

PART II – LICENSES AND REGULATIONS

Chapter 34 PROPERTY MAINTENANCE

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34.01

Purpose. The purpose of this article shall be to preserve and protect the public interests of the Village and the dignity of its citizens, by setting requirements for minimum housing standards, in order to ensure health, comfort and safety. These standards shall provide minimum requirements for living space, ventilation, sanitary facilities, illumination, heating, population densities and maintenance. No person shall occupy as owner-occupant or let or offer to let for occupancy to another person any dwelling unit which shall fail to meet such requirements. Failure to provide minimum requirements may constitute a public nuisance.

34.02 Definitions.

Accessory structure. A detached structure located on, or partially on, any premises, which does not comply with the standards for housing contained in this Chapter.

Building. Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and that is permanently affixed to the land, or connected to a utility, and shall include those structures resting on runners, wheels or similar supports.

Deterioration. The condition or appearance of a building or structure or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or neglect.

Infestation. The presence of insects, rodents, vermin or other pests on the premises that constitute a health hazard.

Occupant. Any person residing in, living, sleeping, cooking or eating in, or actually having possession of a habitable unit.

Operator. Any person who has charge, care, control or management of a premises, building or part thereof, in which dwelling units or dormitory units are let.

Owner. Any person who, alone or jointly or severally with others has legal title to or a legal right to possession of any dwelling or dwelling unit, with or without accompanying actual

possession thereof, including any personal representative, trustee or guardian of the estate or person of the title holder. Any agent of an owner shall be bound to comply with the provision of this Chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Person. Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this Chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

Premises. A platted lot or part thereof or unplatted lot or parcel of land or plot of land either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure, or other structure thereon. The premises include the area between the sidewalk and the curb of the street.

Repair. To restore to a state of operation, serviceability or appearance in conformity with this Chapter.

Replace. To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.

Service animal: Adopting the definition of service animal under s. 106.52 Wis. Stats.

Structure. Anything constructed or erected that requires location on the ground or is attached to something having location on the ground, including a building, deck, porch, fence, freestanding wall, sign or other advertising medium, whether detached or projecting.

Weathering. Deterioration, decay, or damage by exposure to the elements.

34.04 Premises Exterior and Structural Maintenance responsibilities. All buildings, structures, and accessory structures must comply with the following requirements:

A. Every foundation, exterior wall and roof shall be weather tight, watertight, rodent-proof and insect-proof and shall be kept in a good state of maintenance and repair. All supporting structural members shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them. All exterior surfaces shall be protected from the elements and against decay, by paint or other approved protective coating.

B. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

C. All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, or any bathroom, or of any toilet room.

D. Every chimney and every supplied smoke pipe shall be adequately supported, clean and maintained in a good state of repair.

E. Every outside stairway, porch and appurtenance thereto shall be constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and in a good state of maintenance and repair.

F. Stairways, exits and all service walk stairways shall be kept in a good state of repair and be unobstructed at all times. Every stairway and service walk stairway of more than three (3) risers shall have at least one (1) handrail mounted on the left, as one mounts the stairs. Stairways of more than three (3) risers shall have a handrail on each open side. Handrails shall not be less than thirty (30) inches, nor more than thirty-four (34) inches vertically above the nose of the stair tread. When handrails protecting the open sides of a stairway are replaced, they shall have an intermediate rail or rails, or an ornamental pattern designed to prevent the passage of an object with a diameter larger than six (6) inches.

G. All exterior surfaces shall be protected from the elements and against decay and deterioration by paint or by other approved protective coating, applied in a workmanlike fashion

H. Garbage disposal or storage. The operator and building owner shall supply adequate garbage and rubbish disposal facilities or storage containers whose type and location are approved by the Assistant Zoning Administrator. The operator and building owner shall be responsible for the disposal of all garbage and rubbish in a clean and sanitary manner. Such shall be screened from view from public streets in accordance with the requirements of Chapter 37.

I. Extermination of pests and vermin. The owner shall be responsible for exterminating any insects, rodents or other pests on the premises. The owner shall maintain all vacant buildings and yards free from rodents or vermin. If, after the issuance of an order to correct conditions and a reasonable time to comply, the owner fails to keep any property free from rodents or vermin, the Village may, by Village personnel or by contract, correct the situation and may charge the cost upon the tax rolls of the property pursuant to s.66.0627, Wis. Stats.

J. Fences. Every fence shall be kept in a good state of maintenance and repair or shall be removed.

K. Public areas. All service walks, steps, driveways, parking spaces and similar paved areas shall be kept in a proper state of repair.

L. Landscaping. Yards shall be kept substantially clear of debris and shall be provided with adequate lawn, groundcover or vegetation. No grass upon any premises shall be allowed to grow in excess of an average length of six (6) inches, provided, however, this provision shall not apply to land with a pitch greater than thirty (30) degrees from horizontal. Trees, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to the public view, and in such a manner to avoid obstructing the view and movements of vehicles and pedestrians.

M. Owners of habitable buildings and units. Every owner and operator of a habitable building containing one (1) or more habitable units shall maintain, in a clean and sanitary condition, the shared or public areas of the building and shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintaining a sanitary condition in every other part of the building; and they shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the habitable unit is contained.

