



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 19-013

**ORDINANCE NO. 19-013: AN ORDINANCE TO AMEND CHAPTER 50 NUISANCES SECTION 50.102 (D)(9) COMPLIANCE INSPECTION, (G)(4) SAFE AND SANITARY MAINTENANCE OF PROPERTY, (K) LAWN AND YARD MAINTENANCE, (M)(3) NON-SUMMARY ABATEMENT BY VILLAGE**

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

SECTION 1: The following subsections of Chapter 50 Nuisances, Section 50.102 (d)(9) *Compliance Inspection*, (g)(4) *Safe and sanitary maintenance of property*, (k) *Lawn and Yard Maintenance*, (m)(3) *Non-summary abatement by Village* are hereby amended to read as follows:

**Sec. 50.102(d)(9) *Compliance Inspection.*** An inspection performed in conjunction with a lawful order of the Chairperson of the Weston Public Safety Committee, Village Administrator, Chief of Police, Village Fire Inspector, Zoning Administrator, Property Inspector or Building Inspector or their designees for the purpose of certifying the fulfillment of an official requirement listed in the order.

**Sec. 50.102(g)(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 ensure 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.

**Sec. 50.102 (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 developed 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 length not to exceed 8 (eight) inches and property owners shall be responsible for mowing the lawn all the way to the street. Plantings and established lawns 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.*** Lawns which exceed eight (8) inches in length adversely affect the public health and safety, including, but not limited to, producing hay fever, emitting pollen and other discomforting bits of plants, concealing filthy deposits, providing a place for the accumulation of trash or litter, creating a fire hazard and adversely affecting property values within the Village. For these reasons, any lawn which exceeds eight (8) inches in length is hereby declared to be a public nuisance. In order to prevent such public nuisance, it shall be the duty of every person who owns, occupies or controls land within the Village to mow or cause to be mowed said lawn so that it never exceeds eight (8) inches in length. This mowing requirement does not apply to those portions of a lot or parcel that are located in a designated flood plain, wetland area, or undeveloped lot; however, where public sidewalks or multi-use paths are present, the property owner shall mow, or cause to be mowed, the portion of the lawn from the street to four feet beyond the right-of-way boundary and where an on-street multi use path is present, the property owner shall mow or cause to be mowed a strip no less than 4 feet wide from the edge of the street toward the property line.
- b. ***Mowing by Village.***
  - i. ***Notice to Owner of Record by Mail.***

The Weed Commissioner shall send a notice of violation/abatement order by mail to the owner of record of any land which is in violation of this section. Said notice of violation/abatement order shall order the owner of record, occupier and/or person in control of the land to immediately abate the nuisance or provide written notice to the Village Administrator of the reasons for objecting to the notice of violation/abatement order by a specified date and time, not to exceed seven (7) days. If the nuisance is not abated and no timely objection is received by the Village Administrator, the Weed Commissioner may mow or have mowed said lawn to meet the requirements of this section. The Weed Commissioner or his/her designee are expressly authorized to enter upon the private property for such abatement purposes. All costs associated with mowing shall be placed on the tax roll of said land as a special charge. In addition, any person who is in violation of this section shall be subject to a forfeiture as set forth in sec. 1.111.

ii. ***Due Process Hearing.*** If the owner, occupier and/or controller of the land subject to a notice of violation/abatement order contends that his/her lawn is not a nuisance, as defined in this section, he/she may object to the notice of violation/abatement order and request a hearing before the Plan Commission. The objection and request for hearing must be made in writing to the Village Administrator by the specified date and time identified in the notice of violation/abatement order. The objection and request for hearing shall include payment of a one-hundred-dollar bond (\$100). If a decision is rendered in favor of the owner, occupier and/or controller of the land, the one hundred dollars (\$100) will be returned. If the owner, occupier and/or controller of the land fails to appear for the hearing, or if the decision is rendered against him/her, the deposit shall be forfeited and applied to the cost of abating the nuisance. When a hearing is requested to challenge a notice of violation/abatement order, the hearing shall be held within fourteen (14) days from the date of the objection and request for hearing is received by the Village Administrator. At the hearing, the owner, occupier and/or controller of the land may appear in person or by his/her attorney, may present witnesses and may cross-examine witnesses as well as subpoena witnesses for his/her own case. At the close of the hearing, the Plan Commission shall make its determination in writing specifying its findings of fact and conclusions. If the Plan Commission determines that a nuisance exists on the land at issue, the Plan Commission shall order the Weed Commissioner and/or his/her designee to mow the lawn in question unless the owner, occupier and/or controller of the land abates the nuisance within forty-eight (48) hours of the Plan Commission's decision.

