

## ORDINANCE NO. 20

### PROPERTY MAINTENANCE ORDINANCE

The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain that the Town of Geneva Ordinance No. 20 is hereby repealed and that the following is hereby created.

#### Section 1. Minimum Property Maintenance Standards.

- A. Policy. There exist in the Town of Geneva, structures, residential yards, or vacant areas or combination thereof which are, or may become, unhygienic, dilapidated, or unsafe with respect to structural integrity, equipment, or maintenance and as such constitute a menace to the health, safety, and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Town.
- B. Purpose. The purpose of this Ordinance is to protect public health, safety, and welfare by establishing minimum property maintenance standards. This section does not replace or modify standards otherwise established by other Town Ordinances for construction, repair, alteration, or use of buildings. This Ordinance is meant to be remedial and to be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this Ordinance shall be deemed to be a public nuisance.

#### Section 2. Definitions.

- A. "Abandoned Dwelling" is a dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.
- B. "Accessory Structure" is a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- C. "Blighted Area" is any area (including a slum area) in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential) and which, by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to all ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

- D. "Building" is any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.
- E. "Deterioration" is the condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance, or excessive use.
- F. "Dilapidated" describes a building, structure, or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.
- G. "Dwelling" is any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- H. "Nuisance" is any public nuisance known at common law or in equity jurisprudence or as provided by the Statutes of the State of Wisconsin or the Town of Geneva Ordinances. Further a public nuisance is a thing, act, occupation, condition, or use of property which shall continue for such length of time as to:
1. Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public; or
  2. In any other way render the public insecure in life or in the use of property.
- I. "Occupant" is any person living, sleeping, or having actual possession of a building.
- J. "Owner" is any person who, along or jointly or severally with others:
1. Shall have legal title to any premises, with or without accompanying actual possession thereof; or
  2. Shall have charge, care, or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- K. "Person" is any natural individual, firm, trust, partnership, association, or corporation.
- L. "Premises" is 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.
- M. "Refuse" is all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

- N. "Rubbish" is nonputrescible solid wastes (excluding ashes) consisting of either:
1. Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood; or
  2. Noncombustible wastes such as tin cans, glass, or crockery.

Section 3. Prohibition of Litter, Rubbish, or Debris.

No owner or occupant shall accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture, or other material on such property which present a blighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighborhood properties.

Section 4. Housing Appearance.

- A. Minimum Standards. No person shall occupy as owner-occupant, or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following subsections.
- B. Foundations, Exterior Walls, and Roofs. No person shall be an owner or occupant of any premises which does not comply with the following requirement:
1. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards of timber.
  2. Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent (30%) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application.
  3. All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
  4. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
  5. Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.

- C. Grading and Drainage Lots. Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- D. Accessory Structures. All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, and miscellaneous sheds.
- E. Abandoned Dwellings. The owner of any abandoned dwelling shall:
  - 1. Cause all services and utilities to be disconnected from or discontinued to said dwelling.
  - 2. Lock all exterior doors and windows of said dwelling.
  - 3. Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches, and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with Subsection B; and
  - 4. Maintain the yard and accessory structures such that they comply with Subsections C and D.
- F. Nuisances. The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

Section 5. Fire Numbers.

Official fire numbers have been assigned to all improved properties in the Township. Each owner of real property having been assigned a fire number shall prominently post same on said parcel of real estate, whether on the house or on a pole located at the roadside, so as to have said number clearly visible from the roadway.

Section 6. Notice and Remedy.

- A. Upon determination by the Town Building Inspector of a violation of this Ordinance, the Town shall notify the owner and, if different from the owner, the occupant of the premises of such violation.
- B. The notice shall specify the nature of the violation, the required correction, and a reasonable time, not to exceed thirty (30) days, to correct the violation. The notice shall be served upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.

- C. The person so notified shall have the right to appeal the decision of the Building Inspector within thirty (30) days of the date of notice.
- D. If, upon expiration of the time given for correction of a violation and time for any appeal therefore, such correction is not made, the Town Building Inspector shall file an action in the name of the Town in the Circuit Court for Walworth County, Wisconsin, in accordance with the provisions of Chapter 823, Wisconsin Statutes, as amended from time to time.

Section 7. Other Methods Not Excluded.

Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisance by the Town of Geneva or its officials in accordance with the laws of the State of Wisconsin or Town Ordinances.

Section 8. Cost of Abatement.

In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Town 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.

Section 9. Penalty Provisions.

- A. General Penalty. Except as otherwise provided, any person who shall violate any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
  - 1. First Offense. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
  - 2. Continued Violation. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of the Ordinance.
  - 3. Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any Court for violation of any Ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

Section 10. Severability.

If any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Chairman and Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 11. Effective Date.

This Ordinance shall take effect from and after its adoption by the Town Board and upon posting a publication thereof as provided by the Statutes of the State of Wisconsin.

Adopted this 17<sup>th</sup> day of May, 1999.

THE TOWN BOARD OF THE TOWN OF GENEVA,  
WALWORTH COUNTY, WISCONSIN

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Joseph F. Kopecky, Chairman (Signature on File)

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Mary J. Van Lue, Supervisor (Signature on File)

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Charlotte B. Peterson, Supervisor (Signature on File)

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Merle Loomer, Supervisor (Signature on File)

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Robert J. McLernon, Supervisor (Signature on File)

ATTEST:

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Warren Schinke, Clerk (Signature on File)