N. Owner and Occupant responsibilities. The owner of a habitable building is responsible for ensuring compliance by all occupants of the following provisions:

1. Every occupant shall keep that part of the habitable building and/or habitable unit and premises thereof, which he or she occupies and/or controls, in a clean and sanitary condition.
2. Every occupant shall dispose of all rubbish and/or garbage in a clean and sanitary manner by placing it in the rubbish and/or garbage containers.

3. Each owner shall maintain vacant land in a clean and sanitary condition.
4. Every owner and occupant owner shall be responsible for exterminating any insects, rodents or other pests on the premises.

34.05 Maintenance of the interior of residential buildings.

- A. Every interior partition, wall, floor and ceiling shall be capable of affording privacy, kept in a good state of repair, and maintained in a clean and sanitary condition.
- B. Every bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- C. The interior shall be maintained so no unreasonable odors are present, including, but not limited to, pet odors.
- D. Interior stairways shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads. Stairway handrails shall comply with the requirements set forth for exterior handrails.
- E. Every window, exterior door and basement hatchway shall be, shall be provided with devices designed to provide security for the occupants and property within as well as weather-tight and rodent-proof, kept in good working condition and in a good state of repair.

34.06 Notices. Notice of intention to make repairs or take other corrective action shall be served upon the owner, operator, or agent in accordance with s.34.16.

34.07 Assessment of Costs. When corrective action taken by the village at the direction of the Zoning Department and the owner, operator, or occupant fails to pay for the expense of such repairs, the cost of such repairs and corrective action shall be levied and collected as a special charge or special tax upon the lot or land upon which such work is done.

34.08 Enforcement. The provisions of this ordinance shall be enforced by the Village Zoning Department and its designees. Zoning Department. The Zoning Department shall process applications, conduct inspections and investigate complaints of violations of this Chapter and/or the existence of a nuisance

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34.15 Service of notices and orders. Whenever the Zoning Department determines there are reasonable grounds to believe there has been a violation of this Chapter or of any rule or regulation adopted pursuant thereto, notice of such alleged violation shall be given to the person or persons responsible therefore, as hereinafter provided. Such notice shall be in writing and include a statement of the reasons why it is being issued. Each notice shall allow a reasonable time to perform any act it requires not to exceed 7 days. In the event that the violation cannot be reasonable corrected within 7 days, the Zoning Department may designate a reasonable time to correct the violation. Nothing in this section prohibits the issuance of a citation for violation of this Chapter without prior notice or opportunity to bring the property into compliance. Each notice shall be

served upon the owner or the Occupant. Such notice shall be deemed to be properly served by any of the following means:

- a. the notice personally served upon the owner or the occupant
- b. the notice is sent by certified mail to the owner's last known address,
- c. if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice,
- d. if the owner is served with such notice by any other method authorized or required under the laws of this state.

34.16 Hearings.

A. Any person affected by any notice that has been issued in connection with enforcing this Chapter or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Village Housing Committee. Such person shall file with the Village Clerk-Treasurer-Coordinator, a written petition requesting such a hearing setting forth a brief statement of the basis for the appeal. The petition must be served upon the Village Clerk-Treasurer-Coordinator before the expiration of the notice of violations or within ten (10) days of the day the notice was served whichever is less. Upon receipt of such petition, Zoning Department the Village Clerk, who shall set a time and place for such a hearing, which shall be within ten (10) days, and shall give the petitioner written notice hereof. At such a hearing the petitioner shall be given an opportunity to be heard and show why such notice should be modified or withdrawn.

B. After such hearing the Village Housing Committee may sustain, modify or withdraw the notice, depending upon its finding as to whether this Chapter and the rules and regulations adopted pursuant thereto have been violated. The Committee shall be guided by a policy of reasonable compliance in order to promote the purposes of this Chapter.

C. Any person aggrieved by the Village Housing Committee's decision may seek relief by appealing to the Sauk County Circuit Court.

D. In the event a question of fact arises concerning the application of this Chapter, the Village Housing Committee's findings shall be conclusive unless reversed by Village Board action.

34.18 Noncompliance, remedy defects.

A. The owner, occupant or operator of any building, structure, unit or premises shall remedy all violations within the time specified in the notice of violation.

B. In the event the Zoning Department shall determine, in his discretion, the owner, occupant or operator is, within said time, making a good faith effort to correct the violations, he/she may extend the time for compliance.

34.20 Penalties and Fees

A. Any person who violates any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be subject to forfeiture of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00), and in addition, shall pay all costs and expenses involved in the enforcement of the chapter. Each day of such violation continues

shall be considered a separate offense. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Chapter or otherwise.

B. The Zoning Department may impose an inspection fee of up to two hundred fifty dollars (\$250.00) for investigations following issuance of a notice of violation to determine compliance with this Chapter.

C. In addition to the fees and penalties set forth above Zoning Department, the owner of the property shall be liable to the village for any costs incurred by the village arising from remediation of a violation.

D. The Zoning Department shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered. On or before October 1 of each year, the Zoning Department shall report all unpaid fees and services to the Village Clerk-Treasurer-Coordinator. The Village Clerk-Treasurer shall enter in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Sec. 66.0627 of the Wisconsin Statutes.