VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-030

AN ORDINANCE TO REPEAL CHAPTER 50 OF THE VILLAGE OF WESTON MUNICIPAL CODE OF ORDINANCES ENTITLED "NUISANCES" AND AMENDING AND RECREATING THE SAME.

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Chapter 50 "Nuisances" is hereby repealed, and a new Chapter 50 entitled "Nuisances," which is attached hereto and incorporated herein as Exhibit A, is hereby created.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Adopted this 6th day of June, 2016.

VILLAGE BOARD OF WESTON

By: Barbara J. Ermeling
Barbara Ermeling, President

Attest: Sherry Weinkauf
Sherry Weinkauf, Village Clerk

EXHIBIT A: A REPLACEMENT CHAPTER 50 NUISANCES

APPROVED: 6/6/16

PUBLISHED: 6/8/16

Notice of Newly Enacted Ordinances
Village of Weston, Wisconsin

Please take notice that the Village Board of Weston, Wisconsin enacted on June 6, 2016, Ordinance No. 16-030: *An Ordinance to Repeal Chapter 50 of the Village of Weston Municipal Code of Ordinances Entitled "Nuisances" and Amending and Recreating the Same.*

The full text of the Ordinance may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at http://www.westonwi.gov/499/Adopted-Ordinances.

Dated this 7th day of June, 2016
Sherry Weinkauf, Village Clerk

Published: 6/8/16

DAILY HERALD media
A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF

5500 SCHOFIELD AVE
WESTON WI 544764333

VOUCHER APPROVAL
Account Number:
10-01-51420 -321-000
Description: ord No 10-030
Chapter 50 Nuisances WDH publication
Approved by [illegible] Initials 6/16/16 Date

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisment of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number:	GWM-WES425
Order Number:	0001340593
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(Signed) Kristi Ambrosius **(Date)** 6-9-16
Legal Clerk

Signed and sworn before me

Kristin Feldmann

My commission expires 12-7-19

KRISTINE FELDMANN NOTARY PUBLIC STATE OF WISCONSIN

Notice of Newly Enacted Ordinances
Village of Weston, Wisconsin
Please take notice that the Village Board of Weston, Wisconsin enacted on June 6, 2016, Ordinance No. 16-030: An Ordinance to Repeal Chapter 50 of the Village of Weston Municipal Code of Ordinances Entitled "Nuisances" and Amending and Recreating the Same.
The full text of the Ordinance may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at http://www.westonwi.gov/499/Adopted-Ordinances.
Dated this 7th day of June, 2016
Sherry Weinkauf, Village Clerk
Run: June 8, 2016 WNAXLP

WESTON VILLAGE OF
Re: Ordinance 16-030

EXHIBIT A

Chapter 50

NUISANCES*

Sec. 50.100. Things prohibited.

Sec. 50.101. Other prohibited nuisances.

Sec. 50.102. Property Maintenance.

Sec. 50.103. Loud, Disturbing Noises Prohibited.

Sec. 50.104. Chronic Nuisance Premises.

Sec. 50.105. Accumulation of used motor vehicles.

* **Cross References**--Health and Sanitation, Chapter 38; Mobile Homes, Chapter 46; Solid Waste, Chapter 66; Utilities, Chapter 86.

NUISANCES

Sec. 50.100. Things prohibited.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety; but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within other provisions of this Code:

(1) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public's safety.

(2) All buildings erected, repaired or altered within the fire limits in violation of the provisions of ordinances relating to materials and manner of construction of buildings and structures within that district.

(3) All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, signal or sign.

(4) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(5) All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street or less than ten feet above any other public place.

(6) All buildings or structures so old, dilapidated or out of repair as to be dangerous and unsafe, unsanitary or otherwise unfit for human use.

(7) All abandoned and wrecked or dilapidated motor vehicles, buses, railroad cars and house trailers.

(8) All wires over streets, alleys or public grounds which are strung less than 13 feet above the surface.

(9) All loud, discordant and unnecessary noises or vibrations of any kind which tend to cause or create a disturbance.

(10) All obstructions of and excavations in or under streets, alleys, sidewalks or crosswalks, except as permitted by ordinance or which, although being in accordance with ordinance, are kept or maintained for an unreasonable or illegal length of time after their purpose has been accomplished.

(11) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(12) All piles of dirt, wood rubble, rocks or yard waste located upon any property within the Village of Weston with the following exceptions:

a. Dirt, wood or lumber which is being actively used in connection with an ongoing construction project.

b. The storage of topsoil, fill material or lumber on the premises of a lumberyard, contract or storage yard or similar type establishment providing such business is a permitted use under the village zoning code.

c. The temporary storage of dirt, wood or lumber for a period not exceeding 90 days following the completion of a private subdivision development or construction project. In the event such material is not completely removed from the premises within 90 days by the owner of the property or the contractor responsible for the construction, the village shall cause the material to be removed with all costs associated with said removal to be assessed against the owner's property as a special charge pursuant to Wis. Stats. § 66.0701.

(Code 1982, § 4.156(1); Ord. of 10-16-2000(2), § 1; Amended via Ord. No 16-030, 6/8/2016)

Sec. 50.101. Other prohibited nuisances.

In addition to the acts, omissions, places, conditions and things declared to be public nuisances affecting peace and safety in Sec. 50.100, the following are declared to be a public nuisance:

(1) All abandoned refrigerators, iceboxes and other containers having airtight doors or covers from which the doors or other covers have not been removed or which are not equipped with a device for opening from the inside.

(2) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather obstructing traffic and free use of the streets or sidewalks.

(3) Repeated or continuous violations of the ordinances of the village or the laws of the state relating to the storage of flammable liquids.

(Code 1982, § 4.156(3); Amended via Ord. No 16-030, 6/8/2016)

Sec. 50.102. Property Maintenance Code

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

(b) ***Findings and declaration of Policy***. It is hereby found and declared that there exist, in the Village, structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance or further, that such conditions, including, but not limited to, structural deterioration, lack of maintenance and appearance of exterior of premises, infestation and existence of fire hazards constitute a menace to the health, safety, morals, 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 blighting conditions and initiating slums, and that if the same are not curtailed and removed, these conditions will grow and spread and will necessitate the expenditure of large amounts of public funds to correct and eliminate such conditions, that by reason of timely regulations and restrictions contained in this code, the desirability and amenities of residential and nonresidential uses and neighborhoods may be enhanced and the public health, safety and welfare protected and fostered.

(c) ***Purpose***. The purpose of this code is to protect the public health, safety, morals and 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 distinct and separate responsibilities and duties upon 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.

It is recognized that there may now be, or may in the future be, residential and nonresidential buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest of the community.

(d) ***Rules and definitions***. The following words and terms, wherever used herein or referred to in this code, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context. Words used in the present tense shall include the future. Words used in the singular number shall include the plural number, and the plural the singular. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(1) ***Adequate.*** "Adequate" shall mean adequate as determined by the Building Inspector or their designee under the regulations of this chapter or adequate as determined by an authority designated by law or this chapter. "Adequately" shall mean the same as adequate.

(2) ***Apartment.*** "Apartment" means one (1) or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for use by one (1) family.

(3) ***Approved.*** "Approved" shall mean approved by the Building Inspector or their designee under the regulations of this chapter or approved by an authority designated by law or this chapter.

