

Village of De Soto
Ordinance No.24

Disturbing the Peace and
Unreasonable Noise,
Creating a Public Nuisance,
Harassment

SECTION 1: DISTURBING THE PEACE AND UNREASONABLE NOISE

No person or persons, firm or corporation occupying or having charge of any building or premises, or any part thereof, shall within Village of De Soto:

- (a) Make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented or is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.
- (b) Cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph, or other mechanical or electrical device, instrument or machine, automobile or motorcycle, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity of.
- (c) Any place of business, private residences, etc., where music or any noise is being held, must close all openings where noise can emanate from at 10:00PM
- (d) Keep or allow to be kept any animal which shall habitually by any noise disturb the peace and quiet of any person in the vicinity thereof.
- (e) Exemption: Non reoccurring outdoor activity taking place past 10:00p.m. and not beyond 12:00am that has been previously approved by Village Board.

SECTION 2: CREATING A PUBLIC NUISANCE

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

- (a) **PUBLIC NUISANCE DEFINED.** A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:
 - 1. Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public.
 - 2. In any way render the public insecure in life or in the use of property.
 - 3. Greatly offend the public morals or decency
 - 4. 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.

(b) PUBLIC NUISANCES AFFECTING HEALTH

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisance.

1. Adulterated food. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
2. 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.
3. Breeding places for insects or vermin. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or their vermin can breed.
4. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
5. Privy vaults and garbage cans. Privy vaults and garbage cans which are not flytight.
6. Noxious weeds. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed eight inches. The Village may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property under 66.0627, Wis. Stats.
7. Water pollution. The pollution of any public water supply, stream, lake, canal or other body of water.
8. Noxious odors, etc.. Any use of property, substances or things within the Village emitting or causing any foul, offensive noisome, noxious or disagreeable odors, gases, effluvia or stench repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of persons within the Village.
9. Street pollution. Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
10. 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 wherefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Village.
11. Lighting. Telecommunication facilities shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable regulatory authority. If lighting is required, the lighting design which would cause the least disturbance to the surrounding views shall be chosen.

SECTION 3: HARASSMENT

Whoever, with intent to harass or intimidate another person, does any of the following is subject to forfeiture not to exceed \$1000.00.

1. Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.
2. Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

SECTION 4: AUTHORITY

This chapter is adopted pursuant to the authority granted in Wis. Stats. Chs. 66, 254 and 823.

SECTION 5: PENALTY

Any person who violates any provision of this ordinance shall upon conviction thereof forfeit not less than \$100.00 nor more than \$1,000.00 together with the cost of all litigation and court costs.

SECTION 6: EFFECTIVE DATE

This ordinance shall take effect from and after its passage and posting as required by law and supersedes any other versions. Any person, place or thing that pertains to this ordinance and/or preexisted before this ordinance takes effect, shall be included and enforced in this ordinance.

PASSED AND APPROVED THIS 5th DAY OF August, 2006

Village President *Chris Mussatti*
Chris Mussatti,

ATTEST: *Carrie A. Brudos*
Carrie A. Brudos, Village Clerk

POSTED: 8-15-06