

CHAPTER

5

AN ORDINANCE OF THE ROCKDALE MUNICIPAL CODE

The Village Board of the Village of Rockdale, Dane County, Wisconsin, do ordain as follows:

1. Section 5.14 of the Rockdale Municipal Code is hereby created and shall read as follows:

(1) PROVISIONS. No persons shall sell, keep for sale, give away, deal in, traffic in or permit to be sold, kept for sale, given away, dealt in or trafficked in to consumers within the Village any alcohol beverages, except in strict accordance with this section.

(2) STATE STATUTES ADOPTED. The provisions of the Wisconsin Statutes set forth herein are hereby adopted and made a part of this section by reference, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of such statutes. A violation of any such provision shall constitute a violation of this section. This adoption by reference shall include all amendments of and to the listed provisions. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

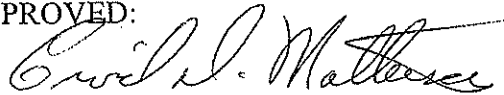
125.02	Definitions
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125.28	Wholesalers' Licenses
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125.315	Evading Provisions of Law by Giving Away Fermented Malt Beverages
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125.67	Evading Provisions of Law by Giving Away Intoxicating Liquors; Penalties
125.68	General Restrictions and Requirements

2. This ordinance shall take effect upon its passage and publication.

Adopted on roll call at a regular meeting of the Village Board of the Village of
Rockdale held on the 20th day of November, 2000.

APPROVED:



Arvid Mathison, Village President

VOTE:


Ayes: 3

Noes: 0

Adopted: 11-20-00

Published: 11-30-00

ATTEST:



Marilyn Gunderson, Village Clerk

NUISANCES AND OTHER OFFENSES AGAINST THE PUBLIC

5.01 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

5.02 PUBLIC NUISANCE DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (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) Greatly offend the public morals or decency;
- (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 or the use of public property;

5.03 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 definition of sec. 5.02:

- (A) Adulterated Food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (B) Unburied Carcasses. 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) Breeding Places for Vermin, Etc. 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.
- (D) Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.

(E) **Privy Vaults and Garbage Cans.** Privy vaults and garbage cans which are not fly-tight.

(F) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation. All weeds and grass shall be cut to a height not to exceed 1'.

(G) **Water Pollution.** 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.

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

(I) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.

(J) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village or within one mile therefrom in such quantities as to endanger the health of persons or ordinary sensibilities or threaten or cause substantial damage to property in the Village.

(K) **Outdoor Storage of Unsightly Items.** No person shall store or accumulate outdoors on his own land any of the following unsightly items unless such land is zoned to permit such storage or accumulation;

- (1) Motor vehicles, boats or aircrafts not in operating condition.
- (2) Junk, refuse, litter, garbage and scrap or waste matter.
- (3) Commercial truck, tractors or trailers.
- (4) Building materials, construction or earth moving equipment not being used on a building project approved by the Village and currently in progress.

(L) **Animal Defecation.** All excreted animal feces which are not removed immediately and properly disposed of by burial or other suitable sanitary means by the person owning or having control of such animal.

5.04 **PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed

to exclude other nuisances offending public morals and decency coming within the definition of 5.02 of this chapter:

(A) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(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) **Use and Sale of Illicit Drugs.** All houses, buildings or structures where illicit drugs are kept, sold, dispensed or used.

(D) **Gambling Devices.** All gambling devices and slot machines.

(E) **Continuous Violation of Village Ordinances.** Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(F) **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.

5.05 **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 5.02 of this chapter:

(A) **Signs, Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.

(B) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.

(C) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.

(D) **Obstruction of Intersections.** 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 crosswalk.

(E) **Tree Limbs.** All limbs of trees which project over a public sidewalk or street and which are less than 10' above the surface of the street.

(F) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public. A tree whose roots penetrate the public sewer or cause a heaving of the sidewalk shall be included within this subsection.

(G) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

(H) **Wires Over Streets.** All wires over roads or public grounds which are strung less than 15' above the surface thereof.

(I) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises tends to unreasonably disturb others within the Village.

(J) **Obstructions of Streets and Excavations.** All obstructions of streets, alleys, sidewalks or cross walks 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 or do not conform to the permit.

(K) **Unlawful Assembly.** 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 crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(L) **Flammable Liquids.** Repeated or continuous violations of the laws of the State relating to the storage of flammable liquids.