(4) ***Attractive Appearance.*** "Attractive appearance" refers to the exterior appearance of buildings, structures, stairs, porches, and similar appurtenances and the improvement, planting and landscaping of yards and vacant areas. The determination of "attractive" used herein shall be as determined by the Building Inspector under the regulations of this chapter or as determined by an authority designated by law or this chapter.

(5) ***Basement.*** "Basement" means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling.

(6) ***Blighted Property***. "Blighted property" means any property, on which there exists any one or more of the following conditions or activities, is a blighted property for purpose of this chapter:

a. ***Abandoned building or structure***.

1. A building or structure which is not occupied, inhabited, used, or secured. For purposes of this Chapter, a building or structure is unsecured when it is unlocked or the public can gain entry without the consent of the owner.

2. Any partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for six months.

b. ***Attractive Nuisance***. Property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants,

criminals, or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

c. ***A Building or Structure which is in a State of Disrepair***.

1. Any building or other structure which by reason of rot, weakened joints, walls, floors, underpinning, roof, ceilings, or insecure foundation, or other cause has become dilapidated or deteriorated.

2. Any building or other structure with exterior walls and /or roof coverings which have become so deteriorated as to not provide adequate weather protection and be likely to, or have resulted in, termite infestation or dry rot.

3. Buildings or structures with broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers. For purposes of this chapter "window" shall include any glazed opening, including glazed doors, which upon a yard, court, or vent shaft open unobstructed to the sky.

4. Buildings or structures including, but not limited to, walls, windows, fences, signs, retaining walls, driveways, or walkways which are obsolete, broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts on neighboring property or presents a risk to public safety. For purposes of this chapter "defaced" includes, but is not limited to, writings, inscriptions, figures, scratches, or other markings commonly referred to as "graffiti" and peeling, flaking, blistering, or otherwise deteriorated paint.

d. ***Property Inadequately Maintained.***

1. Property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or other vegetation, rank growth, dead organic matter, rubbish, junk, garbage, animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material. For the purposes of this section the term "rubbish" shall include combustible and noncombustible waste materials, except garbage; and the term shall also include the residue from the burning of wood, coal, coke, and other combustible material; and the term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, hay, straw, tin cans, metal, mineral matter, glass, crockery, and dust; and the term shall also include animal feed and the products of and residue from animal quarters.

2. Property which constitutes a fire hazard or condition considered dangerous to the public health, safety, and general welfare.

3. Property which is likely to or does harbor rats or other vectors, vermin, feral pets, or other non-domesticated animal nuisances.

4. Property which substantially detracts from the aesthetic and economic values of neighboring properties including, but not limited to, personal property and wares and foodstuffs, premises garbage and refuse receptacles, and commercial and industrial business activities which are inadequately buffered from any street, sidewalk, or other publicly trafficked area or such buffering which is inadequately maintained.

5. Landscaping which is inadequately maintained or which is not installed as required by village codes or any permit issued in accordance with such codes.

6. Matter including, but not limited to, smoke, odors, dust, dirt, debris, fumes, and sprays which is permitted to be transported by wind, or otherwise upon any street, course, alley, sidewalk, yard, park, or other public or private property and which is determined to be a violation of federal, state, regional, or local air quality regulations.

7. Property including, but not limited to, building façade, window, doorway, driveway, walkway, fence, wall, landscaped planter or area, sidewalk, curb and gutter, and edge of street pavement on which dirt, litter, vegetation, garbage, refuse, debris, flyers, or circulars have accumulated.

8. Property on which a swimming pool, pond, stream or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. “Polluted water” is defined for the purpose of this chapter, as water which contains bacterial growth, remains of garbage, refuse, debris, papers and any other foreign matter or material which constitutes an unhealthy or unsafe condition.

9. Parking lots, driveways, paths, and other areas used or intended to be used for commercial and industrial business activities including, but not limited to, dismantling, processing, transferring, handling, transporting, storing, compounding, or assembling which are inadequately maintained and pose a risk of harm to public health or safety including, but not limited to, unpaved surfaces which generate

fugitive dust and paved surfaces with cracks, potholes, or other breaks.

10. Property on which recyclable materials are openly stored. For the purposes of this chapter, “open storage” means storage on private property other than in a completely enclosed building. Materials shall be deemed to be held in “open storage” even though screened from public view, or view of residents of adjacent property, by a fence or other such partition.

11. Property which is not securely fenced or adequately lighted to prevent illegal access and activity related to the dumping of garbage, waste, debris and litter. “Recyclable materials” includes any materials, goods, vehicles, machinery, appliances, product or article, new or used, which is suitable for reuse.

e. ***Property Which Creates a Dangerous Condition***.

1. Property having a topography, geology, or configuration which, as a result of grading operations, erosion control, sedimentation control work, or other improvements to said property, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems as to harm or pose a risk of harm to adjacent properties.

2. Property where on any condition or object obscures the visibility of public street intersections to the public so as to constitute a hazard, including but not limited to, landscaping, fencing, signs, posts, or equipment.

3. Conditions which due to their accessibility to the public pose a hazard including, but not limited to, unused and broken equipment, abandoned wells, shafts, or basements, hazardous or unprotected pools, ponds, or excavations, structurally unsound fences or structures, machinery which is inadequately secured or protected, lumber, trash, fences or debris that may pose a hazard to the public, storage of chemicals, gas, oil, or toxic or flammable liquids.

(7) ***Boarding House*:** See Lodging House and Lodging Room.

(8) ***Building*.** "Building" means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, education, high hazard, industrial, institutional, mercantile, residential, or storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this CODE each

portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.

(9) ***Compliance Inspection***. An inspection performed in conjunction with a lawful order of the Chairperson of the Weston Community Life and Public Safety Committee, Village Administrator, Chief of Police, Village Fire Inspector, Zoning Administrator or Building Inspector or their designees for the purpose of certifying the fulfillment of an official requirement listed in the order.

(10) ***Cooperative Living Arrangement.*** A “cooperative living arrangement” shall mean a collective number of individuals connected by membership in a cooperative, who equally share ownership, occupancy and control of a dwelling and who live, cook and share expenses as a bona fide single housekeeping unit. For the purposes of determining the applicability of the Village of Weston Municipal Code relating to construction and maintenance of buildings, a building occupied by a cooperative living arrangement shall be construed to be a lodging house and shall meet all the requirements of same, except where an exception is explicitly provided in the ordinances.

(11) ***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 and applied in a workmanlike manner.

(12) ***Dwelling.*** "Dwelling" is a place of abode, a residence or house for use by one (1) or more persons, excluding hotels or motels.

(13) ***Dwelling Unit.*** "Dwelling unit" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.

(14) ***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, but not be limited to, air current, rain, water current and animals.

(15) ***Exposed to Public View***. Any premises, or any part thereof, or any building, or any part thereof, which may be viewed by the public.

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

(17) ***Extermination***. "Extermination" shall mean the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying,

trapping, fumigation by a licensed fumigator or any other effective elimination procedure.

(18) ***Family***. A “family” is an individual, or two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than four (4) roomers, except that the term family shall not, in SF-S, SF-L, 2F, MF, and MH residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence district, a family may consist of two unrelated adults and the minor children of each. Such family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or a physical or mental disability, need assistance with activities of daily living shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

(19) ***Friable Material***. "Friable material" shall mean any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

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

(21) ***Good Working Condition.*** "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this code.

