

Chapter 10 – PUBLIC NUISANCES

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NOTE: Chapter 10 was re-created by Ordinance 2014-15.

10.01 (PUBLIC NUISANCES PROHIBITED)

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City limits of the City of Prairie du Chien.

10.02 (DEFINITIONS)

Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

(1) "AIR POLLUTION" shall be defined as the escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits of the City of Prairie du Chien or within one (1) mile there from in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property. Also included hereunder are outdoor wood burning furnaces which are specifically prohibited from being placed and used within the City limits of the City of Prairie du Chien.

(2) "BLIGHTING INFLUENCE" shall be defined as a condition having an adverse effect on the surrounding properties.

(3) "BREEDING PLACES FOR VERMIN" shall be defined as any 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 may breed.

(4) "BUILDING INSPECTOR" shall be defined as the Building Inspector for the City of Prairie du Chien or his/her duly authorized representative(s).

(5) "BUILDING-RELATED EQUIPMENT" includes heating and air-conditioning equipment, chimneys and vents, signs, antennas, gutters and downspouts, fences, steps, shutters, lights, garages, sheds, birdhouses, doghouses and small storage structures.

(6) "CHEMICAL DUMP SITE" shall be defined as any place or area where chemicals or other waste materials used in a clandestine drug lab operation have been located, and may also be referred to as "site".

(7) "CITY" shall be defined as the City of Prairie du Chien.

(8) "CLANDESTINE DRUG LAB OPERATION" shall be defined as the unlawful manufacture or attempt to manufacture a controlled substance.

(9) "CLANDESTINE DRUG LAB SITE" shall be defined as any place or area where law enforcement has determined that an unlawful clandestine drug lab operation exists or existed. A clandestine drug lab Site may include, but is not limited to, dwellings, accessory buildings, structures or units, vehicles, boats, trailers or any other area or locations.

(10) "CONTROLLED SUBSTANCE" shall be defined as any drug, substance or immediate precursor in Chapter 961 of the Wisconsin State Statutes together with any amendments or modifications thereto. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

(11) "DANGEROUS TREES" shall be defined as all trees which are injurious to public health or safety because of a diseased or damaged condition; and the storage of cut wood from said trees

(12) "DANGEROUS TREE LIMBS" shall be defined as all limbs of trees which project over and less than 10 feet above any public sidewalk or less than 15 feet above a street or other public place

(13) "DANGEROUS WIRES AND CABLES OVER STREETS" shall be defined as all wires and cables over streets, alleys or public grounds which are strung less than eighteen (18) feet above the surface thereof

(14) "DEBRIS" shall be defined as broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes, lumber (new or used), posts, sticks or other wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, junk lawn mowers; tar paper; residues from burning; or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon the neighborhood or the city in general.

- (15) "DILAPIDATED BUILDINGS" shall be defined as all buildings or structures so dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use or its intended use.
- (16) "DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS, TRAILERS" shall be defined as any motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways
- (17) "DUST-FREE" shall also mean dirt- or mud-free, and the intent is to have no dust, dirt and mud generated by traffic on the driveway or by winds.
- (18) "FLAMMABLE LIQUIDS VIOLATIONS" shall be defined as repeated or continuous violations of this Municipal Code or the laws of the State relating to the storage of flammable liquids
- (19) "GARDENING AND RECREATIONAL VEHICLES AND EQUIPMENT" shall be defined as all lawn mowers, snowblowers, tractors, wheelbarrows, ladders, scaffolding, cultivators, rototillers, seed and fertilizer spreaders, mechanical lawn rakes, lawn rollers, snowmobilers, all-terrain vehicles, campers, truck-camper units, boats and recreational trailers.
- (20) "HOUSEHOLD HAZARDOUS WASTE" shall be defined as waste generated from a clandestine drug lab operation.
- (21) "ILLEGAL BUILDINGS" shall be defined as all buildings erected, repaired or altered in violation of the provisions of the Municipal Code relating to materials and manner of construction of buildings and structures within the City limits of the City of Prairie du Chien.
- (22) "IN THE OPEN" shall be defined as any land which may be viewed from public streets or adjoining property
- (23) "INOPERABLE REFRIGERATORS AND ICEBOXES" shall be defined as any refrigerator or icebox not in use or in such a state of disrepair that their future usage is not possible
- (24) "MANUFACTURE" shall be defined and include, as in places other than a pharmacy, the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, and the packing, repacking, tableting, encapsulating, labeling, re-labeling, or filling of a controlled substance.
- (25) "NOISY ANIMALS OR FOWL" shall be defined as any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb any person within the City limits of the City of Prairie du Chien.
- (26) "NONCOMBUSTIBLE MATERIAL" shall be defined as material that cannot be burned.
- (27) "NOXIOUS WEEDS" shall be defined as all noxious weeds, as defined in §66.0407, Wis. Stats., now in effect or hereafter amended. In addition, which do the following:
- (a) Detract from the surrounding area and properties
 - (b) Become a possible fire hazard, as determined by the Fire Chief.
 - (c) Become a health hazard due to their pollen or a potential cover for disease-carrying rodents and other small animals.
 - (d) Are of infectious or poisonous nature and are adjacent to a populated area, regardless of height.
 - (e) Becomes a potential hazard to vehicular traffic in vision clearance triangles.
- (28) "OWNER" shall be defined as any person(s), firm(s), corporation(s) or other entity who or which owns, in whole or in part, the land, building, structure, vehicle, boat, trailer or other location associated with a Site.
- (29) "OBSTRUCTION OF INTERSECTIONS" shall be defined as 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.
- (30) "OPEN PITS, BASEMENTS AND THE LIKE" shall be defined as all open and unguarded pits, wells, excavations and basements.
- (31) "PUBLIC NUISANCE" shall be defined as a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
 - (b) In any way render the public insecure in life or in the use of property.
 - (c) 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.
- (32) "RECREATION EQUIPMENT" shall be defined as any boats, canoes, boat and utility trailers, travel trailers, mobile homes, off-highway vehicles and snowmobiles and jet skis.
- (33) "RUBBISH" shall be defined as combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- (34) "STAGNANT WATER" shall be defined as mean any motionless water, not flowing in a stream or current, in which mosquitoes, flies or other insects can multiply.