**Sec. 50.102 (3)      *Nonsummary abatement by Village for nuisances other than long grass, noxious weeds, trees and shrubs.***

- 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 inspecting officer shall send a notice of violation/abatement order by mail to the owner of record. Said notice of violation/abatement order shall order the owner of record, occupier and/or person in control of the land to abate the condition described in the order within the time specified therein. If sent by certified mail and the owner of record does not sign for the notice of violation/abatement order that is sent by certified mail, the inspecting officer or his/her designees shall post a notice of violation/abatement order upon the land in violation, in letters not less than one-inch (1") height.

- 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 fourteen (14) days of notice of violation/abatement order or posting of the notice of violation/abatement order upon the land in violation, apply to the Circuit Court for an order restraining the Village and the inspecting officer from entering upon 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.

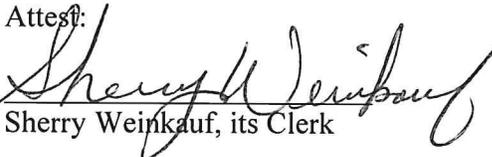
SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or 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.

Dated the 19<sup>th</sup> day of August 2019

WESTON VILLAGE BOARD

By:   
Wally Sparks, its President

Attest:  
  
Sherry Weinkauff, its Clerk

APPROVED: 8-19-19

PUBLISHED: 8-21-19

## Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted the following ordinances on August 19, 2019:

1. Ordinance No. 19-009: An Ordinance to amend Chapter 14 Building and Building Regulations to include section 14.136 Plumbing; Roof Trusses; Electrical Work, Section 14.05(e) Controversial or disputed street names and Sec. 14.512 Administrative Provisions, and to amend Chapter 2.214(d)(2)&(3)&(4)&(5) Standing Committees and to amend Chapter 10 Animals to include Section 10.122(d)(1)&(2)&(g) Kennels, Section 10.123(d)(1)&(2)&(3)&(4)&(g) Animal Fanciers, Section 10.205(a)&(b)&(c) Dangerous Animals, Section 10.207(b) Impoundment, Section 10.301(d)&(d)(1) Hunting, Permitted Activity Zones, and to amend Chapter 18 Businesses to include Section 18.148(c)&(k)&(q) Mobile Food Vendors License, and to amend Chapter 34 Fire Prevention and Protection to include Section 34.306(c) Service Fees and to amend Chapter 54 Offenses & Miscellaneous Provisions to include Section 54.116(e)(1)(e) Escorts and Escort Services.
2. Ordinance No. 19-010: An Ordinance to approve the Rezoning of 1.326 Acres of Land from INT Institutional to AR Agriculture and Residential; Located South of the Intersection of Ryan Street and Weston Avenue Village of Weston, Marathon County, Wisconsin.
3. Ordinance No. 19-012: An Ordinance to amend Section 94.16.16(1) Village Plan Commission.
4. Ordinance No. 19-013: An Ordinance to amend Chapter 50 Nuisances Section 50.102 (d)(9) Compliance Inspection, (g)(4) Safe and sanitary maintenance of property, (k) Lawn and Yard Maintenance, (m)(3) Non-summary abatement by Village.
5. Ordinance No. 19-014: An Ordinance repealing Chapter 90 of the Code of Ordinances of the Village of Weston Entitled "Vegetation" and Amending, Renumbering and Recreating a New Chapter 90 of the Code of Ordinances Named "Vegetation."

The full text of the newly enacted Ordinances 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 20th day of August, 2019  
Sherry Weinkauff, Village Clerk

Published: 8/21/19

**CONFIRMATION**



PART OF THE USA TODAY NETWORK

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Green Bay, WI 54301  
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VILLAGE OF WESTON  
5500 SCHOFIELD AVE  
WESTON WI 54476-4333

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GWM-1081606	0003747521	\$47.13	\$0.00	\$47.13	Credit Card	\$0.00	\$47.13

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**08/20/2019**

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Dated this 20th day of August, 2019

Sherry Weinkauff, Village Clerk  
Run: August 21, 2019 WNAXLP