

Chapter 300

PROPERTY MAINTENANCE

[HISTORY: Adopted by the Village Board of the Village of Spring Green 2-12-2003 (§§ 12.01 and 12.07 of the Village Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 189.

Nuisances — See Ch. 278.

Trees and shrubs — See Ch. 360.

§ 300-1. Findings and declaration of policy.

It is hereby found and declared that:

- A. There exist in the Village of Spring Green (the Village) premises used for residential and nonresidential purposes which are, or may become in the future, substandard with respect to structure, equipment or maintenance.
- B. Such conditions, including but not limited to structural deterioration, lack of maintenance and appearance of the exterior of the premises and appurtenant lawns, infestation, and existence of fire hazards, constitute a threat to the health, safety, general welfare and reasonable comfort of the citizens of the Village.
- C. By reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions, and if these conditions are not curtailed and removed, they will grow and spread and will necessitate the expenditure of large amounts of public funds to correct and eliminate.
- D. As the result of the regulations and restrictions contained in this chapter, the desirability and amenities of residential and nonresidential uses may be enhanced and the public health, safety and general welfare protected and fostered.

§ 300-2. Purpose.

The purpose of this chapter is to protect the public health, safety and general 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 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.

§ 300-3. Definitions.

The following words and terms, wherever used in this chapter, shall be defined as follows unless a different meaning clearly appears from the context:

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.

EXPOSED TO PUBLIC VIEW — Any premises or building or part thereof that may be viewed by the public.

EXTERIOR OF THE PREMISES — The open space on the premises and the exterior of any structure thereon.

EXTERMINATION — The control and elimination of insects, rodents, vermin and other pests.

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

LAWN — Land covered with cool season grasses maintained at a low height.

NOXIOUS WEEDS — Canada thistle, leafy spurge, field bindweed (creeping jenny), purple loosestrife, multiflora rose, burdock, common ragweed, great ragweed, garlic mustard, goat's beard, poison ivy, wild parsnip, cocklebur, pigweed, common lambsquarter, curled dock, hemp, and English plantain.

PREMISES — A lot or parcel of land, including the buildings and structures thereon and its appurtenant lawn, if any.

PROPERTY OWNER — Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof.

PUBLIC NUISANCE — A thing, act, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, safety and general welfare of the public;
- B. In any way render the public insecure in life or the use of property; or
- C. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley or other public way or the use of public property.

WASTE — Includes but is not limited to garbage, litter, refuse, trash, rubbish, junk and debris.

§ 300-4. Applicability.

Every residential, nonresidential or mixed occupancy building and the land on which it is located, used, or intended to be used for residential, commercial, agricultural or industrial occupancy shall comply with the provisions of this chapter whether or not such building or premises shall have been constructed, altered, repaired, installed or planted before or after the effective date of this chapter.

§ 300-5. Regulation of premises.

- A. Maintenance of exterior of premises. The exterior of the premises and all structures thereon shall be kept free of unsanitary conditions and any hazards to the safety of the occupants,

invitees, pedestrians and other persons utilizing or coming on the premises. The exterior of every structure on a premises, including fences or enclosures, shall be maintained in good repair, free of broken glass, loose shingles, crumbling stone or brick, excessively peeling paint, loose boards or other conditions indicative of deterioration or inadequate maintenance, all to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blight. Any of the foregoing conditions are found to be public nuisances and shall be promptly removed and abated by the property owner. Such public nuisances include, but are not limited to, the following:

- (1) Waste.
 - (2) Dead and dying trees and limbs or other natural growth which by reason of rotting, deteriorating conditions or storm damage constitutes a hazard to persons in the vicinity.
 - (3) Sources of infestation.
 - (4) Lack of maintenance to the exterior of the premises such that the appearance of the premises or structures or waste or other property thereon contributes to blight.
- B. Nuisances prohibited. No person, firm, corporation, company or organization shall permit any public nuisance as defined herein to remain on any premises owned, controlled or occupied by such person, firm, corporation, company or organization within the Village.
- C. Inspection. The Village Clerk-Treasurer may cause to be inspected by the Village Building Inspector any premises and place within the Village to determine whether any public nuisance as defined herein exists.
- D. Abatement of nuisance. If the Village Building Inspector shall determine with reasonable certainty that any public nuisance as defined herein exists, such inspection shall be immediately reported to the Village Board which shall, if it determines that such nuisance exists, cause notice to be delivered personally or by certified mail, return receipt requested, on the property owner that the Village Board proposes to order the abatement of the public nuisance.
- E. Hearing. If the property owner believes that no public nuisance exists, such person may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within 10 days of the date of delivery of the notice from the Village. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the owner's request. At the hearing, the owner may appear in person or by his attorney, may present witnesses and may cross-examine witnesses presented by the Village. At the close of the hearing, the Village Board shall make its decision in writing. If the Village Board determines that a public nuisance does exist, the Village Board shall order the nuisance abated. The order shall specify the time by which the nuisance shall be abated, which shall not be less than 48 hours from delivery of said order either personally or by certified mail, return receipt requested.
- F. Penalty. Any person who does not abate a public nuisance under this section within the time specified shall, in addition to all other remedies available to the Village, including