(35) "UNLICENSED MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS" shall be defined as any motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

10.03 (PUBLIC NUISANCES)

(1) PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of sec. 10.02 above:

- (a) Breeding Places for Vermin
- (b) Stagnant water
- (c) All animals running at large.
- (d) Air pollution
- (e) Noxious weeds. No owner or occupant of any lot or parcel within the City limits of the City of Prairie du Chien shall allow such property to become overgrown with any weeds so as to constitute a public nuisance as defined in section 10.02 of this chapter.

1. The Mayor shall annually, on or before May 15, publish a Class 2 notice, under Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds and other rank growth of vegetation as defined in section 10.02 of this chapter, on lands in the City limits of the City of Prairie du Chien which he/she owns, occupies or controls.

2. If property owner fails to control the growth of such weeds or rank growth of vegetation, the Police Department of the City of Prairie du Chien shall serve upon him/her notice as to that fact. If such owner fails to abate this nuisance within five (5) days after service of the notice, above referred to, the Police Department for the City of Prairie du Chien shall take action to abate such public nuisance. Further, and as to control of growth of noxious weeds or rank growth of vegetation, notice hereunder shall be effective for the remainder of the mowing season.

3. If the City causes a nuisance to be removed as provided in subsection (2) above, the actual cost thereof, together with an administrative fee equal to 10% of the actual cost, shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to § 66.98, Wis. Stats.

(f) No person shall, either individually, or in combination with one or more other persons, keep, possess, harbor or routinely allow the presence of more than eight (8) animals or four (4) animals of the same species, with said animals being older than six (6) months of age, that have the mobility to leave the premises, within the residential unit in which the person resides or upon the lot or portion of a lot upon which such residential unit is located, within a zoning district classified as either R-1 Low Density Residential District, R-2 Medium Density Residential District, R-3 High Density Residential District or R-4 Mobile Home District.

1. Any animal which is in violation of this subsection at the time of the ordinance being enacted may be waived from enforcement by the owner of said animal filing an application with the Police Department or City Hall within six (6) months of the ordinance being enacted.

(2) PUBLIC NUISANCES 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 or safety coming within the definition of sec. 10.02 of this chapter:

- (a) Illegal Buildings
- (b) Obstruction of Intersections
- (c) Dangerous tree limbs
- (d) Dangerous trees
- (e) Dangerous wires and cables over streets
- (f) Dilapidated buildings
- (g) Noisy animals and fowl
- (h) Snow, ice and debris removal
- (i) Inoperable refrigerators and iceboxes. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside, without first removing such door or lid, or container unless

such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

(j) Open pits, basements and the like. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

(k) Flammable liquids violations

(3) DISEASED TREE AND INFECTED TREE CONTROL.

(a) Public Nuisances Declared. The following are hereby declared to be public nuisances wherever they may be found within the City limits of the City of Prairie du Chien:

1. Any living or standing tree or part thereof infected with the Dutch Elm disease or other tree diseases.

2. Any dead diseased or infected tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned or sprayed with an effective fungicide or insecticide.

(b) Nuisances Prohibited. No person shall permit any public nuisance as defined in subsection (a) above to remain on any premises owned or controlled by him/her within the City limits of the City of Prairie du Chien.

(c) Inspection. The City Forester may enter upon private premises at all reasonable times for the purpose of carrying out any of the provisions of this section.

