

**VILLAGE OF MOUNT CALVARY
FOND DU LAC COUNTY, WISCONSIN**

ORDINANCE PROHIBITING PUBLIC NUISANCES

WHEREAS, the Village Board of Trustees of the Village of Mt. Calvary deems it in the public interest and welfare to establish regulations prohibiting public nuisances as defined herein; and

WHEREAS, the Village finds it necessary to exercise its police powers as authorized by Wis. Stat., § 61.34 for its commercial benefit and in the interest of the health, safety, welfare and convenience of the public;

NOW, THEREFORE, the Village Board of Trustees of the Village of Mt. Calvary, Fond du Lac County, Wisconsin, does ordain as follows:

Section 1. Applicability. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Mt. Calvary.

Section 2. Definitions.

2.1 Public Nuisance – General. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- (b) In any way render the public insecure in life or in the use of property; or
- (c) Greatly offend the public morals or decency; or
- (d) 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.

2.2 Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances per se without regard to the general definition in Section 2.1, but such enumeration shall not be construed to exclude other public nuisances coming within the definition of Section 2.1.

- (a) All decayed, harmfully adulterated or unwholesome food/food byproducts or drink sold or offered for sale to the public.

- (b) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (c) All domestic animals running at large, including, without limitation, dogs, cats, horses, llamas, and all other types of domestic pets.
- (d) The escape of soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.
- (e) The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (f) Any use of property, substances or things within the Village emitting or causing any foul, offensive, nauseous, unwholesome or disagreeable odors, gases, stenches, liquids or substances offensive to the physical senses to an ordinary person possessed of ordinary tastes and susceptibilities or which otherwise annoy, discomfort, injure or inconvenience the health of persons within the Village. This definition shall not apply to odors produced through the operation of farming practices.
- (g) All abandoned wells not securely covered or secured from public use.
- (h) Disassembled, dismantled, partially dismantled, inoperable, junked, wrecked, or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, or campers in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets, highways, or waters.
- (i) Abandoned, discarded or unused objects or equipment such as industrial equipment, farm machinery, furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash, debris, or yard waste.
- (j) Any dwelling or building that has any or all of the following defects:
 - i. Any dwelling or building whose walls or vertical members list, lean or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to $1/3$ of the thickness of such members;
 - ii. Any dwelling or building which has support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads

or which have forty percent (40%) damage or deterioration of the non-supporting, enclosed or outside walls or covering;

- iii. Any dwelling or building which has been damaged by fire, wind or other causes so as to become dangerous to life, safety, morals or the general health and welfare of the occupants;
- iv. Any dwelling or building which has parts thereof which are so attached that they may fall and injure persons or property;
- v. Any dwelling or building which does not have an unobstructed means of egress leading to any open space at ground level;
- vi. Any dwelling or building which does not have the window area for each habitable room equal to at least ten percent (10%) of the total floor of such room;
- vii. Any dwelling or building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous conditions;
- viii. Any dwelling or building which does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system;
- ix. Any dwelling or building which does not have an installed tub or shower and lavatory in each dwelling unit properly connected to hot and cold water supply pipes and the sewer system;
- x. Any dwelling or building which does not have a flush type water closet in each dwelling unit located in a room affording privacy and properly connected to the water supply pipes and sewer system;
- xi. Any dwelling or building which does not have installed electric lighting facilities consisting of at least two separate wall-type convenience outlets or one ceiling-type fixture and one wall-type outlet for every habitable room installed in accordance with the electrical code;
- xii. Any dwelling or building which does not have either central heating, fireproof flues or fireproof vents serving each dwelling unit. All heating equipment

whether installed by owner or occupant must be vented and maintained in good order and repair.

2.3 Public Nuisance Offending the Morals and Decency. The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances offending public morals and decency per se without regard to the general definition in Section 2.1, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency within the definition of Section 2.1.

- (a) Gambling Devices. All gambling devices and slot machines.
- (b) 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 as provided for by the Ordinances of the Village.
- (c) Continuous Violations of Village Ordinances. Any place or premises within the Village where Village Ordinances or State Law relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly, and intentionally violated.

2.4 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 per se without regard to the general definition in Section 2.1, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 2.1.