(22) ***Habitable Space.*** "Habitable space" is one (1) or more rooms in a dwelling used primarily for sleeping, living or dining purposes.

(23) ***Impervious to Water.*** "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight fitting joints, and not having more than four and one-half percent (4 1/2%) absorption by test.

(24) ***Infestation***. "Infestation" means the sustained presence of household pests, insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

(25) ***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, leaves or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, appliances, 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.

(26) ***Living Room.*** "Living room" shall mean a room used primarily for living, dining or cooking purposes.

(27) ***Lodging House.*** "Lodging house" is a dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.

(28) ***Lodging Room.*** "Lodging room" is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

(29) ***Mixed Occupancy***. Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses or used as a hotel.

(30) ***Nuisance***.

a. Any public nuisance, as defined by statute or this Chapter.

b. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exists.

(31) ***Operator***. Any person who has charge, care or control of a dwelling or premises, or part thereof, in which dwelling units or lodging rooms are located or let, whether with or without the knowledge and consent of the owner.

(32) ***Owner***. The term "owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the country, the village, any sewer district, drainage district, the University of Wisconsin and any associated corporation or organization, and any other public or quasi-public corporation having a legal or equitable interest in the property under consideration and shall include the representative, officer, agent or other person having the ownership, control, custody or management of any building. Owner does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

(33) ***Park***. A public or private park, reservation, playground, beach, recreation center or any public park private area devoted to active or passive recreation or any other area under the supervision of the Village.

(34) ***Parking lot***. Any private or public 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.

(35) ***Person.*** A "person" shall mean and include any individual, firm, corporation, association or partnership.

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

(37) ***Private Premises***. Any dwelling, house, building, or other 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 dwelling house, building or other structure.

(38) ***Properly.*** "Properly" shall mean as deemed proper by the Zoning Administrator, Building Inspector or their designee under the regulations of this chapter or deemed proper by an authority designated by law of this chapter.

(39) ***Provided.*** "Provided" shall mean furnished, supplied, paid for or under control of the owner.

(40) ***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.

(41) ***Refuse***. All decayed and decomposed solid waste, except body wastes, including, but not limited to, garbage, rubbish, ashes, dead animals, abandoned automobiles and solid wastes. (See also Garbage and Rubbish)

(42) ***Residential Building.*** A "residential building" is a building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:

a. Single-family detached dwellings.

b. Two-family detached dwellings.

c. Multiple-family dwellings (including apartment hotels.)

d. Lodging houses.

e. Fraternity and sorority houses.

For the purpose of this chapter, any building containing any of the above uses together with other uses shall be considered a residential building.

(43) ***Room.*** A “room” is a partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

(44) ***Rooming House.*** See Lodging House and Lodging Room.

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

(46) ***Sleeping Room.*** A "sleeping room" shall mean a room used for sleeping purposes.

(47) ***Structure.*** "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

(48) ***Supplied.*** "Supplied" shall mean paid for, furnished, provided by or under control of the owner or operator

(e) ***Applicability***. Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, Mobile Home Park, commercial, business or industrial occupancy shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code.

(f) ***Minimum standards for basic equipment, lighting, ventilation, heating and electrical service***.

(1) The purpose of this subsection is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential

buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage and disposal of garbage, recyclables, and other refuse, safe means of egress, provision of light, air, heat and electrical service.

(2) No person shall occupy as an owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

a. Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Wis. Admin. Code sec. SPS 382.40.

b. Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working conditions, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.

c. The owner of every residential building shall be responsible for supplying such building with garbage, recycling and refuse storage as required in Chapter 66, "Village of Weston Solid Waste Ordinance," Village of Weston Municipal Code.

d. Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits provided the platform or stairways terminate at a point not more than fifteen (15) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet within a minimum dimension of three (3) feet.

All stairways and platforms shall be protected with handrails and guardrails as specified in Wis. Admin. Code secs. SPS 321.04(3) or Wisconsin Commercial Building Code SPS 361 through SPS 366 as dictated by the type of occupancy in the building. Existing variances to the height limitations specified above may be approved by the Weston Community Life and Public Safety Committee and the Village Board provided platforms or stairs are maintained in a sound structural condition.

e. Each lodging house shall provide at least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein including members of the operator's family wherever they share use of said facilities, except that the required number of bathtubs or showers may be reduced by the Weston Community Life and Public Safety Committee and the Village Board for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

f. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with SPS 321.05 or Wisconsin Commercial Building Code as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with Comm. Codes may remain in use with the granting of a variance by the Zoning Board of Appeals.

Exhaust ventilation shall be installed in all toilet rooms except those having only one (1) fixture (water closet or one urinal) and the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.

All openable windows shall be protected with insect screens equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, annually during May, before June 1, and maintained until October 1.

All exterior uninsulated doors and non-thermo glazed windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15, but no later than November 15 annually. All common area exterior doors shall have door closers, and all installed hardware shall be properly maintained.

g. Electrical. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electric Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purpose of this

section "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served." The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses or circuit breaker, not to exceed the amp/capacity of the smallest wire size in the circuit.

i. Every dwelling unit or room shall have electric service capable of providing at least three (3) watts per square foot of total floor area (air conditioners, ranges, space heaters and motor drive equipment 1/8 hp. or over excluded).

ii. Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room, furnace room shall contain at least one (1) approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five (5) foot candles at floor level at center of room. Where more than one (1) fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for ceiling or wall fixture in dining room.)

iii. Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves.)

1. Living Room - 1 per 75 sq. ft. or major fraction (minimum of 2)

2. Dining Room - 1 per 75 sq. ft. or major fraction (minimum of 2)

3. Kitchen - 1 per 8 ft. or fraction of counter top and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height.) Island type work areas require one for each 8 ft. or less of length. Separate outlets shall be provided for refrigerators.

4. Dining Areas in Kitchen - 1 per 75 sq. ft. or major fraction.

5. Bedroom - 1 per 75 sq. ft. or major fraction (minimum of 2).

6. Laundry - 1 (when laundry equipment is present.)

7. Bathrooms and Lavatories - 1 (may be part of wall fixture if 72.0 inches or less from floor).

8. Other Habitable Rooms - minimum of 2.

Fixed appliances exceeding 1/8 hp. or 300 watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to prevent use of extension cords (NEC 400-8). All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring shall be removed immediately upon the direction of the Building Inspector, S.A.F.E.R. Fire Chief, or S.A.F.E.R. Fire Department.

iv. Switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to conveniently control the area to be lighted.

v. Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof at least two and one-half (2 1/2) foot candles of light at the tread or floor level. Halls and stairways in structures containing not more than three (3) dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full-time or automatic time-switched lighting. When dwelling unit doors open to the outside a minimum of two and one-half (2 1/2) foot candles of illumination at the locks are required. Required parking areas for more than three (3) cars shall be lighted to a minimum of one (1) foot candle on all surfaces.

vi. When the service in existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be:

1. 100 amp for first two (2) dwelling units in a building.

2. 50 amp for each additional unit.

Where electric heat and air conditioner over 20 amps are added or in place, additional capacity to cover this demand is required. All electrical work shall be done in accordance with the National Electric Code and Wisconsin SPS 316.

h. Heating. All habitable rooms, kitchens and bathrooms shall be provided with permanently connected heating system. This heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of

sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms, kitchens and bathrooms. The only exception to this provision is that the occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

i. Illumination. Illumination shall be provided at all intersections of passageways, at all exits, exit discharges, and at the head, foot and landings of every stairway in all buildings having three (3) or more apartments and/or lodging houses. The illumination shall be provided during the period commencing one (1) hour before sunset and ending one (1) hour after sunrise.