(d) Abatement of Disease Nuisances. Whenever the City Forester finds, with reasonable certainty on examination or inspection, that any public nuisance as defined in this section exists within the City limits of the City of Prairie du Chien, he/she shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of the disease fungus or the insect pests or vectors known to carry such disease. Before abating any such nuisance on private premises or in the terrace strip between the lot line and the curb, the Forester shall proceed as follows:

1. If the Forester shall determine that danger to other trees from said nuisance is not imminent, he/she shall make a written report of his/her findings to the Council, who shall proceed as provided in § 27.09(4), Wis. Stats., now in existence or hereafter amended.

2. If the Forester shall determine that danger to other trees within the City limits of the City of Prairie du Chien is imminent, he/she shall notify the owner or abutting owner of the property on which such nuisance is found in writing, if he/she can be found, otherwise by publication in a newspaper of general circulation in the City that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than 10 days from the date of such notice unless the Forester shall find that immediate action is necessary to prevent spread of infection. If the owner fails to comply with the notice within the time limited, the Forester shall cause the abatement thereof.

3. No damage shall be awarded to the owner for destruction of any tree, wood or material or any part thereof pursuant to this section.

(e) Spraying of Trees. Whenever the Forester shall determine that any tree or material within or near the City is infected with a disease, he/she may cause to be sprayed all high value trees within a 1,000 foot radius thereof with an effective spray, provided such spraying shall be performed prior to July 15 or after October 15 of any year. Before causing the spraying of any tree on private property in accordance with this section, the Forester shall notify the owner, as provided in subsection (d) (2) above.

(f) Assessment of Costs of Abatement and Spraying. The entire cost of abating any public nuisance as defined in subsection (d) above or of spraying any tree in accordance with subsection (e) above may be charged to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with § 66.0627 Wis. Stats., now in existence or hereafter amended. The Forester shall keep strict account of the costs of work done under this section and shall report monthly to the Clerk-Treasurer all work done for which assessments are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of land and the amounts chargeable to each. The Clerk-Treasurer shall include in his/her report to the Council the aggregate amounts chargeable to each lot or parcel so reported, and such amounts shall be levied and assessed against such parcels or lots in the same manner as other special taxes.

(4) STORAGE OF INOPERABLE VEHICLES, ETC.

(a) Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers, or railroad engines or cars in the open upon any public or private property within the City limits of the City of Prairie du Chien.

(b) Exceptions.

1) Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three (3) disassembled or wrecked vehicles, including vehicles under repair, in the open for a period in excess of thirty (30) days, unless proper fencing that screens the view of said vehicles is installed.

2) Junk yards licensed under sec. 12.12 of this Code.

(5) STORAGE OF UNLICENSED VEHICLES, ETC.

(a) Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property within the City limits of the City of Prairie du Chien for a period exceeding ten (10) days.

(b) Exceptions. Any business engaged in the sale, repair or storage of such unlicensed vehicles in a properly zoned district.

(6) STORAGE OF RECREATIONAL EQUIPMENT AND TRAILERS REGULATED.

(a) No person shall within the City limits of the City of Prairie du Chien store any recreational equipment on any street right of way for a period of more than twenty-four (24) hours.

(b) Allowance of Limited On-Street Parking of Travel Trailers and Mobile Homes. Travel trailers and mobile homes may be parked on the street right of way adjacent to any business establishment located in a B-2 Highway Commercial District that in the normal course of business is engaged in the sales, maintenance, or repair of said items. Parking shall be for a period of time not to exceed 48 hours per item.

(c) An exemption may be granted, at the approval of the Chief of Police, if the storage of a trailer is required as part of a business' normal operations.

(7) HAZARDOUS SUBSTANCE SPILLS.

(a) DNR NOTIFICATION REQUIRED. Any person who possesses or controls a "hazardous substance," as defined in 144.01(4m), Wis. Stats., which has been discharged or spilled, or who causes the discharge or spilling of such hazardous substance, shall immediately notify the Wisconsin Department of Natural Resources of any such spill or discharge as required in 144.76, Wis. Stats.

(b) CITY NOTIFICATION. In addition to the notification required in subsection (a) above, the owner or the person causing the discharge of a hazardous substance shall immediately notify the Fire Chief of such spill or discharge.

(c) DETRIMENTAL SUBSTANCE SPILL; NOTIFICATION. Any person who possesses or controls a discharged or spilled material, or causes a discharge or spill, which, although not a "hazardous substance" may be detrimental to the general health, safety and welfare of City residents shall immediately notify the Fire Chief. Such detrimental substances may include, without limitation, food products and nitrates.

(d) CLEANUP REQUIRED. Any person responsible for the discharge or spill of any hazardous or detrimental substance shall be responsible for cleanup within a time reasonable under the circumstances. In the event such cleanup is not completed within a reasonable time, the City shall clean up and bill the person responsible.

(e) PENALTY. Any person responsible for a spill or discharge who does not provide the notification required under subsections (a), (b) and (c) above shall be subject to a forfeiture as provided in subsection (8) below of the Code.

