

**Ordinance Establishing a
Minimum Property Maintenance Code**

Ordinance No. 11-05

The Town Board for the Town of Albion, located in Dane County, Wisconsin, do ordain as follows:

Section 1.0: Purpose. The purpose of this Ordinance 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. Safe, attractive and well-maintained property will enhance the neighborhood and the Town and provide a suitable environment for increasing physical and monetary values as well as preserve the health, safety and welfare of the public.

Section 2.0: Minimum Requirements. Every owner or operator shall improve and maintain all property under his 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.
- (b) All exterior property areas shall be kept free from noxious weeds as defined in Sec. 66.0407, Wis. Stats.
- (c) The interior of all vacant buildings and structures and 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 within twenty-four (24) hours.
- (d) Fences, structures, minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition.
- (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. In addition, all surfaces except floors of exterior porches, balconies, decks and similar structures constructed of treated lumber shall be treated with paint or pigmented stain, if any part of the structure is located between the principle building and a street lot line. Any structure or surface constructed of new treated lumber shall not be required to be painted or stained under this paragraph for the first eighteen (18) months after said lumber was installed. Any exterior surface treated with paint, stain, 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, stain, or other preservative shall be applied in a workmanlike fashion.

- (f) Landscaping, plantings and other decorative surface treatments, including but not limited to common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. All vegetation 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 City.
- (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 and hard surface shall be provided in spaces subject to moisture.
- (h) Every foundation, exterior wall, and 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.
- (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 door and window hardware shall be installed and maintained in proper working condition.
- (j) Every inside and outside stair, every porch, platform, balcony, 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.
- (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.

Section 3.0: Abandoned or Vacant Property

3.1 Findings

The Town Board finds that the larger number of foreclosures which have occurred during the recession which began in 2007 has resulted in significant numbers of houses and buildings being left vacant. One of the purposes of this Ordinance is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and to ensure the safe and sanitary maintenance of dwellings, commercial and industrial buildings. It is the intent of this Ordinance to address homes and buildings that have become vacant, abandoned, or otherwise unsupervised thereby having a negative impact on surrounding properties and neighborhoods. Vacant and abandoned homes create an increased risk of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs, and bushes, illegal dumping, and rodent and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods and industrial and commercial areas. It is important for the Town to be able to contact Owners of vacant properties for property maintenance, utility shutoff, fire safety, and police reasons.

3.2 Definitions. As used in this Section 3.0, the following terms shall have the following meanings:

- (a) "Abandoned vacant property" means a vacant property that has been vacant for thirty (30) days or more and meets any one of the following criteria:
- (1) provides a location for loitering, vagrancy, unauthorized entry, or other criminal activity;
 - (2) has one or more broken or boarded windows or doors;
 - (3) has taxes in arrears for a period of time exceeding 365 days;
 - (4) has utilities disconnected or not in use;
 - (5) is not maintained in compliance with Town ordinances, building codes or state law to an extent that it is not commercially saleable or rentable;
 - (6) is only partially completed and is not fit for human occupancy
 - (7) is the subject of a judgment of foreclosure.
- (b) "Building" means a structure with a roof supported by columns or walls to serve as a shelter or enclosure, or a portion thereof under construction.
- (c) "Evidence of vacant property" means any condition that on its own or combined with other conditions would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices, disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded windows, abandoned vehicles, auto parts or materials, the

absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with habitation, or occupation, statements by neighbors, passerby, delivery agents or governmental employees that the property is vacant.

- (d) "Foreclosure" means the process by which a mortgage or land contract is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the mortgagee or a deed in lieu of foreclosure.
- (e) "Mortgage" means a recorded lien or interest in real property to secure payment of a loan.
- (f) "Mortgagee" means a person, firm, corporation or other legal entity holding a mortgage on a property.
- (g) "Mortgagor" means a borrower under a mortgage who grants a lien or interest in property to a Mortgagee as security for the payment of a debt.
- (h) "Owner" means any individual, limited liability company member, co-partnership, association, corporation, company, fiduciary, or any other person or legal entity having a legal or equitable title or interest in real property. The term includes a Mortgagee which has obtained a judgment of foreclosure against a property or accepted a deed in lieu thereof.
- (i) "Structure" means anything constructed or erected, the use of which requires location on or attachment to the ground, and includes Buildings.
- (j) "Vacant Property" means an improved lot or parcel of real property with at least one Building or Structure that is not currently used or occupied for a period in excess of 30 days. A Building or Structure which remains furnished, has utilities connected or in use, and on property that is maintained while the Owner is absent, shall not be considered vacant. A property which is the subject of a foreclosure action is presumed to be a Vacant Property after the date on which the Circuit Court enters an order confirming a Sheriff's Sale of the premises. A structure under construction shall be a Vacant Property if construction is not completed within one (1) year of the date of issuance of a building permit, or at an earlier date if less than \$ 1,000 has been expended on construction activities on the property in the previous thirty (30) days.
- (k) "Rented" means a property is leased to a party who pays Rent to the Owner.
- (l) "Rent" means consideration for occupancy of property, and may include personal services to improve a property or payments may in anticipation of purchase of a property.