payment of the cost of inspection, be subject to a forfeiture of not less than \$10 nor more than \$400. Each day said failure to abate the nuisance shall continue shall constitute a separate offense.

§ 300-6. Regulation of height of lawn and grasses.

- A. Purpose. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village.
- B. Public nuisance defined. The Village Board finds that on lots or parcels of land, noxious weeds and lawns which exceed six inches in height adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, promote infestation, interfere with the public convenience and adversely affect property values of other land within the Village. For those reasons, on a lot or parcel of land, any lawn or noxious weed which exceeds six inches in height is hereby declared to be a public nuisance, except for property located in a wetland area.
- C. Nuisances prohibited. No person, firm, corporation, company or organization shall permit any public nuisance as defined in Subsection B above to remain on any premises owned, controlled or occupied by such person, firm, corporation, company or organization within the Village.
- D. Inspection. The Village may cause to be inspected all premises within the Village to determine whether any public nuisance as defined in Subsection B above exists.
- E. Abatement of nuisance. If an inspection shall determine with reasonable certainty that any public nuisance as defined in Subsection B above exists, such inspection shall be immediately reported to the Village Clerk-Treasurer who shall, if he or she determines that such nuisance exists, cause notice to be served personally or by certified mail, return receipt requested, on the property owner that the Village proposes to have the grass or lawn cut so as to conform to this chapter.
- F. Hearing. If the property owner believes that the grasses or weeds are not a nuisance, the property owner may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within 10 days of the date of delivery of the notice from the Village. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the property owner's request. At the hearing, the property owner may appear in person or by his attorney, may present witnesses and may cross-examine witnesses presented by the Village. At the close of the hearing, the Village Board shall make its determination in writing. If the Village Board determines that a public nuisance does exist, the Village Board shall order the property to be mowed within 48 hours of the Village Board's decision. If the owner does not abate the nuisance within said 48 hours, the Village may cause the nuisance to be abated and the costs thereof to be assessed to the property owner.
- G. Village's option to abate nuisance. In any case where the property owner shall fail to cut the lawn, grass or weeds as set forth in the order of the Village, then and in that event the

Village may elect to cut said lawn, grass and weeds as follows:

- (1) The written notice required in Subsection E above shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Village may abate the same and the cost thereof shall be assessed to the property owner as a separate charge.
- (2) If the Village shall cut or cause to be cut all grass and weeds from the subject property, the expenses of so doing shall be charged at a rate established by resolution of the Village Board. The charges shall be set forth in a statement and shall be either delivered personally or mailed to the property owner by certified mail, return receipt requested. If the statement is not paid within 60 days thereafter, the Village Clerk-Treasurer shall enter the charge in the tax roll as a special tax against said lot or parcel of land.

H. Penalty. Any person who does not abate a public nuisance under this section within the time specified shall, in addition to all other remedies available to the Village, be subject to a forfeiture of not less than \$10 nor more than \$400. Each day said failure to abate the nuisance shall continue shall constitute a separate offense.

§ 300-7. Outdoor heating devices. [Added 5-28-2003]

- A. No outdoor solid or liquid fuel heating device shall be constructed, installed, or operated within the Village of Spring Green. An outdoor solid or liquid fuel heating device is a device located outside a building and designed for the combustion of solid or liquid fuels such as wood, coal, or oil in order that usable heat is derived for the interior of a structure.
- B. Any person violating this section shall be subject to a forfeiture of not less than \$20 nor more than \$300 together with applicable costs and assessments.¹

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).