

**AN ORDINANCE REPEALING AND RECREATING SECTION 2.07
OF THE MUNICIPAL CODE OF THE VILLAGE OF OOSTBURG**

The Village Board of the Village of Oostburg does hereby ordain as follows:

Section 1: Repealing and Recreating Section 2.07. Section 2.07 of the Municipal Code of the Village of Oostburg is hereby repealed in its entirety and recreated to read as follows:

(1) **TITLE.** This section shall be known as "The Property Maintenance Code," and may be referred to in this section as "this code".

(2) **FINDINGS AND DECLARATION OF POLICY.** It is hereby found and declared that there exist, in the Village, structures which are, or may become in the future, substandard with respect to structure, equipment or maintenance or, further, that such conditions, including structural deterioration, lack of maintenance and appearance of exterior of premises, infestation and existence of fire hazards constitute a menace to the health, safety, welfare and reasonable comfort of the citizens of the Village. It is further found and declared that, by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighted conditions and that if the same are not curtailed and removed, these conditions will grow and spread and will necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate such conditions, and that, by reason of timely regulations and restrictions contained in this code, the desirability and amenities of uses and neighborhoods may be enhanced and the public health, safety and welfare protected and fostered.

(3) **PURPOSE.** The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of premises; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of premises; and to provide for the enforcement of this code through penalty and abatement procedures.

4) **DEFINITIONS.** The following words and terms, wherever used or referred to herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context.

(a) **Designated Driveway.** The clearly defined roadway leading from the street which is surfaced by asphalt, concrete, gravel or similar material not to exceed 24 feet in width, or otherwise as shown on village approved building or site plans approved by the building inspector. Where there is curbing and gutter at the street, the driveway must have an approved curb cut.

(b) Designated Parking Area. The clearly defined area designed for parking which is surfaced by asphalt, concrete, gravel or similar material and located in the side or rear yard area.

(c) 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. All exterior wood and composition surfaces shall be properly protected from the elements and against decay by paint, stain or other protective coating applied in a workmanlike manner.

(d) Elements. Any element, whether created by nature or by man, which, with reasonable foreseeability, could carry litter from one place to another. Elements shall include air current, rain, water current and animals.

(e) Exterior of the Premises. Open space on the premises outside of any building thereon.

(f) Garbage. Decayed and decomposed animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (See also Refuse and Rubbish.)

(g) Inoperable Vehicle. Any vehicle that is not licensed for the current year as required by law or which exhibits any of the following characteristics: cannot legally travel on a public street due to any broken, damaged, or missing fender, door, bumper, hood, wheel, steering wheel, exhaust system, windshield, or other glass customary to the vehicle; lacking an engine or other means of power suitable to the design, one or more wheels, or other structural parts which renders the vehicle incapable of both forward and reverse movement in the manner for which it was designed; and/or has become a habitat for rats, mice, snakes, insects, or other vermin.

(h) Infestation. The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

(i) Litter. Includes any uncontainerized man-made or man-used waste which, if deposited within the Village otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the citizens of the Village. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal or nauseous or offensive matter of any kind or any object likely to injure any person or create a traffic hazard.

(j) Motor Vehicle or Vehicle. A currently licensed motorized or non-motorized conveyance that includes, but is not limited to, an automobile, car, truck, trailer, camper, motorcycle, watercraft, in operable condition, but does not include bicycles.

(k) Nuisance.

1. Any public nuisance, as defined by statute or this municipal code.
2. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.

(l) Operator. Any person who has charge, care or control of a dwelling or premises, or part thereof, whether with or without the knowledge and consent of the owner.

(m) 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. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

(n) Parking Lot. Any property with provisions for parking vehicles to which the public is invited or which the public is permitted to use or which is visible from any public place or private premises.

(o) Premises. A lot, plot or parcel of land, including the buildings or structures thereon.

(p) Private Premises. Any structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox or other structure belonging or appurtenant to such structure.

(q) Public Place. All streets, boulevards, avenues, lanes, alleys or other public ways and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

(r) Refuse. All decayed and decomposed solid waste, except body wastes, including garbage, rubbish, ashes, dead animals, abandoned automobiles and solid wastes. (See also Garbage and Rubbish.)