(8) ISSUANCE OF CITATION AND ACTION TO ABATE.

(a) Whenever any police officer for the City of Prairie du Chien shall find a violation of the subsections above, he/she shall notify the owner of said property where the violation has occurred in writing.

(b) If the violation is not corrected within ten (10) days of written notification or a plan submitted and approved to correct said violation, the City of Prairie du Chien Police Department shall issue a citation to the property owner or the occupant of the property upon which the violation. In addition, action to abate such nuisance may be commenced, as provided in subsection (10) below.

(10) ABATEMENT. It shall be the duty of the City of Prairie du Chien Police Department to enforce provisions of this subsection. No action shall be taken under this section to abate a public nuisance unless the Chief of

Police, or someone under his/her direction, has inspected or caused to be inspected the premises where the nuisance is alleged to exist and the Chief of Police has satisfied himself/herself that a nuisance does exist.

(a) Summary Abatement

1. Notice to Owner. If the Chief of Police for the City of Prairie du Chien has determined that a public nuisance exists within the city limits of the City of Prairie du Chien and that there is a great and immediate danger to the public health, safety, or peace, the Mayor may direct the Chief of Police to serve notice on the person causing, permitting or maintaining such nuisance, or upon the owner or occupant of the premises where such nuisance is caused, permitted, or maintained, and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within twenty-four (24) hours and shall state that unless such nuisance is so abated, the City shall cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

2. Abatement by City. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found within (10) days, the Chief of Police for the City of Prairie du Chien shall cause the abatement or removal of such public nuisance.

(b) Abatement by Court Action. If the Chief of Police shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, or peace he/she shall serve notice, either in person, by a designee or by certified letter, on the person causing or maintaining the nuisance and the owner of the property to remove the same within thirty (30) days. If such nuisance is not removed within thirty (30) days, he/she shall report such fact to the Mayor, who shall direct the City Attorney to commence an action in Municipal Court for the abatement of the nuisance.

(c) Other Methods Not Excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State, nor as prohibiting an action to be commended in the Municipal or Circuit Court seeking a forfeiture as provided in subsection (8) above.

(d) 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 City 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.

10.04 (PROPERTY MAINTENANCE)

(1) PURPOSE. It is the intent and purpose of this section to encourage, establish minimum standards for and provide for the enforcement of a minimum level of care and maintenance to buildings and properties throughout the city. It is not the intent of this chapter to discourage or inhibit owners of older residences from the upgrading of such residences over an extended period. While most property owners establish a periodic maintenance program to keep their property in a visually pleasing and physically safe and sanitary condition, some properties are unkept and are left to visual or physical decay. Due, primarily, to this circumstance, it has been determined that there is a need to set forth guidelines as well as regulations to ensure the continuing maintenance of property within the City.

(2) APPLICABILITY. This section shall apply uniformly to the maintenance and use of all premises within the City of Prairie du Chien and the owners, occupants and operators thereof.

(3) JUNK AND DIRT PILES

(a) No person, except outside of any building on any public or private real estate located within the City limits of the City as a junk dealer licensed under sec. 12.12 of this Code, shall accumulate, store, or allow any junk of Prairie du Chien.

(b) Any junk, including but not limited to wood, bricks, broken concrete, cinder block, inoperable vehicles or machinery or parts thereof, refrigerators, furnaces, washing machines or dryers, stoves or other unsightly debris, such as may tend to depreciate property values in the area or create a nuisance or hazard shall not be allowed on any property by the owner or occupant thereof, except when such materials are properly housed inside and out of public view.

(c) Lots in developed areas shall be kept free by the owner and/or person authorized to use the same of dirt piles, rubble and any other material or conditions which might hinder maintenance of the property, except that dirt piles used for landscaping shall be leveled and such areas seeded for grass within 30 days of the date of delivery of the dirt. No existing lot shall be exempt from this subsection.

(4) WOODPILES. No person shall store outdoors, nor shall any person permit or allow the outside storage of, firewood on any property used or zoned for residential use, except as is permitted in this section. Firewood shall not be stored in the front yard of such property or within the front yard setback, except that firewood may be temporarily stored for a period not to exceed 14 days from the date of delivery to the property. All firewood shall be stacked neatly and in stable condition above grade to provide drainage and no closer than one foot to any lot line and no higher than five feet above grade, except when adjacent to a fence, where firewood shall be stacked no higher than the uppermost horizontal portion of the fence, or when stacked under a roof. No person shall permit the infestation of mice, rats or other rodents or insects in, under or near the stack. No person shall allow any brush, debris or refuse from the processing of firewood to remain anywhere on the property. The amount of firewood stored must not exceed an amount that would be consumed by the household in a one-year period

(5) MAINTENANCE STANDARDS

(a) Owner and occupant responsibilities. Every owner and occupant of property within the corporate limits of the City of Prairie du Chien has a responsibility to maintain such property in a visually clean, sanitary, safe and groomed condition. More specifically, it is every property owner's and occupant's responsibility to:

1. Keep any building(s) and building-related equipment located on the property in good, safe repair and maintained in a good condition and related to exterior appearance.
2. Keep and maintain all nonsurfaced yard areas as grass or other ground cover in keeping with the other properties in the neighborhood and, in addition, install and maintain trees, shrubs and other landscape materials in a manner to be an attractive setting for the building(s) and the neighborhood and keep landscaping in a neat and groomed manner.
3. Keep all front yards free of the long-term storage of vehicles, equipment and materials which are not specifically accessory to and compatible with the principal use of the property, except where approved by the Plan Commission.
4. Keep and maintain all fences and walls, whether designed to be functional or only decorative, in a safe and good condition and appearance.
5. Keep all signs and lighting on the site in good repair in order to be both safe and visually pleasing.

(b) Minimum property maintenance standards. Following are the minimum standards to be met by a property owner or occupant regarding property maintenance in the City of Prairie du Chien. Violation of these standards may result in the issuance of a citation by the Police Department.

1. All buildings located on property within the City of Prairie du Chien shall be maintained in condition to be safe to both occupants and passersby.
2. All nonpaved yard areas shall be graded to alleviate standing water and shall be maintained in grass, other vegetative ground cover or trees and shrubs compatible with similar uses within the neighborhood. Such ground cover, trees and shrubs shall be kept maintained, except where a land management plan has been filed and approved by the Plan Commission. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or to vehicles traveling on public ways.
3. All yard and landscaped areas shall be kept free of trash, debris, rubbish, garbage, physical hazards, rodent harborage and infestation, animal feces, noxious weeds, old building materials, junk, unlicensed or inoperative vehicles and other such material and equipment which by its appearance, location or use make it incompatible with the principal use or other predominate principal uses in the immediate neighborhood.
4. All outside storage shall be screened from view of the general public by use of such measures as earth berming, vegetative planting, decorative fencing or building positioning.
5. All fences, walls, lighting, signs, storage structures, walks, driveways, parking areas and similar paved areas, meaning covered with concrete, asphalt, stones, or bricks, and other visual physical improvements, construction or appurtenances shall be maintained in a safe, sanitary working order and in good appearance.
6. Every foundation, exterior wall and floor and roof shall be reasonably weathertight, watertight and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained as to ensure that it safely and properly removes the products of combustion from the building.
7. Every window, exterior door, interior door and basement hatchway shall be reasonably weathertight and rodentproof and kept in proper repair.

8. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in proper condition and repair and up to all applicable codes.

9. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative material which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.

10. No person shall dispose of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading or installation of underground utilities upon the surface of any land in the City of Prairie du Chien except at approved disposal sites and with any proper required permits.

11. Parking and/or storage of motor vehicles on private residential properties shall be limited to garages, driveways, parking areas not located in the front yard setback, and carports.

12. No person shall accumulate, store, or allow household appliances or furniture or parts thereof that shall be visible from the Public Right-of-Way upon any public or private property within the City limits of the City of Prairie du Chien, except during those periods designated as Citywide Cleanup Days.

(6) ADMINISTRATION, ENFORCEMENT AND ABATEMENT

(a) The Building Inspector and Police Department are authorized to prepare and distribute procedural rules as they deem necessary to administer the purposes of this ordinance.

(b) If any two (2) households of the City of Prairie du Chien or neighbors make a written and signed complaint, within a ten (10) day period, concerning the maintenance of property within the City, the Building Inspector shall review such complaint, visit the property against which such complaint has been made and, if found to be in violation of this or any other City ordinance, shall issue a notice of such alleged violation to the owner or occupant of the property along with a specified time period within which such violation(s) must be corrected.

(c) The Building Inspector may also issue a notice of alleged violation of this ordinance by his own action, which notice shall be transmitted to the owner or occupant of the property on which such violation exists along with a specified time period within which such alleged violation(s) must be corrected. The property owner shall notify the Building Inspector upon completion of repairs so that a re-inspection may be made.

(d) If violation has not been corrected, or a plan submitted to correct the violation and approved by the Building Inspector, within the time limits allowed by the Building Inspector (not to be less than ten (10) days of issuance of the notice), the Building Inspector shall forward the issue to the Police Department for issuance of a citation on the property owner regarding such violation. For weed and landscaping violations, the Building Inspector shall have the alternative option to instruct the Department of Public Works to correct said violation and charge the actual costs incurred against the property owner. If such charges are not paid by November 29 of the year in which they are billed, such charges shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to Wisconsin Statute 66.98.

(e) Within ten (10) days following the date of issue of any notice by the Building Inspector, the recipient of the notice may apply to the Protection and Health Committee for a hearing for consideration of the alleged violation(s) enumerated in the notice. The applicant of such appeal shall be advised of the time and place of the hearing at least seven (7) working days prior to the hearing; and shall be given an opportunity to be heard and to show cause why such notice should be modified, extended, withdrawn or a variance granted.

