02 Prohibited Storage or Abandonment of Vehicles in Public or Private Areas**
- 11.03 Outdoor Wood Burning Furnaces**
- 11.04 Noxious Weed Control**
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11.01 UNSIGHTLY DEBRIS PROHIBITED

(1) No person shall accumulate or store any old automobile or part thereof, truck, tractor, refrigerator, furnace, washing machine, stove, machinery or part thereof, junk, wood, bricks, cement block, or other unsightly debris such as may tend to depreciate property value in the area or create an unattractive nuisance or hazard or other nuisance on any lot or parcel of land within the Village limits, except as may be allowed by permit issued by the Village Board or except as such materials are properly housed and out of public view.

(a) When any person in charge of any property is found in violation of this ordinance, this department shall order the premises cleaned, placed in order, and made sightly within 10 days from the date of the order.

(b) If the premises are not cleaned and placed in order in the time specified, the person in charge of the said property shall be considered in violation of this section.

(2) **Penalties.** Any person who violates this section shall forfeit not more than \$100.00, together with the cost of prosecution and may be ordered to pay restitution and complete community service.

11.02 ABANDONED VEHICLES

(1) PROHIBITED ACT; DEEMED NUISANCE.

(a) No person shall abandon any motor vehicle, trailer, semitrailer or mobile home on any highway or public or private property within the Village.

(b) A motor vehicle, trailer, semitrailer, or mobile home shall be deemed abandoned within the meaning of this article and shall constitute a public nuisance, in any of the following situations:

(i) Whenever any such vehicle is left unattended on any highway or public or private property within the Village for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned;

(ii) such vehicle is disassembled, inoperable, unlicensed, junked or wrecked and is stored or allowed to remain in the open upon public or private property within the Village for a period in excess of 72 hours after notifying the owner of the real property upon which such vehicle is placed or stored and mailing of

notice to the last-known address of the vehicle owner, if different than the owner of the real property;

(iii) Whenever any such vehicle has been allowed to remain standing on any highway or public property in the Village for more than 72 hours after a notice of parking violation has been placed on the vehicle;

(iv) Whenever any vehicle is removed and not reclaimed within 48 hours after notice of removal.

(v) Whenever any vehicle is not released to the owner or operator within 10 days or the mailing of official notification that the vehicle can be released to the rightful owner; or

(vi) Whenever any vehicle has been left unattended on public or private property without the permission of the property owner for more than 48 hours.

(c) The notices provided for in this section shall inform the party of the intention of the Village to deem the vehicle abandoned and to remove the vehicle, of the manner of avoiding a determination of abandonment, of the means of reclaiming such vehicle should it be removed, and the availability of an informal hearing before the Chief of Police or his duly authorized representative.

(d) No vehicle involved in trespass parking on a private parking lot or facility shall be removed without the permission of the vehicle owner, except upon the issuance of a repossession judgment or upon formal complaint and a citation for illegal parking issued by a traffic or police officer.

(2) Definitions.

(a) The terms “disassembled, inoperable, junked, or wrecked” as used in this section is a motor vehicle in such state of physical or mechanical ruin as to be incapable of propulsion, incapable of being operated upon the public streets or highways, or incapable of meeting State motor vehicle equipment laws.

(b) The term “unlicensed” as used in Subsection (1) (a) is defined as a motor vehicle which does not bear lawful current license plates or for which the owner of which vehicle has not applied for current registration.

(c) The term “motor vehicle” is as defined by Wis. Stats. Sec. 340.01(35).

(d) The term “mobile home” is as defined by Wis. Stats. Sec. 340.01(29) and the term “trailer is defined by Wis. Stats. Sec. 340.01(71).

(e) In this article, “owner” includes the lessee of a vehicle if the vehicle is registered, or required to be registered, by the lessee under Wis. Stats. Chapter 341.

(3) Disposition. When any police officer shall locate any such vehicle, trailer, or mobile home referred to in Subsection (1) he or she shall notify the owner of the property upon which such vehicle is found and/or the owner of the mobile home or trailer if such can be determined, that such vehicle, mobile home, or trailer must be immediately removed. If such vehicle, mobile home, or trailer is not removed within three days of such notice, the police department may cause removal thereof, and upon removal, shall affect disposition thereof as follows:

(a) If the Police Chief or his or her duly authorized representative determines that the value of the vehicle, mobile home, or trailer exceeds \$100.00 he or she shall notify the owner and lien holders of record by certified mail that the vehicle, mobile home, or trailer has been deemed abandoned and impounded by the Village and may be reclaimed within 15 days upon payment of accrued towing, storage, and notice charges and if not so reclaimed shall be sold.

(b) In the event a mobile home, trailer, or vehicle subject to this section is determined to exceed \$100.00 in value and is not reclaimed within the period and under the conditions as provided above, it may be sold by auction. The description of the vehicle, mobile home or trailer and the terms of the sale shall be published as a Class 1 notice at least 15 days before the date of the sale. Any amounts of money received as a result of such sale shall be placed into the general account of the Village treasury after payment of the costs of sale.

(4) Penalty. Any person, firm, or corporation who violates this section, shall forfeit not more than \$250.00 for each day of violation commencing three days after service of notice. Each day of violation shall be considered a separate offense. Each vehicle, trailer, or mobile home stored or allowed to remain in violation of this section shall constitute a separate offense.

11.03 OUTDOOR WOOD BURNING FURNACES. Outdoor wood burning furnaces are prohibited. An outdoor wood burning furnace is defined as an accessory structure or appliance designed (1) for a location ordinarily outside the principal structure and (2) to transfer or provide heat via liquid or other means, by burning wood or other solid fuels, for heating any principal or accessory structure on the premises. This does not include fire pits, barbecues, fryers or chimneys.