Every residential building that will accommodate three (3) or more families, twenty (20) persons, or contains more than (4) lodging rooms, shall have signs at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The signs shall be red illuminated translucent exit signs bearing the word EXIT in plain letters not less than five (5") inches in height.

j. The owner or operator of every residential building shall not provide, use, or permit to be used, and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.

k. Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

(g) ***Duties and Responsibilities of Owners and Operators***.

(1) ***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, or any other person utilizing the premises, and free of unsanitary conditions. 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 hazards, which include, but are not limited to, the following:

(a) Refuse, such as brush, weeds, yard waste, broken glass, stumps, obnoxious growths, filth, garbage, trash and debris.

(b) 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.

(c) Overhangs, such as loose and other hanging objects, which, by reason of location above ground level, constitute a danger of falling on the persons in the vicinity.

(d) The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor.

(e) All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.

(f) All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed per Weston Municipal Code Sec. 10.129(a) or Sec. 10.130.

(g) Fences, other minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all weather access to buildings.

Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workman like fashion. Roofs shall be maintained to prevent leaking of water in to the building.

(2) ***Storage of Commercial and Industrial Material***. There shall not be stored or used at any location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial use unless permitted under the Village of Weston Municipal Code, Chapter 94 for the premises.

(3) ***General Maintenance***. The exterior of every commercial structure or accessory 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, crumbing stone or brick, excessive peeling paint, loose boards 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 blighting influences.

(4) ***Safe and sanitary maintenance of property***.

1. The purpose of this subsection is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and nonresidential buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village, and provide a suitable environment for increasing physical and monetary values.

2. Every owner or operator shall improve and maintain all property under his/her control to comply with the following minimum requirements:

   a. All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.

   b. All exterior property areas shall be kept free from noxious weeds, as defined in Wisconsin Statutes and the Village of Weston Municipal Code.

   c. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed per Sec. 10.129(a) or Sec. 10.130 of the Weston Municipal Code.

   d. Fences, other minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all weather access to buildings.

   e. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment, and to

present an attractive appearance. All paint or other preservative shall be applied in a workman like fashion. Roofs shall be maintained to prevent leaking of water in to the building.

f. Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Lawns shall be maintained to a height not to exceed eight inches (8") in length. 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 Village. The Village, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special assessment/charge due against the property.

g. Every interior floor, wall and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof, hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.

h. Every foundation, exterior wall, floor and roof shall be reasonably weather tight, watertight and rodent proof and shall be kept in proper repair and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.

i. Every window, exterior door, interior door and basement hatchway shall be reasonably weather tight, watertight and rodent proof and kept in proper repair. All common area exterior doors of two or more dwelling units are required to have self-closing hardware. All door and window hardware shall be installed and maintained in proper working condition.

j. Every inside and outside stair, every porch, and every appurtenance thereto shall be so 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 proper condition and repair and shall present an attractive appearance. All interior and exterior stairs, steps, porches and every appurtenance thereto shall comply with the requirements specified in Wis. Admin. Code Sections. SPS 321.04 or SPS 362, and IBC 2009 as dictated by the type of occupancy in the building.

k. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions.

l. Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in clean and sanitary condition.

m. Every supplied facility, piece of equipment, or utility shall be so constructed, installed and maintained so that it will function in a proper working condition.

n. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement, shall keep such cooking stove and/or refrigerator in good mechanical condition.

o. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.

p. Smoke and CO alarms shall be installed and maintained per Wisconsin Uniform Dwelling Codes SPS 321.09, SPS 321.097 , Wisconsin Commercial Building Codes SPS 362.1200, SPS 362.0907, and/or Wis. Stat. § 101.645 as dictated by the type of occupancy in the building.

q. No owner, operator or occupant shall cause any service, facility, equipment, or utility which is required under this chapter to be removed from, shut off from, or discontinued for any occupied dwelling, dwelling unit, or lodging room, let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.

r. Abandoned Fuel Oil Tanks. Abandoned fuel oil tanks shall be removed from the building.

s. The S.A.F.E.R. Fire Prevention Officer / Inspector or the S.A.F.E.R. Fire Chief shall have the authority under this chapter to enter and commence a structural fire inspection. Any violations found should be remedied by the owner of the property. If the owner does not comply, penalties may be assessed under this chapter. This is to be considered a separate offense and in addition to any State Code violations.

t. All unpaved driveways and parking areas shall be maintained in a dust-free condition and shall be graded so that no potholes exist. No stone or other materials may be deposited in the street.

u. Removal of Debris.

i. No person shall dispose of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities, upon the surface of any land in the Village of Weston except at approved disposal sites.

ii. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.

iii. All developed or formally developed vacant lands within the Village shall be leveled off to permit the mowing of tall grass and weeds as outlined within the Weston Municipal Code. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

iv. All lands in the Village of Weston shall be kept free of noxious weeds and maintained so there is no detrimental influence to the public health, safety, comfort, or general welfare of the immediate neighborhood or community.

v. Noxious weeds referred to above shall mean:

Canada or other thistles,
Leafy spurge and field bindweed (commonly called Creeping Jenny),

Ambrosia trifida (commonly called Giant Ragweed),
Arubuoisia artemesiiafolia (commonly called Common Ragweed),
Burdock,
Rhus radicans sometimes called Radicans toxicodendron, (commonly called Eastern Poison Ivy),
Rhus toxidodendron (commonly called Poison Oak)
Toxicodendron radicans (commonly called Poison Ivy),
Poison Oak,
Poison Sumac,
Goldenrod,
Purple Loosesrife,
Multiflora Rose,
Garlic Mustard,
Bull Thistle, and
Urtica dioica (commonly called stinging nettle).

vi. All noxious weeds enumerated in Wis. Stats. § 66.0407.

(h) ***Fixing the responsibility of Owners, Operators and Occupants***.

(1) The purpose of this subsection is to fix the responsibility of owners, operators and occupants of residential buildings.

(2) The responsibility of owners, operators, and occupants of residential buildings is as follows:

a. Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper and sanitary condition the shared or public areas of the residential building and premises thereof.

b. Every occupant of a residential building shall keep in a clean, proper and sanitary condition that part of the residential building and premises thereof which he/she occupies and controls. Every occupant of a residential building shall dispose of all his/her refuse, recycling and garbage in the containers required by the Weston Municipal Code.

c. Every owner of a residential building shall be responsible for hanging, installing, and maintaining all screens, double or storm doors, and windows whenever the same are required under the provisions of the Weston Municipal Code.

d. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a

residential building shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing, by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.

e. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

f. Every occupant of a dwelling unit shall keep the dwelling unit clean and clear of clutter, trash, and debris for their own safety and the safety of others.

g. The owner or operator shall not occupy, or let to another for occupancy, any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of the Weston Municipal Codes, the Village of Weston Building Inspector and/or the S.A.F.E.R. Fire Prevention Officer / Inspector.

h. Every owner of a rental unit shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

(i) ***Designation of unfit buildings or structures and legal procedures of repair or razing***.

(1) The purpose of this section is to provide for the designation and repair or razing of those buildings or structures which are so dilapidated, unsafe, dangerous, unhygienic, inadequately maintained or lacking in basic equipment, facilities, light, ventilation, and heating so as to constitute a menace to the occupants or to the public.