(7) TRANSFER OF OWNERSHIP OF NON -COMPLYING BUILDING. It shall be unlawful for the owner of any building, structure or premises upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish to the Building Inspector or Police Chief or designated representative a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation

(8) VIOLATIONS AND PENALTIES. Any person who shall violate any provision of this subsection or fail to comply with any order, rule or regulation made hereunder shall be subject to a daily penalty of twenty-five (25) dollars per violation. Subsequent violations of the same provision within one (1) calendar year shall carry an additional penalty of fifty (50) dollars per day per violation.

10.05 (CLEANUP OF CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES)

(1) GENERAL PROVISIONS. The purpose of this section is to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals or residue from a suspected clandestine drug lab Site or chemical dump Site may exist. Professional reports, based on assessments, testing and investigations, show that chemicals used in the production of illicit drugs can condense, penetrate, and contaminate surfaces, furnishings, and equipment of surrounding structures. The City Council finds that such Sites, and the personal property within such Sites, may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the Site or using or being exposed to contaminated personal property.

(2) INTERPRETATION AND APPLICATION. In the interpretation and application of this section, the provisions herein shall be construed to protect the public health, safety and welfare. Where the conditions imposed by any provision of this section are either more or less restrictive to the public than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements on the public shall prevail. Should any court of competent jurisdiction declare any section or subpart of this section to be invalid, such decision shall not affect the validity of the section as a whole or any part thereof, other than the provision declared invalid.

(3) DEFINITIONS. For the purposes of this section, the following terms or words shall be interpreted as follows:

- (a) Building Inspector: The Building Inspector for the City of Prairie du Chien or his/her duly authorized representative(s).
- (b) Chemical Dump Site: Shall mean any place or area where chemicals or other waste materials used in a clandestine drug lab operation have been located.
- (c) City: Shall mean the City of Prairie du Chien.
- (d) Clandestine Drug Lab Operation: Shall mean the unlawful manufacture or attempt to manufacture a controlled substance.
- (e) Clandestine Drug Lab Site: Shall mean any place or area where law enforcement has determined that an unlawful clandestine drug lab operation exists or existed. A clandestine drug lab Site may include, but is not limited to, dwellings, accessory buildings, structures or units, vehicles, boats, trailers or any other area or locations.
- (f) Controlled Substance: Shall mean any drug, substance or immediate precursor in Chapter 961 of the Wisconsin State Statutes together with any amendments or modifications thereto. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.
- (g) Household Hazardous Waste: Shall mean waste generated from a clandestine drug lab operation.
- (h) Site: Shall mean chemical dump Site and/or clandestine drug lab Site.
- (i) Manufacture: In places other than a pharmacy, shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, and the packing, repacking, tableting, encapsulating, labeling, re-labeling, or filling of a controlled substance.
- (j) Owner: Shall mean any person(s), firm(s), corporation(s) or other entity who or which owns, in whole or in part, the land, building, structure, vehicle, boat, trailer or other location associated with a Site.

(4) DECLARATION OF SITE AS A PUBLIC HEALTH NUISANCE. A Site, all areas in proximity to a Site, and all personal property located on areas in proximity to a Site, are potentially unsafe due to health hazards and are hereby declared to be a public health nuisance.

(5) LAW ENFORCEMENT ACTION.

(a) When a law enforcement authority determines the existence of a Site, the Site and all personal property located in proximity to the Site shall be declared a public health nuisance. Law enforcement authorities who identify conditions associated with a Site are authorized to take the following action:

1. Promptly notify the Building Inspector, child protection officials, public health authorities, and the appropriate enforcement division of the Drug Enforcement Administration of the U.S. Justice Department. This notice must, at a minimum, identify the location of the Site, the property owner, if known, and the conditions found on the Site;
2. Treat, store, transport or dispose of all household hazardous waste found at the Site in a manner consistent with state and federal rules and regulations;

3. Issue a temporary Declaration of Public Health Nuisance for the Site and post a copy of the declaration on all doorway entrances to the Site or, in the case of bare land, post the declaration in several conspicuous places on the property. This temporary Declaration of Public Health Nuisance issued by law enforcement shall not expire until after the Building Inspector inspects the Site and determines the appropriateness of issuing a permanent Declaration of Public Health Nuisance;

4. Notify all persons occupying the Site that a temporary Declaration of Public Health Nuisance has been issued;

5. Require all persons occupying the Site to immediately vacate the Site, to remove all pets from the Site, and not to return to the Site without written authorization from the Building Inspector;

6. Notify all occupants vacating the Site that all personal property at the Site may be contaminated with dangerous chemical residue; and

7. After all occupants have vacated the Site, put locks on each doorway entrance to any buildings located on the Site to prohibit people from entering the Site without authorization.