(s) Recreational Vehicle. A currently licensed motorized or non-motorized conveyance that includes, but is not limited to, motor homes, travel trailers, folding tent trailers, truck campers removed from a truck, horse trailers, boat trailers with or without boats, utility trailers, and similar vehicles.

(t) Rubbish. Solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, pallets, glass, bedding and similar materials. (See also Garbage and Refuse.)

(u) Turf Grass. Grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue and rye grass-blends.

(v) Natural Lawn. Any land managed to preserve or restore native Wisconsin grasses and forbes, native trees, shrubs, wild flowers and aquatic plants.

(w) Noxious Weeds. Canada Thistle and all other thistle varieties, Leafy Spurge, Field Bindweed (Creeping Jenny), Purple Loosestrife, Multiflora Rose, Burdock, Ragweed, Garlic Mustard, all weeds enumerated in §§23.235 and 66.0407, Wis. Stats.

(5) APPLICABILITY. Every premises within the Village shall comply with the provisions of this code, whether or not such premises shall have been constructed, altered or repaired before or after the enactment of this code.

(6) DUTIES AND RESPONSIBILITIES OF OWNERS AND OPERATORS.

(a) Maintenance of Exterior of Premises. The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises, and free of unsanitary and unsightly conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of the following:

1. Refuse, such as brush, weeds, broken glass, stumps, filth, garbage, rubbish, litter, trash and debris.
2. Natural growth, such as dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions. Stacked firewood is allowed in rear and interior side yard. Necessary building materials required for a construction project for which a valid building permit has been obtained, kept in a sightly condition and kept within 20 feet of the project are allowed.
3. Overhangs, such as loose and overhanging objects which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity.
4. Sources of infestation.
5. In any residential district, disassembled or inoperable vehicles which are visible from adjoining properties or public right-of-way.
6. The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the premises and structures do not appear blighted.

7. Discarded, salvaged, obsolete, or inoperable fixtures, machinery, appliances, vehicle parts, scrap metal, or other material.

(b) General Maintenance. The exterior of every structure except accessory farm structures, including fences or enclosures, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, loose or missing boards or siding or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blight.

(7) LITTER CONTROL.

(a) Litter Collection and Storage Area. Every premises owner, occupant or lessee shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized, kept free from infestation, and removed weekly.

(b) Duty to Collect Litter Before it is Carried From the Premises. All litter that is subject to movement by the elements shall be secured by the owner, operator, or person in control of the premises where it is found before the litter is allowed to be removed from the premises by the elements.

(c) Neglected Premises Visible to the Public. Any person owning or controlling any premises visible from any public place or private premises shall maintain such premises in a reasonably clean and orderly manner. It shall be a violation of this subsection to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter.

(d) Construction Sites. The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried from the premises by the elements. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers which will prevent litter from being carried from the premises by the elements.

(e) Maintaining Sidewalks and Alleys. Persons owning, occupying or in control of any premises shall keep the sidewalks and alleys adjacent thereto free of litter. Owners or occupants shall clean off the sidewalks abutting their premises as often as may be required to keep the walk reasonably free from dirt, paper and waste.

(f) Abandoned Garbage. Any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage, which has been containerized in accordance with a contract for its removal shall not allow that refuse, waste or garbage to remain uncollected for longer than 7 days or sooner if that refuse, waste or garbage creates an offensive condition.

(g) Animal Excreta.

1. *Allowing Discharge Regulated.* It is unlawful for any owner, keeper or walker of any dog, cat or similar domestic animal to have discharged such animal's feces upon any property within the Village other than the property of the owner of such animal if such owner, keeper or walker does not immediately thereafter remove and clean up the feces from the property.

2. *Carrying Feces Scoop Required.* No person shall walk a dog beyond the limits of his own property without carrying or having in his possession a scoop, bag or other items designed to pick up and remove dog feces.

3. *Disposal.* It is unlawful for any person to dispose of dog feces on property other than one's own without the express consent of the property owner.

4. *Exception.* This subsection shall not apply to persons having control of specially trained guide dogs.

(8) LAWN AND YARD MAINTENANCE.

(a) General Lawn Requirements. Except as provided in paragraph (b) below, the owner or occupant of any premises in the Village shall install and maintain landscaping, plantings and other decorative surface treatments, including turf grass, so as to present an attractive appearance in all court and yard areas in accordance with generally accepted landscaping practices in the Village. Lawns shall be maintained to a height not to exceed eight (8) inches. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and the Village.