(2) Any building or structure which shall be found to have any of the following defects may be designated as unfit for human habitation and in need of repairs or razing and so placarded by the Building Inspector. Legal notice shall be served upon the owner and on the operator of any building:

(a) Which is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(b) Which lacks illumination, ventilation, heating, basic equipment or sanitary facilities adequate to protect the health, safety, or general welfare of the occupants or of the public.

(c) Which, because of its general condition, location, or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.

(3) Any building or structure or part thereof designated and placarded by the Building Inspector as unfit for human habitation and in need of repairs or razing shall be vacated within a reasonable time as ordered by the Building Inspector.

(4) No building or structure, or part thereof, which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect, or defects, upon which the designation and placarding action were based have been eliminated.

(5) No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.

(6) Any building or structure, or part thereof, designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector, would be unreasonable to repair shall be razed or removed upon legal written service of the order of the Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such violation to the Village Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this chapter.

(7)

(a) Any building which has been vacant for more than thirty (30) days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage.

(b) The building utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated

so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.

(c) When any building has been damaged by fire or other cause, and when hazardous or dangerous conditions exist, and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three (3) days of the damage by fire or other cause.

(j) ***Litter Control***.

(1) ***Litter Collections and Storage Area***. Every owner, occupant or lessee of a building used for residential, business or commercial purposes shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized. Failure to so maintain clean litter collection and storage areas shall constitute a violation of this subsection.

(2) ***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 of the premises where it is found before the litter is allowed to be removed from the premises by the elements.

(3) ***Neglected Premises Visible to the Public***. It shall be the duty of any person owning or controlling any premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonable 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.

(4) ***Areas Around Business Premises***. The owner or person in control of any public place, including, but not limited to, restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations and hospital and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises. It shall be a violation of this subsection to abandon, neglect or disregard to the condition or appearance of such premises so as to permit it to accumulate litter.

(5) ***Loading and Unloading Docks***. The person owning, operating or in control of loading or unloading docks shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried from the premises by the elements.

(6) ***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.

(7) ***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 sweep or rinse off the sidewalks abutting their premises as often as may be required to keep the walk reasonably free from dirt, paper, waste, snow and ice. This paragraph shall not apply to sidewalks maintained by the Village as provided in the Village of Weston Municipal Code, Chapter 70.

(8) ***Abandoned Garbage***. It shall be unlawful for 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, to allow that refuse, waste or garbage to remain uncollected for longer than 7 days or, in any case, until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place.

(9) ***Animal Excreta***.

a. ***Allowing Discharge Regulated***. It is unlawful for any owner, keeper or walker of any dog or cat to have his dog or cat discharge such animal's excreta upon any public or private property within the Village other than the property of the owner of such dog or cat if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property.

b. ***Carrying Feces Scoop Required***. No person shall walk a dog beyond the limits of his own property without carrying or having in his possession scoop, bag or other items designed to pick up and remove dog feces; and, further, it is unlawful for any person to dispose of the dog feces on public or private property other than his own.

c. ***Exception***. This subsection shall not apply to blind persons having control of guide dogs.

(k) ***Lawn and Yard Maintenance***.

(1) ***Definitions***. The terms used herein are defined as follows.

a. ***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.

(2) ***General Requirements***. The owner or occupant of any developed commercial lot or parcel in the Village and any residential lot or parcel in the Village which is less than 2 acres in area 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 north central Wisconsin. For all new residential construction in the village, lawns shall be installed within 1 (one) year of the occupancy issuance date. For all new commercial and industrial construction, landscaping and lawn shall be installed 18 (eighteen) months from the issuance of the building permit. Lawns shall be maintained to a height not to exceed 8 (eight) 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.

a. ***Mowing required***. No person owning property within the village shall permit to grow or pollinate upon this premises any weeds, grasses or brush which cause or produce hay fever in human beings, exhale unpleasant or noxious orders or may conceal filthy deposits or provide a place for the accumulation of trash or litter. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses, weeds and brush exceeding 8 (eight) inches in height. The provisions of Wis. Stat. § 66.0407 are incorporated herein by reference.

b. ***Mowing by village***. It shall be the duty of the weed commissioner to enforce this section, and if any person shall fail to comply herewith, the commissioners shall, after 5 (five) days' written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the village clerk in the manner provided in Wis. Stat. § 66.0517. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes unless such lands are exempt from taxation and shall be defined by the Village Board in the Village Schedule of Fees.

(3) ***Weeds and Plants Prohibited***. The owners and occupants of all lawns shall destroy all of the following weeds and plants:

a. Canada Thistle and all other thistle varieties

b. Leafy Spurge

c. Field Bindweed (Creeping Jenny)

d. Purple Loosestrife

e. Multiflora Rose

f. Burdock

g. Ragweed

h. Garlic Mustard

i. Goldenrod

j. Bull Thistle

k. Poison Ivy, Poison Oak and Poison Sumac

l. All weeds enumerated in Wis. Stat. §66.0407.

(l) ***Public nuisances prohibited***. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

(m) ***Abatement – generally***.

(1) ***Responsibility for enforcement; inspections***. It shall be the duty of each department head to enforce those provisions of this chapter that come within the jurisdiction of their respective offices, and each department head shall make or cause to be made periodic inspections and inspections upon complaint to ensure such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

(2) ***Summary abatement***.

a. ***Order of abatement***. If the inspecting officer determines that a public nuisance exists within the Village and that there is imminent danger to the public health, safety, peace, morals or decency, he/she may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken as he/she deems necessary to abate the nuisance. Notwithstanding any other provisions of this article, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.

b. ***Abatement by Village***. Whenever the owner or occupant shall refuse or neglect to remove or abate the condition described in the order, the inspecting officer shall, in his/her discretion, enter upon the premises and cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

(3) ***Nonsummary abatement by Village***.

a. ***Order to abate nuisance***. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals or decency, he/she shall issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be served personally on the owner of the building, as well as the occupant if different from the owner and applicable to the described nuisance, or, at the option of the inspecting officer, the notice may be mailed to the last known address of the person, to be served by certified mail with return receipt. If the owner or occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a Class 3 notice under Wis. Stat. Chapter 985. The time limit specified in the order runs from the date of service or publication.

b. ***Abatement by the Village***. If the owner or occupant fails or refuses to comply within the time period prescribed, the inspecting officer shall enter upon the premises and cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

c. ***Remedy from order***. Any person affected by such order shall, within thirty (30) days of service or publication of the order, apply to the Circuit Court for an order restraining the Village and the inspecting officer from entering on the premises and abating or removing the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.

(4) ***Authority to assess costs***. The cost of the abatement or removal of a nuisance under this section shall be collected from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(5) ***Abatement in accordance with state law***. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State.

(k) ***Same – collection of costs***. In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuous or maintenance of a public nuisance, the cost of abatement of a public nuisance by the Village 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 costs shall be assessed against the real estate as a special charge.

(l) ***Penalty***. Any person who violates, disobeys, neglects or refuses to comply with any of the provisions of this section shall be subject to a forfeiture as provided in Sec. 1.111 of this Code.

(Ord. of 1-13-2005; Ord. of 5-24-2007; Ord. of 9-19-2008; Ord. of 5-24-2013; Amended via Ord. No 16-030, 6/8/2016)

Sec. 50.103. Loud, Disturbing Noises Prohibited.