(b) Prompt notification of the persons and organizations mentioned above may be delayed to accomplish appropriate law enforcement objectives, but only to the extent that public health and child protection responsibilities are not unnecessarily compromised.

(6) SEIZURE OF PROPERTY. When the Site is inside a vehicle, boat, trailer or other form of moveable personal property, law enforcement authorities shall immediately seize it and not allow it to be transported except to a more secure location. In such circumstances, all other requirements of this section shall be followed as closely as possible given the specific type of property in which the Site is discovered.

(7) ACTION BY BUILDING INSPECTOR

(a) Inspection and Declaration of Nuisance. Within forty-eight (48) hours of notification that law enforcement authorities have determined the existence of a Site, the Building Inspector shall cause the Site to be inspected to determine whether to issue a permanent Declaration of Public Health Nuisance. Based on the results of the inspection, the Building Official may then promptly issue a permanent Declaration of Public Health Nuisance and a Do Not Enter – Unsafe to Occupy Order for the Site to replace the temporary declaration issued and posted by law enforcement. A copy of the permanent declaration and order shall be posted on all doorway entrances to the Site or, in the case of bare land, shall be posted in several conspicuous places on the property.

(b) Abatement Order. Within 24 hours after the permanent Declaration of Public Health Nuisance has been issued and posted, the Building Inspector shall send written notice to the Site owner ordering abatement of the public health nuisance. The abatement order shall include the following information:

1. A copy of the Declaration of Public Health Nuisance and Do Not Enter – Unsafe to Occupy Order and a copy of this section;
2. Information about the potentially hazardous condition of the Site;
3. Notification of the immediate suspension of the Site's rental license if applicable; and
4. Information that may help the owner locate appropriate services necessary to abate the public health nuisance.

(c) Notice to Concerned Parties. Within three (3) days after the permanent Declaration of Public Health Nuisance has been issued and posted, the Building Inspector shall also mail a copy of the permanent Declaration of Public Health Nuisance, a copy of this section, and a notification of the suspension of the Site's rental licenses, if applicable, to the following concerned parties at their last known address:

1. Occupants or residents of the Site if the identities of such persons are known;
2. Neighbors in proximity to the Site who may be affected by the conditions found, as determined by the Building Inspector
3. The Prairie du Chien City Administrator
4. The City of Prairie du Chien Chief of Police or his/her duly authorized representative(s); and
5. The Drug Enforcement Administration of the U.S. Justice Department; the Crawford County Health Department, the Wisconsin Department of Health, and the Wisconsin Department of Natural Resources.

(d) Modification or Removal of Declaration. The Building Inspector is authorized to modify or remove the permanent Declaration of Public Health Nuisance after the Building Inspector receives documentation from a City approved environmental hazard testing and cleaning firm stating that the suspected health and safety risks, including those to neighbors and potential dwelling occupants, either do not exist or have been sufficiently abated or corrected to justify amendment or removal of the declaration.

(8) **SITE OWNER'S RESPONSIBILITY TO ACT.** Within ten (10) business days of the date the abatement order is mailed to the owner of the Site, the owner shall accomplish the following:

(a) Provide the Building Inspector with written notification:

1. That the owner has confirmed that all persons and their pets have vacated the Site;
2. Of the name(s) of all children who the owner believes were residing at the Site; and
3. That the Site will remain vacated and secured until the public health nuisance is completely abated as required by this section.

(b) Contract with one or more City approved environmental hazard testing and cleaning firms to conduct the following work in accordance with the most current state and federal Health guidelines:

1. A detailed on-Site assessment of the extent of contamination at the Site and the contamination of the personal property therein;
2. Soil testing of the Site and testing of all property and soil in proximity to the Site which the environmental hazard testing and cleaning firm determines may have been affected by the conditions found at the Site;
3. A complete cleanup of the Site (including but not limited to the clean up or removal of plumbing, ventilation systems, fixtures and contaminated soil) or a demolition of the Site and a complete cleanup of the demolished Site;
4. A complete clean up, or disposal at an approved dump Site, of all personal property in the Site;
5. A complete cleanup of all property and soil in proximity to the Site which is found to have been affected by the conditions found at the Site;
6. Remediation testing and follow-up testing, including but not limited to testing of the ventilation system and plumbing, to determine that all health risks are sufficiently reduced, according to state and federal Health guidelines, to allow safe human occupancy and use of the Site and use of the personal property therein and of all property and soil in proximity to the Site;
7. Provide the Building Official with the identity of the testing and cleaning firm with which the owner has contracted for abatement of the public health nuisance as required above; and
8. Provide the Building Official with a written cleanup schedule with reasonable deadlines for completing all actions required by the abatement order.