(b) Natural Lawn Exception; Registration and Fee. Any owner or occupant of a lot or parcel subject to paragraph (a) above and desiring a natural lawn may register with the Building Inspector for a natural lawn where grasses and forbes exceed 12 inches in height, provided that such plantings meet the requirements of this subsection. The Building Inspector shall provide registrants with a copy of this subsection. Registrants must submit a lot survey showing the area to be planted, a list of plants, seeds or forbes to be planted, and whether the property will be cultivated prior to planting or have plugs inserted in the area. The registration shall be accompanied by a fee of \$15.00.

(c) Maintenance of Setbacks and Drainage Swales. A 10-foot setback on any street frontage and a 5-foot side and rear setback of all natural lawns shall be maintained. In addition, all drainage swales shall be free of plantings and maintained in accordance with paragraph (a) above. Adjacent neighbors may agree to waive setbacks for encroachment on setbacks outside drainage swales; such waivers shall be in writing and filed with the Building Inspector. The setback area shall have a height of no more than 12 inches, excluding trees and shrubs.

(d) Noxious Weeds and Plants Prohibited. The owners and occupants of all natural lawns shall destroy all noxious weeds.

(e) Review and Approval of Land Management Plans. The Building Inspector shall review the list of all registered properties within 30 days of the submittal and notify in writing the owner or occupant of any noncompliance of this subsection. The person receiving such notice of noncompliance shall comply with the requirements of this subsection within 10 days of such notification.

(f) Enforcement. In the event any previously approved natural lawn fails to comply with the requirements of this subsection, such premises shall be deemed a nuisance under this chapter and the Building Inspector may order the nuisance abated pursuant to subsection (10) below.

(g) Appeal. Any person aggrieved by the written determination of the Building Inspector to revoke such registration or to abate a nuisance thereto may file a written appeal within 7 days of receiving such written determination with the Safety Committee of the Village Board. The appeal shall state the reasons for reviewing the determination of the Building Inspector. After giving notice, the Committee shall hold a hearing and decide the matter within a reasonable time. The Committee may reverse, affirm or modify the determination of the Building Inspector and issue an order accordingly.

(9) WEED CONTROL

(a) Noxious Weeds and Rank Growth Prohibited. No owner or occupant of any lot or parcel shall allow such property to become overgrown with any weeds or grass so as to constitute a public nuisance. Every owner or occupant shall destroy all noxious weeds on all lands within the Village of Oostburg which he shall own, occupy or control, including any terraces and/or ditches abutting said property.

(b) Enforcement. If a property owner fails to control the growth of such weeds or rank growth of vegetation on his property, the Village shall serve upon him notice as to this fact. If such owner fails to abate this nuisance within three (3) days after service of the notice, the Village shall take action to abate such public nuisance pursuant to subsection (11) below.

(10) MOTOR VEHICLES

(a) It shall be unlawful for any person to offer a motor vehicle or motor vehicle parts for sale on any property, except where licensed, unless offered for sale within the following conditions:

(i) No more than one vehicle at any one time or two vehicles in any one calendar year period shall be offered for sale. The maximum amount of time a vehicle may be offered for sale shall be thirty (30) days.

(ii) Any such vehicle offered for sale shall be owned by a resident of the property on which such vehicle is located.

(iii) No vehicle shall be offered for sale that exceeds 10,000 pounds GVW.

(iv) No farm or construction vehicle shall be offered for sale.

(v) Any vehicle offered for sale must be parked on a driveway, designated parking area, or immediately adjacent to a driveway.

(b) On property residentially zoned, or property occupied by a single family residence or duplex, or within 100 feet of the property lines, it shall be considered a public nuisance to allow the parking or storing of:

(i) More than four (4) motor vehicles, but not including any recreational vehicles, unmounted camper or truck caps, motor homes, trailers and boats over 14 feet in length; provided, however, that if the number of licensed drivers who reside at said residence and whose driver's license address is that of the residence, is greater than four, then the number of licensed vehicles registered at said residence may be one more than that of the number of licensed drivers whose driver's license address is that of the residence.

