

CHAPTER 24

PROPERTY MAINTENANCE

- 24.01 Findings and Declaration of Policy**
- 24.02 Purpose**
- 24.03 Definitions**
- 24.04 Applicability**
- 24.05 Exterior of Premises**
- 24.06 Abandoned Buildings**
- 24.07 Natural Lawns**
- 24.08 Limitation on Height of Lawn and Grasses**
- 24.09 Removal of Snow and Ice**
- 24.10 Enforcement and Penalties**

CHAPTER 24

PROPERTY MAINTENANCE

SECTION 24.01 Findings and Declaration of Policy.

The Village Board does hereby find and declare that:

- (a) There exist in the Village premises used for residential and nonresidential purposes which are, or may become in the future, substandard with respect to structures, equipment or maintenance.
- (b) Such conditions, including but not limited to structural deterioration, lack of maintenance and appearance of the exterior of the premises and appurtenant lawns, infestation and existence of fire hazards, constitute a threat to the health, safety, general welfare and reasonable comfort of the citizens of the Village.
- (c) By reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions, and if these conditions are not curtailed and removed they will grow and spread and will necessitate the expenditure of large amounts of public funds to correct and eliminate.
- (d) As the result of the regulations and restrictions contained in this chapter, the desirability and amenities of residential and nonresidential uses may be enhanced and the public health, safety and general welfare be protected and fostered.

SECTION 24.02 Purpose.

The purpose of this chapter is to protect the public health, safety and general welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises; to fix certain responsibilities and duties upon owners and operators and occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; and to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use.

SECTION 24.03 Definitions.

The following words and terms, wherever used in this chapter, shall be defined as follows unless a different meaning clearly appears from the context:

- (a) **Abandoned Building.** A building that has been vacant of human habitation for more than 6 months and is not listed for sale or rent to the general public, and which appears to be dilapidated, unsanitary, in need of repair or otherwise unfit for human habitation.

- (b) **Deterioration.** The condition of a building or part thereof characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.
- (c) **Exposed to Public View.** Any premises or building or part thereof which may be viewed by the public.
- (d) **Exterior of the Premises.** The open space on the premises outside of any building thereon.
- (e) **Extermination.** The control and elimination of insects, rodents, vermin and other pests.
- (f) **Infestation.** The presence of insects, rodents, vermin or other pests on the premises that constitute a health hazard.
- (g) **Lawn.** Land covered with cool season grasses maintained at a low height.
- (h) **Noxious Weeds.** Canada thistle, leafy spurge, field bindweed (creeping jenny), purple loosestrife, multiflora rose, burdock, common ragweed, great ragweed, garlic mustard, goat's beard, poison ivy, wild parsnip, cocklebur, pigweed, common lambsquarter, curled dock, hemp, and English plantain.
- (i) **Premises.** A lot or parcel of land including the buildings and structures thereon and its appurtenant lawn, if any.
- (j) **Property Owner.** Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof.
- (k) **Public Nuisance.** A thing, act, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, safety and general welfare of the public;
 - (2) In any way render the public insecure in life or the use of property; or
 - (3) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley or other public way or the use of public property.
- (l) **Waste.** Includes but not limited to garbage, litter, refuse, trash, rubbish, junk and debris.

SECTION 24.04 Applicability.

Every residential, nonresidential or mixed-occupancy building and the land on which it is located, used, or intended to be used for residential, commercial, agricultural or industrial occupancy shall be subject to the provisions of this chapter whether or not such building or premises shall have been constructed, altered, repaired, installed or planted before or after the effective date of this chapter.

SECTION 24.05 Exterior of Premises.

- (a) **Maintenance of Exterior of Premises.** The exterior of the premises and all structures thereon shall be kept free of unsanitary conditions and any hazards to

the safety of the occupants, invitees, pedestrians and other persons utilizing or coming on the premises. The exterior of every structure on a premises, including fences or enclosures, shall be maintained in good repair, free of broken glass, loose shingles, crumbling stone or brick, excessively peeling paint, loose boards or other conditions indicative of deterioration or inadequate maintenance, all to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blight. Any of the foregoing conditions are found to be public nuisances and shall be promptly removed and abated by the property owner. Such public nuisances include, but are not limited to, the following:

- (1) Waste.
 - (2) Dead and dying trees and limbs or other natural growth which by reason of rotting, deteriorating conditions or storm damage constitutes a hazard to persons in the vicinity.
 - (3) Sources of infestation.
 - (4) Lack of maintenance to the exterior of the premises, including open space, and the exterior of all structures thereon such that the appearance of the premises and structures or waste or other property thereon contributes to blight.
- (b) **Nuisances Prohibited.** No person, firm, corporation, company or organization shall permit any public nuisance as defined in Subsection (a) above to remain on any premises owned, controlled or occupied by such person, firm, corporation, company or organization within the Village.
- (c) **Inspection.** The Village Building Inspector may inspect any premises and place within the Village to determine whether any public nuisance exists.
- (d) **Abatement of Nuisance.** If the Village Building Inspector determines that any public nuisance exists, such inspection shall be immediately reported to the Village Board, which may cause notice to be served personally or by certified mail, return receipt requested (and a copy by regular mail), on the property owner that the Village Board proposes to order the abatement of the public nuisance.
- (e) **Hearing.** If the property owner believes that no public nuisance exists, such person may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Administrator/Clerk-Treasurer's office within 10 days of the date of delivery of the notice from the Village. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the owner's request. At the hearing, the owner may appear in person or by an attorney, may present witnesses and may cross-examine witnesses presented by the Village. At the close of the hearing, the Village Board shall make its decision in writing. If the Village Board determines that a public nuisance does exist, the Village Board shall order the nuisance abated. The order shall specify the time by which the nuisance shall be abated which shall not be less than 48 hours from delivery of said order either personally or by certified mail, return receipt requested.

SECTION 24.06 Abandoned Buildings

- (a) **Findings.** If the Village Building Inspector, or his designee determines that a building is abandoned as defined in this chapter, and the building may have unsanitary conditions or pose hazards to the safety of future occupants, invitees, pedestrians and other persons that may enter the building, the Building Inspector may find that a public nuisance exists. Any of the foregoing conditions are found to be public nuisances and shall be promptly removed and abated by the property owner. Such public nuisances include, but are not limited to, the following:
 - (1) Waste within the building.
 - (2) Sources of infestation.
 - (3) Conditions within the building that make the building unsafe, unsanitary, unfit for human habitation, occupancy or use, or which make the building in danger of structural collapse
- (b) **Nuisances Prohibited.** No person, firm, corporation, company or organization shall permit any public nuisance as defined in Subsection (a) above to remain on any premises owned, controlled or occupied by such person, firm, corporation, company or organization within the Village.
- (c) **Inspection.** The Village Building Inspector may inspect any premises and place within the Village to determine whether any public nuisance exists. If the Building Inspector needs access to the building and the owner of the building does not consent to an inspection, the Building Inspector may apply for a special inspection warrant pursuant to section 66.0119 of the Wisconsin Statutes
- (d) **Abatement of Nuisance.** If the Village Building Inspector determines that any public nuisance exists, such inspection shall be immediately reported to the Village Board, which may cause notice to be served personally or by certified mail, return receipt requested (and a copy by regular mail), on the property owner that the Village Board proposes to order the abatement of the public nuisance.
- (e) **Hearing.** If the property owner believes that no public nuisance exists, such person may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Administrator/Clerk-Treasurer's office within 10 days of the date of delivery of the notice from the Village. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the owner's request. At the hearing, the owner may appear in person or by an attorney, may present witnesses and may cross-examine witnesses presented by the Village. At the close of the hearing, the Village Board shall make its decision in writing. If the Village Board determines that a public nuisance does exist, the Village Board shall order the nuisance abated. The order shall specify the time by which the nuisance shall be abated which shall not be less than 48 hours from delivery of said order either personally or by certified mail, return receipt requested.

SECTION 24.07 Natural Lawns.