- (a) All loud, discordant and unnecessary noises or vibrations of any kind. This definition shall not apply to noises made by agricultural vehicles, equipment, or machinery, regardless of the time of day or night.
- (b) The keeping or harboring of any animal or fowl which by frequent or habitual howling yelping, barking, crowing or making of other noises shall annoy or disturb neighbors or other residents of the Village. This definition shall not apply to noises made by farm animals.
- (c) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the village 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.

- (d) All open and unguarded pits, wells, or excavations and all unused, abandoned, or uninhabitable buildings or unused basements freely accessible from any public street, alley or sidewalk.
- (e) Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles, or machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a hazard (except when such items are properly housed and out of public view).
- (f) 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 of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (g) No person shall permit a storage container to be stored on any public or private real estate located in the Village for a period longer than 30 days. "Storage Container" means a container that is originally designed or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities and/or a container originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device, including any container referred to as a "pod" or "transport container" or "portable site container," or any container having a similar appearance to or characteristics of cargo containers.
- (h) All items enumerated in Section 2.2, above.

2.5 Public Nuisances – Weeds and Grasses. All noxious weeds as defined in Wis. Stat., § 66.0407, any other weeds, weed plants or grasses which cause or produce hay fever in human beings, emit unpleasant or noxious odors or conceal filthy deposits, and all weeds, weed plants and grasses which exceed a height of five inches (5”) during any continuous period of ten (10) days or more.

2.6 Abandoned Vehicles and Storage of Junk.

- (a) No person shall leave an unsheltered accumulation of storage of old, unused, unlicensed, stripped, junked, and/or other automobiles not in good and safe operating condition, any other vehicles, machinery, implements, equipment, any parts thereof, and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured is declared to be a nuisance and dangerous to the public health, safety, and well-being.
- (b) The owner, tenant, lessee and occupants of any lot upon which such accumulation or storage is made and the owner and lessee of the items involved in such storage, all

referred to collectively as “owners,” shall jointly and severally abate the nuisance by promptly moving such items into completely enclosed buildings within the Village, or by moving the items to a location outside the Village.

Section 3. Abatement of Public Nuisances.

3.1 Inspection of Premises. Whenever a complaint is made to a member of the Village Board of Trustees that a public nuisance exists within the Village, the Village Board of Trustees shall inspect or cause to be inspected the premises complained of.

3.2 Notice to Owner. If the Village Board of Trustees determines that a public nuisance exists within the Village, it shall provide notice to the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting or maintaining the nuisance or the owner or occupant of the premises to abate or remove such nuisance within three (3) days. The notice shall also state that unless such nuisance is so abated, the Village 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.

3.3 Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Village shall cause the abatement or removal of such public nuisance.

3.4 Abatement by Court Action. If the Village shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten immediate danger to the public health, safety, peace, morals or decency, the Village may cause an action to abate such nuisance to be commenced in the name of the Village in the Circuit Court of Fond du Lac County.

3.5 Other Methods Not Excluded. Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

Section 4. Cost of Abatement.

In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village 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.

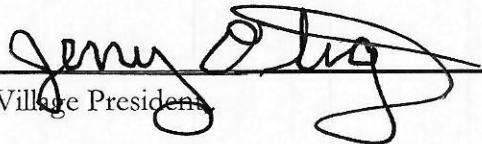
Section 5. Penalties.

Any person who violates any provision of this Ordinance or any order, rule or regulation made hereunder shall, upon conviction, be fined not less than \$50.00, nor more than \$500.00 for each offense, together with the costs of prosecution, including reasonable attorneys' fees. Each day that a violation continues shall be considered a separate offense. Furthermore, the Village shall be permitted to withhold the issuance of licenses, authorities, grants or permits until the nuisance has been abated and all penalties and costs satisfied.

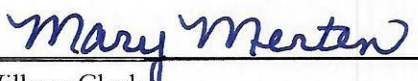
Section 6. Interpretation and Severability.

6.1 Interpretation. The provisions of this Ordinance are not intended to supersede or modify provisions of existing Zoning Ordinances or other rules, regulations and ordinances adopted by the Village. Where the provisions of this Ordinance impose greater restrictions than any statute, ordinance or covenant, the provisions of this Ordinance shall prevail.

6.2 Severability. It is hereby declared to be the legislative intent that should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance in its entirety or any part thereof, other than that so declared to be invalid.



Village President

Attest:


Village Clerk

Adopted this 13th day of April, 2026.