(a) ***Loud, disturbing noises prohibited generally***. It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the Village of Weston (see also Sec. 50.100 Things prohibited).

(b) ***Measurement***. For the purpose of determining db.(A)'s as referred to in this Ordinance, the noise shall be measured on the A-weighting scales on a sound level meter of standard design and quality having characteristics established by the American Standards Institute and shall be measured at the complainants property line.

(c) ***Residential Zones***.

(1) It shall be unlawful to carry on the following activities in any residentially zoned area of the Village:

a. The operation of construction machinery between the hours of 8:00 p.m. and 6:00 a.m.

b. The operation of household power tools between the hours of 10:00 p.m. and 6:00 a.m.

c. The operation of lawn mowers, chain saws, powered garden equipment and other domestic tools out-of-doors between the hours of 10:00 p.m. and 6:00 a.m.

d. Working on vehicles or revving vehicle motors between the hours of 10:00 p.m. and 6:00 a.m.

e. Musical bands practicing in residential areas between the hours of 8 p.m. and 7 a.m.

f. Any mechanical noise which registers more than 85 db.(A) for 4 consecutive hours at the nearest complainant's property line will be probable cause for a violation.

g. This section shall not apply to emergency operations designed to protect the public health and safety.

In residential zones, it shall be unlawful for any person to make or engage in any unreasonably loud and raucous noise, yelling, screaming, shouting, hooting, whistling, or singing between the hours of 10:00 p.m. and 6:00 a.m. A noise shall be presumed to be unreasonably loud and raucous, if it is plainly audible within a residence and measures 85 db.(A) or more at the complainants property line. There shall be excepted from this provision any organized sporting events, fairs, carnivals, or similar activities. The person(s) in violation of this ordinance shall be ordered to reduce the noise to acceptable levels immediately by the monitoring officer.

(d) ***Construction Noise***. Construction equipment in all zones may be operated between the hours of 6:00 a.m. and 8:00 p.m.

(e) ***Business Deliveries Adjacent to Residential Zoning Prior to 6 a.m***.

(1) Any business deliveries received prior to 6 a.m. to a business adjacent to a residentially zoned area of the Village must follow the subsequent guidelines:

a. Staging of trucks for early delivery must be silent. No engine idling and refers must be turned off until delivery time if waiting in the parking lot.

b. Horns cannot be used to signal arrival.

c. All off loading must take place below 60 db.(A), at point source, and vehicles must be silent during delivery (no idling).

d. Outside off loading cannot include any dumping action that causes loud or sudden noises.

e. Back-up alarms must be used at the reduced sound level if equipped.

f. When possible, deliveries should take place on the side of the building away from the residentially zoned district.

(f) ***Non-residential zoning districts adjacent to Residential zoning districts***. It shall be unlawful for any non-residentially zoned property adjacent to a residentially zoned property to operate their business at or over 85 db.(A) for four consecutive hours measured at the complainants property line between the hours of 10:00 p.m. and 6:00 a.m. Decibel readings over 110 db.(A) at the complainants property line will be subject to automatic citation.

(g) ***Schools, churches, hospitals***. The creation of any excessive noise on any street or property adjacent to any school, institution of learning, or church while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, is prohibited.

(h) ***Enforcement***. Enforcement of this ordinance shall be at the discretion of the Everest Metro Police Department or Village of Weston staff on the basis of complaints filed with the Village of Weston or the Everest Metro Police Department. In all non-residential zones, the violator shall be given 30 days from written notice of his violation to reduce the sound pressure levels to acceptable levels. Decibel readings over 110 db.(A) at the complainants property line will be subject to automatic citation.

(i) ***Exceptions***. Operation of emergency equipment and equipment used to comply with state mandates for a safe environment shall be exempt from this ordinance. Snowblowers not operated on a commercial basis shall be exempt from this ordinance when used to gain access to a village street. Garbage and recycling trucks shall be exempt. (Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village of Weston.)

(j) ***Appeals***. The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this ordinance for existing businesses and industries.

(k) ***Penalties***. Failure to comply with the provisions of this ordinance shall be punished by a minimum fine of $75.00, not to exceed $500.00. Each day the condition exists shall constitute a new and separate offense.

(Ord. of 5-18-2006; Amended via Ord. No 16-030, 6/8/2016)

Sec. 50.104. Chronic Nuisance Premises.

(a) ***Declaration***. The Board of Trustees finds that from time to time certain premises in the Village of Weston require a disproportionate amount of Village resources

(including public safety services provided by the Everest Metro Police Department) to be devoted to addressing various nuisances, criminal activities and other incidents that occur thereon. Often this disproportionate devotion of Village resources is due to property owner's own actions or failure of the property owners to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside or frequent that premises. Such premises, as further described in subsection (b) below, are deemed chronic nuisance premises and are hereby recognized as a public nuisance due to the resource drain it causes the community as a whole. This section is enacted to encourage property owners and/or managers to engage in their responsibility to ensure that activities occurring on their property conform to the law and do not unduly burden the Village's resources and to provide a mechanism for the Village to take action against property owners who fail to ensure premises they own do not require a disproportionate devotion of resources to the premises. This section of the Municipal code is not intended to discourage crime victims or any person in legitimate need of police services from requesting them.

(b) ***Determination of Chronic Nuisance Premises***.

(1) Any residential unit premise to which a Village Department (including the Everest Metro Police Department) responds to complaints of any nuisance activity, that results in a municipal citation or Village enforcement action, three or more separate times within any sixty (60) day period is deemed to have received and required more than the general acceptable level of municipal services and places an undue burden upon the taxpayers of the Village. A residential unit shall be defined as a delineated, single family residence that is housed in a home, duplex unit, apartment complex, condominium or other residential dwelling.

For the purposes of this subsection, a nuisance activity shall be any offense(s) under Village of Weston Municipal Code, Chapters 10, 14, 38, 50, 54, 66, 82 and 94, or their statutory counterparts, or any offense under state law for which a penalty under state law for which a penalty of forfeiture, fine or imprisonment is provided.

(2) Any non-resident owner of a residential unit (s) available for lease or rent within the Village of Weston that has had 3 units or 10% of their available units for lease or rent – whichever is the greater number of units, designated as a chronic nuisance premise, shall be deemed a chronic nuisance landlord and shall be subject to the notice, abatement, hearing and penalties and remedies provisions found herein this ordinance. Further, the designation of a chronic nuisance landlord shall be posted in the Village's official newspaper, website, and newsletter for the purpose of public awareness.

For the purposes of this subsection, a determination of chronic nuisance premises or the designation of a chronic nuisance landlord of a mobile home

park shall be a reviewable item in consideration of renewal of the mobile home park's annual operating license under Wis. Stat. 66.0435(2).

(3) Any business or commercial venture to which a department responds to complaints of nuisance activity, that results in a municipal citation or Village enforcement action, five (5) or more separate times within any sixty (60) day period is deemed to have received and required more than the general, acceptable level of municipal services, and places an undue burden upon the taxpayers of the Village. For the purposes of this subsection, a nuisance activity is defined under Section (b) (1) of this ordinance. For the purposes of this subsection, a determination of a chronic nuisance premise that carries any class of Village liquor license, shall be a reviewable item in consideration of the revocation of the premise's liquor license per Wis. Stat. 125.12 (2) and shall be assigned the appropriate violation points as determined by the Village of Weston's alcohol beverage demerit point system.