- (a) **Definition.** “Natural lawn” shall include common species of grass and wildflowers native to North America which are designed and purposely cultivated to exceed six inches in height from the ground surface and which cover a cumulative area greater than 600 square feet. Specifically excluded in natural lawns are noxious weeds. The growth of a natural lawn in excess of six inches in height from the ground surface is prohibited unless a natural lawn permit is issued by the Village as set forth in this section. Natural lawns shall not contain waste and shall not harbor undesirable wildlife.
- (b) **Application Process.**
- (1) “Natural lawn management plan” as used in this section shall mean a written plan relating to the management and maintenance of a lawn upon which the planted grass and wildflowers may exceed six inches in height, a statement of intent and purpose for the lawn, a detailed description of the vegetation types, plans and plant succession involved, and the specific management and maintenance techniques to be employed.
 - (2) Natural lawn management plans shall be limited to the planting and cultivating of natural lawns on property owned by the applicant. Unless approved by the Village, applicants are prohibited from developing a natural lawn on any Village-owned property, including street right-of-way. This shall include, at a minimum, property located between the sidewalk and the street or a strip not less than 10 feet adjacent to the street where there is no sidewalk, whether the area is under public or private ownership. In addition, a natural lawn shall not be permitted within 10 feet of abutting property unless waived in writing by the abutting property owner on the side so affected. Such waiver shall be affixed to the lawn management plan.
 - (3) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Administrator/Clerk-Treasurer. The completed application shall include a natural lawn management plan. Copies of the completed application shall be mailed by the applicant to each of the owners of record, as shown on the tax rolls of the Village who are owners of the property situated wholly or in part within 200 feet of the boundaries of the property for which the application is made. The applicant shall provide a statement to the Village that such notice has been given. The neighboring property owners shall have 15 business days to provide written comments to the Village Administrator/Clerk-Treasurer, and in the instance where 51% of the neighboring landowners object to establishing a natural lawn, the application shall be denied.
 - (4) The application of the property owner shall be reviewed by the Director of Public Facilities, and if the application is in full compliance with the natural lawn management plan requirements, the Village Administrator/Clerk-

Treasurer shall issue permission to install a natural lawn. Denial of the application or granting permission shall be by notice in writing to the property owner delivered personally or by certified mail, return receipt requested.

- (c) **Hearing.** Appeals from the grant or denial of a natural lawn application shall be to the Village Board. The request for appeal must be made in writing to the Village Administrator/Clerk-Treasurer within 20 days of the date of delivery of the notice of the grant or denial of the application. When a hearing is requested, a hearing by the Village Board shall be held not less than five days from the date of the property owner's request. At the hearing, interested parties may appear in person or by attorney, may present witnesses and may cross-examine witnesses. At the close of the hearing, the Village Board shall make a final and binding decision.
- (d) **Safety Precautions for Natural Grass Areas.** When, in the opinion of the Director of Public Facilities, the presence of a natural lawn may constitute a fire or safety hazard, due to weather and/or other conditions, the Director of Public Facilities may order the cutting of the natural lawn to a safe condition. As a condition of receiving the original natural lawn permit, the property owner shall be required to cut the natural lawn within three days of receiving written direction from the Director of Public Facilities. Natural lawns shall not be removed through the process of burning without a burn permit from the Village.
- (e) **Revocation of an Approved Natural Lawn Management Plan Permit.** The Village Administrator/Clerk-Treasurer, upon the recommendation of the Director of Public Facilities, shall have the authority to revoke an approved natural lawn management plan permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in the approved natural lawn management plan permit or any requirements set forth in this section. Notice of intent to revoke an approved natural lawn management plan shall be by notice in writing to the property owner delivered personally or by certified mail, return receipt requested. Delivery shall be complete upon mailing. A property owner receiving a notice of intent to revoke an approved natural lawn management plan permit may request a hearing before the Village Board.
- (f) **Hearing.** A request for a hearing shall be made in writing to the Village Administrator/Clerk-Treasurer's office within 20 days of the date of delivery of the notice of intent to revoke the approved natural lawn management plan from the Village. Failure to file an application for appeal within 20 calendar days shall result in the revocation of the natural lawn management plan permit. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the property owner's request. At the hearing, the property owner may appear in person or by attorney, may present witnesses and may cross-examine witnesses. At the close of the hearing, the Village Board shall make a final and binding decision.

(g) **Public Nuisance Defined; Abatement After Notice.**

- (1) The growth of a natural lawn as defined in this section shall be considered a public nuisance unless a natural lawn management plan has been filed and approved and a permit issued, and not subsequently revoked, by the Village as set forth in this section. Violators shall be served with a notice of public nuisance by personal delivery or certified mail, return receipt requested.
- (2) If the person so served with a notice of public nuisance does not abate the nuisance within 10 days, the Director of Public Facilities may proceed to abate such nuisance, keeping an account of the expenses of the abatement. Such expense shall be charged to and paid by the property owner. Notice of the charge for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within 10 calendar days from receipt thereof. If such charge is not paid within 60 days of the date of mailing of notice to the property owner, the Village Administrator/Clerk-Treasurer shall enter those charges onto the tax roll as a special tax.

SECTION 24.08 Limitation on Height of Lawn and Grasses.