(9) **SITE OWNER'S VERIFICATION OF COMPLIANCE.** The Site owner must meet all deadlines established on the cleanup schedule. Pursuant to the deadlines established by the cleanup schedule, the Site owner is required to provide the Building Inspector with a signed statement from a City approved environmental hazard testing and cleaning firm that the Site, all personal property therein and all property and soil in proximity to the Site, is safe for human occupancy and use and that the cleanup was conducted in accordance with the most current state and federal health guidelines.

(10) **SITE OWNER'S RESPONSIBILITY FOR COSTS.** The Site owner is responsible for all costs, including those of the City, of dealing with and abating the public health nuisance, including contractor's fees and the City's costs for services performed in association with the Site. The City's costs may also include, but shall not be limited to:

- (a) Posting of the Site;
- (b) Notification of affected parties;
- (c) Securing the Site, providing limited access to the Site, and prosecution of unauthorized persons found at the Site;
- (d) Expenses related to the recovery of costs, including the assessment process;
- (e) Laboratory fees;
- (f) Cleanup services;
- (g) Administrative fees;
- (h) Legal fees; and
- (i) Other associated costs.

(11) **CITY ACTION AND RECOVERY OF COSTS.**

(a) If the Site owner fails to comply with any of the requirements of this section, the Building Inspector is authorized to take all reasonable actions necessary to abate the public health nuisance including, but not limited to, contracting with a City approved environmental hazard testing and cleaning firm to conduct the work outlined in subsection 8 (b) above.

(b) If the costs to clean the Site or to clean or dispose of the personal property at the Site are prohibitively high in relation to the value of the Site or the personal property, the City is authorized to remove or demolish the Site, structure or building and/or dispose of the personal property therein.

These actions shall be taken in accordance with the provisions of sec. 66.0413, Wis. Stats., together with any amendments or modifications thereto.

(c) If the City abates the public health nuisance, in addition to any other legal remedy, the City shall be entitled to recover all of its out-of-pocket costs plus an additional 25% of such costs for administrative and legal expense. The City may recover its costs both by civil action against the owner of the Site, and by assessing such costs as a special charge against the Site and collected at the time real estate taxes are due and payable. The Building Inspector is authorized to notify any lien and/or mortgage holders of the affected Site.

(12) RECOVERY OF COSTS FROM PERSONS CAUSING DAMAGE. No provisions of this section are intended to limit the Site owner's, residents' or the City's right to recover costs incurred under this section from either the persons contributing to the public health nuisance, such as the operators of the Site, and/or from other lawful sources.

(13) SITE OWNER AND ADDRESS. When the Site is real property and the owner or the address of the owner of the Site is unknown, the owner and the owner's address is deemed to be that of the property's taxpayer's name and address as that information is maintained by the county auditor's office. When the Site is a vehicle, boat or trailer and the owner or the address of the owner of the Site is unknown, the owner and the owner's address is deemed to be that of the person on file as the owner on the current or most recent title to the vehicle, boat or trailer.

(14) UNAUTHORIZED REMOVAL OF POSTINGS. It is unlawful for any person, except authorized City personnel, to remove a temporary or permanent Declaration of Public Health Nuisance and/or Do Not Enter – Unsafe to Occupy order from a Site.

(15) ENTRY INTO OR ONTO SITE. While a Declaration of Public Health Nuisance for an affected Site is in effect and has been posted at the Site, no persons are permitted to be inside the Site, or on the Site property without prior written consent of the Building Inspector or as otherwise authorized by this section. To confirm compliance with this section and to execute their duties under this section, law enforcement officers, the Building Inspector, and any persons designated by the Building Inspector, may enter onto the Site property or enter into the Site at any time while a Declaration of Public Health Nuisance is in effect for the Site.

(16) REMOVAL OF PERSONAL PROPERTY FROM THE SITE. While a Declaration of Public Health Nuisance for an affected Site is in effect and has been posted at the Site, no personal property may be removed from the Site without prior written consent from the Building Inspector. Consent to remove personal property shall only be granted at the reasonable discretion of the Building Official, and only in cases of hardship after:

- (a) A City approved environmental hazard testing and cleaning firm has advised the City, in writing, that the item(s) of personal property can be sufficiently cleaned to remove all harmful contamination; and
- (b) The owner of the personal property agrees in writing:
 - 1. That the owner is aware of the danger of using the contaminated property;
 - 2. That the owner will thoroughly clean the property to remove all contamination before the property is used; and
 - 3. That the owner releases and agrees to indemnify the City, its staff, and the Prairie du Chien City Council from all liability to the owner and/or third persons for injuries or damages caused, or alleged to have been caused, by the contaminated property.

(17) PENALTIES. Any person(s), firm(s), corporation(s), or other entity/entities violating any provision of this Ordinance shall in addition to any costs above set forth shall also be subject to a fine of not less than One-Hundred Dollars (\$100) nor more than One-Thousand Dollars (\$1,000) for each violation of this Ordinance together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County jail until said forfeiture and costs are paid, but not to exceed six (6) months.