(ii) A total of not more than three (3) combined number of recreational vehicles, motor homes, trailers, unmounted camper or canopy shells, boats over 14 feet in length, provided the vehicle, recreational vehicle, trailer, boat, camper, or motor home must be currently licensed and in operable condition.

(iii) Any vehicle totaling more than 35 feet in length.

(c) All motor vehicles shall be kept on a designated driveway or designated parking area as defined in this ordinance. A total of not more than two recreational vehicles, unmounted camper or truck caps, motor homes, trailers and boats over 14 feet in length may be parked, stored, or located anywhere else on the property within the side or rear yards and within 20 feet of the residence or detached garage, subject to requirements of the zoning, building and fire codes. This section does not apply to the following:

(i) Any vehicle parked within 20 feet of a driveway or designated parking area when winter parking restrictions are in effect.

(ii) Any vehicle, including recreational vehicles, motor vehicles, trailers, camper shells, or boats when they are kept or located in any lawfully permitted and constructed building;

(iii) Any property or situation where a development regulation applies. For example, the limitation on number of vehicles would not apply at an apartment constructed pursuant to an approved building plan and permit with approved parking plans. For further example, parking would not be allowed in an approved landscaped area.

(iv) Parking of motorcycles is exempt from this section.

(d) Notice to Owner. If the Building Inspector determines that a violation of Section (10) exists, he shall provide notice to the person causing, permitting or maintaining such a violation or the owner or occupant of the premises where such violation exists. The notice shall direct the person causing, permitting or maintaining such violation or the owner or occupant to abate or remove such violation within three (3) days. If such owner fails to abate this nuisance within three (3) days after service of the notice, the Village shall take action to abate such public nuisance pursuant to subsection (11) below.

(11) ENFORCEMENT OF PROPERTY MAINTENANCE CODE.

(a) Inspection of Premises. Whenever a complaint is made to the Building Inspector, Village Board or Village Clerk that a violation of the Property Maintenance Code exists, the Building Inspector or Chairperson of the Safety Committee shall promptly inspect the premises complained of and report to the Village Board.

(b) Notice to Owner. If the Village Board determines that a violation exists, it shall provide written notice identifying the violations to the person causing, permitting or maintaining such a violation or the owner, operator, or occupant of the premises where such violation exists. The notice shall direct the person causing, permitting or maintaining such violation or the owner, operator, or occupant to abate or remove such violation within thirty (30) days, except for Sections (9) and (10), which provide for a three (3) day abatement period. The notice shall also state that unless such violation is so abated, the Village shall seek abatement of the same and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the violation. The Village may take enforcement measures or seek penalties against the owner, occupant or operator, without providing additional notice, for any reoccurrence of the same violation within twelve (12) months from the date the Village gave notice.

(c) Separate Offense. After the expiration of the abatement period in subsection (b), above, each day a violation of this code continues to exist shall be considered a separate offense.

(d) Abatement by Court Order. If the violation is not abated within the time provided or if the owner, occupant or person causing the violation cannot be found, the Village shall seek the abatement or removal of such violation pursuant to a court order.

(e) Cost of Abatement. In addition to any other penalty imposed by this section, the cost of abating a violation by the Village, including reasonable attorneys fees, shall be collected as a special charge from the owner, occupant or person causing, permitting or maintaining the violation. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to §66.0627, Wis. Stats.

(f) Other Methods Not Excluded. In the event it is determined that a violation of this code is a public nuisance, nothing herein shall be construed as prohibiting the abatement as a public nuisance under the Village Code or laws of the State of Wisconsin.

(12) **PENALTIES.** Any person who violates any provision of this code, after having received notice as provided in Section (11), shall be subject to a forfeiture of not less than \$50.00, nor more than \$500 for each offense, together with the costs of prosecution.

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this ordinance are severable.

Section 3. Effective Date. This Ordinance shall take effect upon enactment and publication.

Enacted this 14th day of May, 2012.

VILLAGE OF OOSTBURG

By: _____
Allen Wrubbel, President

By: _____
Jill E. Ludens, Clerk

CERTIFICATE OF ADOPTION

This is to certify that the foregoing Ordinance was duly enacted by the Village Board of the Village of Oostburg on the 14th day of May, 2012.

Jill E. Ludens, Clerk/Treasurer
Village of Oostburg