(4) For the purpose of this ordinance, a residential unit or business venture shall automatically be designated as a chronic nuisance premise if any single nuisance is affiliated with illegal drug distribution or gang activity Wis. Stat.§ 823.113(1m)(a).

(5) An offense shall not be considered a nuisance if it is committed by a person having no association with the premises by acquaintance with, relation to or expressed or implied invitation from the owner, occupant, operator, or agent of the premises.

(6) An offense shall not be considered a nuisance if it is:

a. An offense that results from the property owner/landlord's self-notification to a Village official or the Everest Metro Police Department as a means of mitigating the nuisance or a crime;

b. A report of domestic violence per Wis. State Statutes.

(7) Whenever any such premises exist, the appropriate Village department head or the Everest Metro Police Department Chief shall determine from the facts of each incident and considering the purpose of this subsection as set forth in Section (a) above, whether the premises is a chronic nuisance premises. A chronic nuisance premises shall be defined as a public nuisance.

(c) ***Notice***. Whenever a Village department head or EMPD Chief finds a premise constitutes a chronic nuisance premises under section (a) (1), the department head or EMPD Chief shall provide written notice of his determination to the owner of the premises as identified by the records of the Village Assessor and Marathon County Land Records. Such notice shall be delivered by certified mail, return receipt requested or by personal service. If the owner cannot be located, the notice shall be

published as a Class 2 notice under Wis. Stats. Chapter 985. The notice shall contain the following information:

(1) The street address and number, if applicable, otherwise the parcel number of legal description sufficient to identify the premises.

(2) A brief statement, including a description of the relevant activities, supporting the determination that the premise is a chronic nuisance premises.

(3) A statement that the owner shall, within 10 (ten) days of receipt of the notice, or last day of publication if published, respond to the appropriate department head or EMPD Chief requesting a hearing before the Village Board of Trustees or proposing in writing a course of action that will be taken to abate the nuisance activities.

(4) A statement that owner shall immediately notify the appropriate department head of any change in address to ensure receipt of future notices.

(d) ***Owner Abatement***. If the owner responds to the notice in section (c) within 10 (ten) days of receipt of notice or the last day of publication if published with a nuisance abatement proposal, the department head or EMPD Chief may accept, reject, or work with the owner to modify the proposal in his or her discretion. If the department head or EMPD Chief rejects the abatement proposal, determines that an agreement on an appropriate abatement proposal cannot be reached or determines that owner abatement is for any reason unsuccessful, the matter shall be referred to the Village Board of Trustees for hearing.

(e) ***Chronic Nuisance Landlord Abatement***. If the non-resident owner of residential units available for lease or rent responds to the notice in section (c) within 10 (ten) days of the receipt of notice or the last day of publication with a nuisance abatement proposal for all units (3 units or more than 10% of the units available for lease or rent, whatever is greater), the department head or EMPD Chief may accept, reject , or work with the owner to modify the proposal in his or her discretion and remove the designation of Chronic Nuisance Landlord. The designated Chronic Nuisance Landlord nuisance abatement proposal shall include remedies that shall be undertaken to mitigate chronic nuisances, which may include, but is not limited to, landlord – tenant screening, tenant education, tenant eviction procedures, and other preventative practices to improve the residential unit (s). If a non-resident owner of residential units for lease or rent abatement of a nuisance causes the number of nuisance premises to be reduced below the Chronic Nuisance Landlord threshold of (3) units or more than 10% of the units available for lease or rent, whatever is greater, the Village shall drop the designation of Chronic Nuisance Landlord.

(f) ***Hearing***. If a hearing is requested by the owner or if the department head or EMPD Chief determines that a satisfactory abatement plan cannot be agreed upon or if the department head or EMPD Chief determines that abatement actions taken by the

owner are unsuccessful, a hearing shall be held before the Village Board of Trustees. The owner shall receive ten (10) days written notice of the hearing sent by regular mail or, if the owner cannot be located, by publication of a Class 2 notice under Wis. Stat. Chapter 985. The Village Board shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the department head or EMPD Chief.

(g) ***Penalties and Remedies***.

(1) If the department head's or EMPD Chief's determination is affirmed, the Village Board of Trustees may order the owner to pay the actual cost of Village services to respond to any nuisance activities occurring after the three (3) responses that led to the determination that the premises was a chronic nuisance premises. Such costs shall be presented to the Village Board of Trustees and may include costs incurred prior to the Village Board of Trustee's determination. The Village Board of Trustee's may order costs of all such calls to the chronic nuisance premises be paid until the public nuisance is abated under section (g). Such costs, plus a reasonable administrative charge, shall be billed to the owner by invoice sent by regular mail and if not paid within thirty (30) days of the date on the invoice shall be charged to the property as a special charge pursuant to Wis. Stat §. 66.0701.

(2) The Village Board of Trustees may authorize any other penalty or remedy authorized by law.

(h) ***When Nuisance is Deemed Abated***. The public nuisance created by a chronic nuisance premises shall be deemed abated when no Village resources have responded to the premises to address nuisance activities occurs for a period of six (6) consecutive months. The Village or EMPD may also deem a chronic nuisance premise to be abated, if the occupant, which may include a tenant or resident-owner, vacates the premise.

(i) ***Abatement of Public Nuisances***.

(1) Inspection of Premises. Whenever a complaint is made to any Village official or employee that a public nuisance exists within the Village, said complaint shall be directed to the appropriate department head or EMPD Chief who shall in his or her reasonable discretion inspect or cause to be inspected the premises complained of and shall make a written report of his or her findings to the Village Administrator. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises.

(j) ***Summary Abatement***.

(1) ***Notice to Owner***. If the inspecting officer shall determine that a public nuisance exists within the Village, the department head or EMPD Chief may serve notice

personally or by certified mail on the persons causing, permitting, or maintaining such nuisance and/or upon the owner or occupant of the premises where such nuisance is caused, permitted, or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within a specified, reasonable period of time after consideration of all relevant circumstances and shall state that unless the same is done will cause the nuisance to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be and that said costs may be collected as a special charge pursuant to Wis. Stat. § 66.0701.

(2) ***Abatement by the Village***. If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, the department head or EMPD Chief shall cause the abatement or removal of such public nuisance. Wherever possible, costs of abatement shall be billed to the owner, occupant, or person causing the nuisance. If said costs are not paid within thirty (30) days of billing such costs, or if the owner, occupant or person causing the nuisance cannot be found, said costs may be collected pursuant to Wis. Stat. § 66.0701

(3) ***Other Methods Not Excluded***. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin including, but not limited to an action under Wis. Stat. Chapter 823.

(k) ***Cost of Abatement***. In addition to any other penalty imposed by this Chapter for the erection, contrivance, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Village 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.

(l) ***Penalty Provisions***.

(1) ***General Penalty***. Whenever so provided in this Code, any person who shall violate any provision of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

(2) ***First Offense*** – *Penalty*. Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not more than $2,500 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 said forfeiture and costs are paid, but not exceeding ninety (90) days.

(3) Any person found guilty of violating any provision of this Code who shall previously have been convicted of a violation of the same provision shall upon conviction thereof, forfeit not less than $50.00 nor more than $2,500 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

(4) ***What Constitutes a Separate Offense***. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision contained in this Code.

(m) ***Execution Against Defendant's Property***. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village 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 said forfeiture and costs.