11.04 CONTROL OF NOXIOUS WEEDS

(1) Definitions:

(a) **“Noxious Weeds”** shall mean Canada thistle, leafy spurge, field bindweed (Creeping Jenny), Ambrosia trifida (commonly called Giant Ragweed), Arubuoisia artemesiifia (**commonly called Common Ragweed**), **English charlock, wild mustard, goatsbeard, cotton-bearing trees** and any grasses and weeds exceeding nine inches in height. Additional weeds may be designated in the future by the Village Board.

(b) **“Destroy”** shall mean the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage or any combination of those methods at such time and in such manner that will effectively prevent the weeds from maturing and spreading. Grasses exceeding nine inches in height will be cut to the normal mowing height.

(2) **Requirement.** Every person shall destroy all noxious weeds on all lands which he shall own, occupy or control. The person having immediate charge of any public lands shall destroy all noxious weeds on such lands.

(3) **Notice.** On or before May 15 of each year, a notice, under the provisions of Chapter. 985, Wisconsin Statutes as amended, may be published or distributed indicating that every person is required by law to destroy all noxious weeds on lands within the village which the person owns, occupies or controls, including street right-of-way lawn areas adjacent to their property. The notice shall include a reference to grasses that have not been mowed and have attained a height of nine inches.

(4) **Weed Commissioner.** The Village of Elkhart Lake Public Works Superintendent shall have the position of Weed Commissioner. Subordinates shall assist the Weed Commissioner in the performance of his or her duties. The Weed Commissioner and subordinates shall perform their duties without special and separate compensation. The Weed Commissioner shall investigate the existence of noxious weeds and grasses in the Village and deal with them as required.

(5) **Destruction of Noxious Weeds by Weed Commissioner.** If an owner or occupant fails to destroy the weeds designated in the Noxious Weeds section, above, or cut grasses that exceed nine inches in height, the Weed Commissioner shall, after giving ten (10) days written notice destroy noxious weeds and cut grasses. The notice shall be served personally on the owner of the building or, at the option of the Village, the notice may be mailed to the last known address of the owner to be served by certified mail, return receipt. If the owner cannot be served, the order may be served by posting it on the main entrance of the premises of the subject property

(6) **Recovered Costs.** The costs involved in such destroying or mowing shall be recovered through special charges levied against the property upon which noxious weeds, or grasses, were cut by the Weed Commissioner. The special charge shall be placed on the tax roll against the property. The minimum charge for destroying or mowing shall be \$50.00 A Fifty (\$50.00) Dollar Administrative Fee for processing and administering the special charge shall be added to the special charge against the benefited property.

11.05 ALARM SYSTEMS

(1) Intent

The intent of this chapter is to regulate alarm systems, as defined in this chapter, in the Village of Elkhart Lake, and to prevent carelessness, improper maintenance, and/or other acts of omissions which cause or result in false police and/or fire and/or emergency medical services (EMS) alarms, from privately owned, commercially owned, leased or contract alarm systems. Such false alarms initiate police, EMS, and/or fire personnel and equipment responses, cause or result in unnecessary expense to the Village, increase the risk of damage or injury to persons, and dilute the level of police, emergency medical, and fire protection services available to other areas of the Village.

(2) Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Security alarm system- any mechanical, electrical, or radio-controlled device or system, including, but not limited to summon, or would reasonably be expected to summon, police, fire or EMS services of the Village of Elkhart Lake. Alarm System does not include:

1. An alarm installed on a vehicle, unless the vehicle is permanently mounted at a site.
2. An alarm designed to alert only the inhabitants of a premise.

B. False Alarm—any transmission from an alarm system resulting in a response by police, fire or EMS personnel to the premises on which the system is located, where an emergency situation does not exist.

(3) Police, Fire, EMS Alarm Responses

1. Each time the Village of Elkhart Lake Police Department, Fire Department, or First Responders respond to a false alarm arising from an intrusion alarm and/or fire and/or emergency medical alarm, the Village Clerk's Office should be notified to determine what, if any, service charge is applicable.

2. A service charge for excessive alarms shall be charged for false alarms in a 12-month period (January-December of the same year) as follows:

- a. No service charge shall be charged for the first alarm occurring within a calendar year.
- b. 2nd occurrence shall result in a service fee of \$100
- c. 3rd occurrence shall result in a service fee of \$175
- d. 4th occurrence shall result in a service fee of \$200
- e. 5th and subsequent occurrences shall result in a service fee of \$400 per occurrence.

3. No service fee shall be assessed if the false alarm is:

- a. Caused by an electrical storm, tornado, or other act of God where there is clear evidence of physical damage to the alarm system or structure.
- b. At a location where the Village of Elkhart Lake has installed an alarm.
- c. Caused by electrical power disruption or failure in excess of two (2) hours beyond the control of the alarm site.
- d. At the Elkhart Lake-Glenbeulah School District where a school employee responds, and no off-site emergency vehicles are requested.

4. All false alarm service fees shall be charged against the property owner and are due and payable within 30 days from the date of invoice. Invoices shall be sent by the Village. Any fees payable to the Village of Elkhart Lake which are delinquent may be assessed against the property involved as a special charge for current services, without notice, pursuant to Wis. Stats. 66.60(16).

(4) Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

(5) Liability Disclaimer

The Village of Elkhart Lake shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this chapter, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of the fire, emergency medical service, or police department to respond to alarms.