- (a) **Purpose.** This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village.
- (b) **Public Nuisance Defined.** Any lawn, noxious weed or grass which exceeds six inches in height is hereby declared to be a public nuisance, except for property located in a wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 24.07.
- (c) **Nuisances Prohibited.** No person, firm, corporation, company or organization shall permit any public nuisance to remain on any premises owned, controlled or occupied by such person, firm, corporation, company or organization within the Village.
- (d) **Inspection.** The Village may cause to be inspected all premises within the Village to determine whether any public nuisance exists.
- (e) **Abatement of Nuisance.** If an inspection shall determine with reasonable certainty that any public nuisance exists, such inspection shall be immediately reported to the Village Administrator/Clerk-Treasurer who shall, if he or she determines that such nuisance exists, cause notice to be served personally or by certified mail, return receipt requested (with a copy by regular mail), on the property owner that the Village proposes to have the grass or lawn cut so as to conform to this section. The written notice shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Village may abate the same and the cost thereof shall be assessed to the property owner.
- (f) **Hearing.** If the property owner believes that the grasses or weeds are not a nuisance, the property owner may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village

Administrator/Clerk-Treasurer's office within 10 days of the date of delivery of the notice from the Village. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the property owner's request. At the hearing, the property owner may appear in person or by his attorney, may present witnesses and may cross-examine witnesses presented by the Village. At the close of the hearing, the Village Board shall make its determination in writing. If the Village Board determines that a public nuisance does exist, the Village Board shall order the property to be mowed within 48 hours of the Village Board's decision. If the owner does not abate the nuisance within the described 48 hours, the Village may cause the nuisance to be abated and the cost assessed as a special tax.

- (g) **Village's option to abate nuisance.** In any case where the property owner fails to cut the lawn, grass or weeds as set forth in the order of the Village, then and in that event the Village may elect to cut said lawn, grass and weeds. If the Village shall cut or cause to be cut all grass and weeds from the subject property, the expenses of so doing shall be charged at a rate established by resolution of the Village Board. The charges shall be set forth in a statement and shall be either delivered personally or mailed to the property owner by certified mail, return receipt requested (with a copy by regular mail). If the statement is not paid within 60 days thereafter, the Village Administrator/Clerk-Treasurer shall enter the charge in the tax roll as a special charge against the lot or parcel of land.

SECTION 24.09 Removal of Snow and Ice.

- (a) **Removal From Sidewalks.** The owner or occupant of any parcel or lot which fronts upon or abuts any sidewalk shall keep the sidewalk clear of all snow and ice. In the event of snow and/or ice accumulating on a sidewalk due to natural means and/or by any other means, the sidewalk shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow and/or ice ceases to accumulate on the sidewalk. Sidewalks are to be kept clear of snow and ice to a minimum of four (4) feet in width at all times. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with sand and/or salt to permit safe travel by pedestrians.
- (b) **Notice and Removal of Snow From Sidewalks.** If the owner, occupant or person in charge of any parcel or lot which fronts upon or adjoins any sidewalk fails or refuses to keep his/her sidewalk clear of snow and ice as set forth in Subsection (a), a Village official may, if the Village official determines that the failure to remove the snow and ice from the sidewalk creates an immediate danger to the public health and/or safety, cause the issuance of a written notice to the owner and occupant of any parcel or lot directing that the snow and ice be removed within two (2) hours from the delivery of the notice. Notice may be by personal delivery

or posting on the front door of the main structure. In the event the owner or occupant of the parcel or lot is unavailable to receive a written notice, the Village official shall immediately cause the removal of the snow and/or ice.

- (c) **Snow and Ice Not to Encroach.** No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use, except for parcels or lots located where existing buildings abut public sidewalk and public sidewalk abuts the rear of curb. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from the sidewalks onto the public street within five feet of the front of the curb.
- (d) **Enforcement.** All Village officials are hereby authorized and directed to enforce the provisions of this Section.
- (e) **Continued Violations.** Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this Section.
- (f) **Abatement after Notice.** Failure of the owner or occupant of any parcel or lot to cause the removal of snow and/or ice within the time established under Subsections (a) or (b) after receiving a written notice shall result in the Village causing the removal of said snow and/or ice.
- (g) **Expense.** An account of the expenses incurred by the Village to abate the snow and/or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by Sec. 66.0907, Wis. Stats.
- (h) **Penalty.** In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to a penalty as provided in Section 24.10 of this Code of Ordinances.

SECTION 24.10 Enforcement and Penalties.

- (a) **Enforcement.** In addition to any remedies specified in this chapter, the Village may institute any appropriate action or proceeding to enjoin any violation of this chapter.
- (b) **Penalties.** Any person who does not abate a public nuisance under this chapter within the time specified shall, in addition to all other remedies available to the Village, be subject to a forfeiture of not less than \$10.00 nor more than \$400.00. Each day a violation continues shall constitute a separate offense.