(Ord. of 12-5-2008; Ord. of 4-22-2010; Amended via Ord. No 16-030, 6/8/2016)

Sec. 50.105. Accumulation of used motor vehicles.

No person, except a person licensed under Sec. 18.131(a) or a licensee of a motor vehicle dealer's license issued under statute, shall accumulate or store or allow to remain outside of any building on real estate located within the Village for a period of more than ten days, or dump, deposit or otherwise abandon upon any property or upon any highway, street, road, alley or way within the Village, any used motor vehicle, as defined by statute, or any detached part thereof, for which no current registration fee has been paid under statute or which, if paid, does not have properly attached thereto under statute a current license plate, if required, and which is in a condition which would mechanically prevent the immediate operation thereof upon any public highway or its operation thereon would be in violation of the law. Each day that any used motor vehicle, as defined in this section, or any detached part thereof, shall be accumulated or stored or allowed to remain contrary to this section shall constitute a separate and distinct offense.

(Ord. of 7-23-2010; Amended via Ord. No 16-030, 6/8/2016)

Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review

REQUEST FROM:	**JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT** **SCOTT TATRO; BUILDING INSPECTOR** **RENEE HODELL; VILLAGE RELATIONS COORDINATOR**
ITEM DESCRIPTION:	**ORDINANCE NO. 16-030 AN AMENDMENT TO REPEAL CHAPTER 50 NUISANCES AND AMEND AND RECREATE THE SAME**
DATE/MTG:	**BOARD OF TRUSTEES; MONDAY, JUNE 6, 2016**
POLICY QUESTION:	Should the Board of Trustees approve the proposed amendments to Chapter 50 Nuisances, as drafted by Staff, and recommended by the CLPS Committee for approval?
RECOMMENDATION TO:	I make a motion to endorse approval of Ordinance No. 16-030 as presented.

LEGISLATIVE ACTION:

☒ Acknowledge/Approve	☒ Ordinance	☐ Proclamation
☐ Administrative Order	☐ Policy	☐ Reports
☐ Expenditure	☐ Procedure	☐ Resolution

FISCAL IMPACT ANALYSIS:

☐ Budget Line Item: _____
☐ Budget Line Item: _____
☐ Budgeted Expenditure: _____
☐ Budgeted Revenue: _____

STATUTORY / RULEMAKING / POLICY REFERENCES:

☒ WI Statue: Chapter 66 and 101
☒ WI Administrative Code: SPS 382, 321, 351, 316, 320, 362
☐ Case Law / Legal: _____
☐ Municipal Code: _____
☐ Municipal Rules: _____

PRIOR REVIEW: CLPS – August 24, 2015 and May 23, 2016

BACKGROUND:
Planning and Development staff have been working to update the Chapter to deal more effectively with property maintenance issues as they relate to building codes and building habitability. It also helps to set minimum living standards for rental properties in the Village. Building Inspector Tatro has researched other Property Maintenance and Nuisance Ordinances and we are now proposing the following changes be made to our Code. Many of the additions included were taken directly from the International Code Council (ICC) Property Maintenance Code. This update also includes Statute & Administrative Code reference changes made by Trustee White and zoning district references due to changes made in the new zoning ordinance. Staff and CLPS recommends approval.

☒ Attachments?

Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review

REQUEST FROM:	**SCOTT TATRO; BUILDING INSPECTOR** **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**
ITEM DESCRIPTION:	**PROPOSED AMENDMENTS TO CHAPTER 50 NUISANCES.**
DATE/MTG:	**COMMUNITY LIFE AND PUBLIC SAFETY (CLPS) COMMITTEE; MONDAY, AUGUST 24, 2015**
POLICY QUESTION:	Should the CLPS Committee recommend the proposed amendments to Chapter 50 Nuisances, as drafted by Staff, to the Village Board for their final review and approval?
RECOMMENDATION TO:	I make a motion to endorse approval of the recommended amendments to Chapter 50 Nuisances, and forward to the Trustees for their final approval.

LEGISLATIVE ACTION:

☒ Acknowledge/Approve	☒ Ordinance	☐ Proclamation
☐ Administrative Order	☐ Policy	☐ Reports
☐ Expenditure	☐ Procedure	☐ Resolution

FISCAL IMPACT ANALYSIS:

☐ Budget Line Item: _____
☐ Budget Line Item: _____
☐ Budgeted Expenditure: _____
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STATUTORY / RULEMAKING / POLICY REFERENCES:

☒ WI Statue: Chapter 66 and 101
☒ WI Administrative Code: SPS 382, 321, 351, 316, 320, 362
☐ Case Law / Legal: _____
☐ Municipal Code: _____
☐ Municipal Rules: _____

PRIOR REVIEW: None

BACKGROUND:

Planning and Development staff have been working to update the Chapter to deal more effectively with property maintenance issues as they relate to building codes and building habitability. It also helps to set minimum living standards for rental properties in the Village. Building Inspector Tatro has researched other Property Maintenance and Nuisance Ordinances and we are now proposing the following changes be made to our Code. Many of the additions included were taken directly from the International Code Council (ICC) Property Maintenance Code. This update also includes Statute & Administrative Code reference changes made by Trustee White and zoning district references due to changes made in the new zoning ordinance. Staff recommends approval.

☒ Attachments?

Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review

REQUEST FROM:	**SCOTT TATRO; BUILDING INSPECTOR** **RENEE HODELL; VILLAGE RELATIONS COORDINATOR** **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**
ITEM DESCRIPTION:	**PROPOSED AMENDMENTS TO CHAPTER 50 NUISANCES.**
DATE/MTG:	**COMMUNITY LIFE AND PUBLIC SAFETY (CLPS) COMMITTEE; MONDAY, MAY 23, 2016**
POLICY QUESTION:	Should the CLPS Committee recommend the proposed amendments to Chapter 50 Nuisances, as drafted by Staff, to the Village Board for their final review and approval?
RECOMMENDATION TO:	I make a motion to endorse approval of the recommended amendments to Chapter 50 Nuisances, and forward to the Trustees for their final approval.

LEGISLATIVE ACTION:

☒ Acknowledge/Approve	☒ Ordinance	☐ Proclamation
☐ Administrative Order	☐ Policy	☐ Reports
☐ Expenditure	☐ Procedure	☐ Resolution

FISCAL IMPACT ANALYSIS:

☐ Budget Line Item: _____
☐ Budget Line Item: _____
☐ Budgeted Expenditure: _____
☐ Budgeted Revenue: _____

STATUTORY / RULEMAKING / POLICY REFERENCES:

☒ WI Statue: Chapter 66 and 101
☒ WI Administrative Code: SPS 382, 321, 351, 316, 320, 362
☐ Case Law / Legal: _____
☐ Municipal Code: _____
☐ Municipal Rules: _____

PRIOR REVIEW: CLPS – August 24, 2015

BACKGROUND:
Planning and Development staff have been working to update the Chapter to deal more effectively with property maintenance issues as they relate to building codes and building habitability. It also helps to set minimum living standards for rental properties in the Village. Building Inspector Tatro has researched other Property Maintenance and Nuisance Ordinances and we are now proposing the following changes be made to our Code. Many of the additions included were taken directly from the International Code Council (ICC) Property Maintenance Code. This update also includes Statute & Administrative Code reference changes made by Trustee White and zoning district references due to changes made in the new zoning ordinance. Staff recommends approval.

☒ Attachments?