

## CHAPTER 10

### PUBLIC NUISANCE

#### I. MAINTENANCE OF PROPERTY

- A. Purpose: When buildings or structures and the premises area are in the state of disrepair or not in a neat and attractive appearance, a condition is created which may cause or contribute to injury of persons or property, unsanitary conditions endangering health and safety of persons using the premises, and the depreciation of real estate property values in the Village. Each of the above conditions creates a public nuisance. This ordinance does not apply to property zoned conservancy. (06/2005)
- B. Exteriors: With respect to all buildings or structures, including fences, planters, and retaining walls; the owner, occupant or agent shall keep the exterior thereof in a neat and attractive appearance and structurally sound.
- C. Planting & Lawns: The owner, occupant, or agent of all premises shall maintain trees, shrubs, and other plantings in a neat and attractive appearance. The aforementioned shall be maintained so as not to obstruct vision of drivers using village streets. Trees, shrubs, and plantings shall not be planted in a way that will obstruct the vision of drivers. Dead or dying trees or shrubs shall be removed. Grass shall be cut as often as necessary to maintain a neat and attractive appearance.
- D. Storage of Property: The owner, occupant, or agent of all premises shall not store outside property not in good operating or usable condition on the premises.
- E. Litter: The owner, occupant, or agent of all premises shall at all times keep the premises clean of all litter and shall take such necessary measures to prevent litter from being carried by the elements to adjoining premises. Litter may include, but is not limited to, newspapers, wrapping papers, magazines, glass, containers and construction materials except where permitted by Village rules and ordinances. All refuse cannot be put on curbside more than 24 hours prior to scheduled pick-up. All recycling bins must be removed from curbside no later than 24 hours after pick-up.
- F. Non-Residential Premises: In addition to the above, owner, occupant, or agent of all non-residential premises, with the exception of property zoned conservancy, shall: Maintain all parking areas, driveways, and approaches in a neat and attractive appearance and structurally sound, including but not limited to, the elimination of holes, excavations, wet spots, breaks, broken surfaces, and bumps. (06/2005)
- G. Enforcement, Notices & Hearings:
  1. Service of Notices: Whenever the Bangor Police Department determines that there are reasonable grounds to believe that there has been a violation to the person or persons responsible therefore, such notices shall:
    - a. Be in writing
    - b. Include a description of the real estate sufficient for identification
    - c. Include a statement of the reason or reasons why it is being issued a statement of remedial actions, which, if taken, would affect compliance with the provisions of this ordinance

- d. State a reasonable date for the performance of any remedial action
- e. Be served upon the owner, occupant, or agent, as the case may require, provided that such notice shall be deemed to be the property served upon such owner, occupant, or agent, if a copy is delivered to him personally or, by leaving a copy at his place of abode with a person at least 18 years of age and residing there or by mailing by certified mail a copy to the last address and the date of mailing shall be deemed date of service.

H. Repairs or Remedial Actions: Whenever the owner, occupant, or agent fails, neglects or refuses to take remedial action or take other corrective action called for by the notice provided in this ordinance, and after the later of ten (10) days from service, or the date stated in the notice, that person or agent may be subject to a fine of not less than \$1 nor more than \$2000 each day after the date for remedial action stated in the notice. If such person continues to violate such order, then person shall also be liable for further prosecution, conviction, and punishment under the same order, without any necessity of the Bangor Police Department issuing a new order, until such order has been complied with. Every owner, occupant, or agent who has received notice of the intention of the Village to make repairs or take action shall give entry and free access to the Village, its agent, or independent contractor for the purposes of making such repairs or remedial action taken at the direction of the Village Board shall constitute a special charge for current services pursuant to Wis. Stats. Sec. 66.60(16) with a penalty of 10% per annum on the unpaid amount, starting with the 30th day provided above.

I. Petition for Hearing: Any person affected by any notice which has been issued in connection with the enforcement of this ordinance may request and shall be granted a hearing before the Village Board provided that such person shall file a written petition with the Village Clerk requesting such hearing and setting forth a statement of the ground thereof within 10 days of service of the notice.

Within 10 days of filing such petition, the Board shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing shall be commenced not later than 30 days after the date the petition was filed, provided that upon written application of the petitioner, the board may postpone the date of the hearing for a reasonable time beyond such 30 day period if, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement.

## II. UNNECESSARY BLOWING OF RAILROAD WHISTLES AND HORNS

- A. No railroad company or any of its agents or employees shall blow or cause to be blown any whistle or horn within the limits of the Village of Rockland from 10:00 o'clock p.m. to 6:00 o'clock a.m. except when necessary to prevent damage to property or injury to persons, or when visibility is impaired by weather conditions, or when required by federal or state regulation.
- B. Penalties: Any person violating this ordinance shall, upon conviction thereof, forfeit not less than \$20 nor more than \$500 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the La Crosse County Jail until payment of such forfeiture and the costs of prosecution, but not

exceeding 90 days for each violation, provided, however, that in no case shall the forfeiture imposed for a violating this ordinance exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

### III. WEED ABATEMENT

- A. Purpose: To regulate and control noxious weeds in the Village of Rockland.
- B. Definition: For purposes of this section, noxious weeds shall be defined as dandelions, any thistles, leafy spurge, ragweed, silkleaf, pigweed, milkweed, field bindweed, nettles, poison ivy, or any grasses which are over ten inches in height, with the exception of flowers or ornamental grasses which are kept in a landscaped portion of a yard or garden, and also excepting all plants grown in a tilled garden for food production purposes.
- C. Owner Responsibility: It shall be duty of every owner, possessor or occupier of land within the Village, or of every person having charge of such lands, to cut or cause to be cut or otherwise destroy all noxious weeds, grass, or other growth thereon, detrimental to the orderly appearance, health, and safety of the citizens of the community, as often as may be necessary to prevent them from blooming or before they grow to a height of more than eight (8) inches. (07/2005)
- D. Failure to Comply: In case the aforesaid responsible person(s) shall refuse or neglect to comply with the provisions of this Ordinance within the time limits established herein, the Village Clerk shall serve personally or by mail, a copy of this ordinance together with a notice to said responsible person(s) to cut or cause to be cut or otherwise destroy all of said noxious weeds, grass, or other growth on such land within a period of five (5) calendar days from and after service on such notice.

In the event of failure to comply with the provisions of this Ordinance after notice as required, the Village shall cause the cutting of said weeds, grass, or other growth by the Village or by a private contractor engaged for such cutting. The charges for this will be assessed in the next tax roll as a tax on the land upon which such weeds, grass, or other growth were cut or destroyed and shall be collected as all other taxes assessed to the tax statement of the affected property in accordance with the following:

1. \$50.00 fee for the first cutting (06/2017)
2. \$200.00 for subsequent cuttings (06/2017)