(M) **Fireworks.** All use of fireworks except as provided by State and Village ordinance.

(N) **Animals Running at Large.** Animals which run at large within the Village. An animal shall be deemed to be running at large if it is off the premises of the owner and is not restrained by a leash or is not under the control of a person of suitable age and ability.

(O) **Vehicle Abandonment Prohibited; Removal; Disposal.**

(1) No person shall leave unattended any motor vehicle, mobile home, trailer, semitrailer or recreational vehicle on any public street or highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever a vehicle has been left unattended on any street or highway, or public or private property without the permission of the property owner or other person

charged with the lawful jurisdiction thereof for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view or when designated as not abandoned by the Constable, the Village Board or their designees.

(2) The Village Board or their designees shall send a notice of abandonment by certified mail to the owner of the real property on which the vehicle is located, vehicle owner (if known) and vehicle lienholder (if known) on any vehicles which qualify as abandoned under par. (1) above. If the vehicle remains in approximately the same location for at least 48 hours after the mailing of notice of abandonment, the Village Board may issue a vehicle abandonment citation and tow the vehicle.

(P) Unlicensed Vehicles. Not more than one unlicensed vehicle may be kept on property within the Village, whether public or private. The Constable shall give written notice to the owner of record and allow a reasonable amount of time (as deemed by him) and will arrange for the removal of said vehicle if the notice is not heeded. Costs for removal will be the responsibility, of the owner. If the costs are not paid, the expense shall be placed on the tax roll as a special charge.

(Q) Blighted Property and Premises. Premises existing within the Village which are blighted because of failure to maintain them in a proper state of repair, improper management, or due to the accumulation thereon of junk or other unsightly debris, and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Village.

5.06 KEEPING OF ANIMALS AND POULTRY.

No horse, mule, donkey, pony, cow, goat, sheep or animal raised for fur bearing purposes, or poultry shall be kept within the Village limits except in areas zoned as Agricultural Districts unless a special written permit is issued therefore by the Constable, Village Board or its designate agent, after an inspection of the premises and a finding of fact to the effect that no nuisance shall be created thereby. Such special permit shall be issued for the keeping of any such animals only where such animals were being lawfully kept prior to October 1, 1982. A permit shall be a term of one (1) year and no renewal shall be issued without a reinspection.

5.07 ABATEMENT OF PUBLIC NUISANCES.

(A) Enforcement. The Constable, or his designee shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the Constable shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist.

(B) Summary Abatement. If the inspecting officer determines that a public nuisance exists

within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village Board may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(C) Abatement by Court Action. If the inspecting officer determines 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, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Village President who, upon direction of the Village Board, shall cause an action to abate such nuisance to be commenced in the name of the Village in Dane County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.

(D) Other Methods Not Excluded. Nothing in this Chapter 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.

5.08 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 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.

5.09 – RESERVED FOR FUTURE USE

OTHER OFFENSES

5.10 STATE STATUTES ADOPTED – Amended 2/98

The following state statutes are adopted by reference provided that the penalty for commission of such offenses shall be limited to forfeiture imposed under the general penalty provisions of the Code of Ordinances. Any future amendments, revisions or modifications of the Statutes are incorporated by reference and are intended to be made part of this Code.

The Statutory sections listed shall be designated as part of the Code by adding the prefix “5” to each section number.

Chapters 340 through 349	Traffic Code
Chapters 48 and 938	Juvenile Justice Code
Chapters 939 through 961	Criminal Code
Section 134.65	Cigarette and Tobacco Products Retailer License
Section 134.66	Restrictions on Sale of Gift of Cigarettes or Tobacco Products

Section 167.10 Fireworks Regulated
Section 175.25 Illegal Storage of Junk Vehicles

5.15 CURFEW.

(1) No person under age sixteen (16) shall be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building, or any public place within the Village of Rockdale between the hours of 11:00 p.m. and 6:00 a.m. the next day, unless accompanied by his or her parent or guardian or person having lawful custody and control of his or her person.

(2) Exceptions. This section shall not apply to a child:

- (a) Who is performing an errand as directed by his parent, guardian or person having lawful authority.
- (b) Who is on his own premises.
- (c) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
- (d) Who is returning home from a supervised school, church or civic function, but not later than sixty (60) minutes after the ending of such function.

(3) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

5.16 PENALTY.

Except as otherwise provided, any person found to be in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in the general penalties section of this Municipal Code.