- (m) "Vacancy Permit" means a document issued by the Town of Municipality which authorizes an Owner to possess a Vacant Property or Abandoned Vacant Property if the conditions of the Vacancy Permit are met.

3.3 Maintenance and Security Requirements. An Owner of a vacant property shall comply with all of the following maintenance and security requirements.

- (a) Property shall be kept free from weeds, grass more than six (6) inches high, dry brush, dead vegetation, trash, junk, debris, building material, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded items, including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, or any other items that give the appearance that the property is abandoned.
- (b) Property shall be maintained free of graffiti or similar markings.
- (c) All visible front and side yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, trees, shrubs, hedges, or similar plantings. Maintenance includes, but is not limited to, cutting, pruning, and mowing of required landscaping and removal of all trimmings.
- (d) Pools and spas shall be drained and the water supplies disconnected. They shall be covered with an industry approved safety cover and shall also comply with the minimum security fencing and barrier requirements of all applicable building and existing structures/property maintenance codes and ordinances.
- (e) Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates, and any other opening of such size that may allow a child or other person to access the interior of the property and/or Buildings or Structures. Broken windows must be repaired or replaced with like glazing materials within seven (7) days. Boarding up of open or broken windows is prohibited except as a temporary measure not to exceed seven (7) days.
- (f) Electrical power and natural gas shall be provided to all vacant or unoccupied Buildings or Structures to power all mechanical equipment to maintain a minimum ambient interior temperature of not less than forty-five (45) degrees Fahrenheit during the months of September through April of each calendar year and to power a sump pump. A minimum of a seven (7) watt night light shall be placed in the interior of any vacant residential Building or Structure on a timer, set so as to turn on at dusk and off at dawn, on both the first and second levels, so as to be visible from the exterior of the residential Building or Structure. All vacant or unoccupied residential Buildings or Structures shall have the water shut off at the street or pump and shall have the building properly winterized so as to

prevent the bursting of water pipes, unless the Building or Structure is served by a heating system which requires the use of water.

- (g) Property shall be maintained in compliance with all other applicable code requirements.
- (h) The Owner shall do the necessary to avoid growth of mold or other obnoxious conditions.
- (i) The Owner shall cause the property to be inspected at least monthly to monitor compliance with this section.

Section 4.0: Fire-Damaged Property. If an occupied Building or Structure is damaged by fire, the Owner has one hundred twenty (120) days from the date of the fire to apply for a permit to start construction or demolition. Failure to do so will result in the property being deemed vacant and subject to the Town obtaining a raze order under Section 66.0413, Wis. Stats. An insurance company which fails to timely pay a fire loss for reasons other than arson is liable under this Ordinance.

Section 5.0: Severability. Should any section, subsection, clause, or phrase of this Ordinance be declared by the courts to be invalid or unenforceable, such declaration will not affect the validity or enforceability of the ordinance as a whole or any part thereof other than such part so invalidated or declared unenforceable.

Section 6.0: Penalties; Town Remedial Response, Razing Process. A violation of this Ordinance shall be a forfeiture offense. A first offense shall be subject to a minimum \$200.00 fine and any other penalties authorized under state law. Second or subsequent offenses shall be subject to a minimum fine of \$400.00 and any other penalties authorized under state law. The requirements of this Ordinance are in addition to, and not in lieu of, all other Town ordinances, codes, rules, regulations, or state law. Each day of violation shall constitute a separate offense.

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Minimum Property Maintenance Code**

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The Town Board for the Town of Albion, located in Dane County, Wisconsin, do ordain as follows:

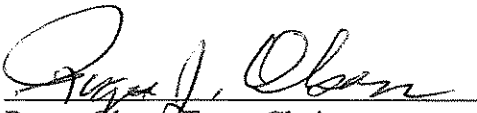
Section 1: The Ordinance entitled, "Ordinance Establishing a Minimum Property Maintenance Code," No. 11-05, in the form and substance of that attached, be and hereby is adopted in its entirety.

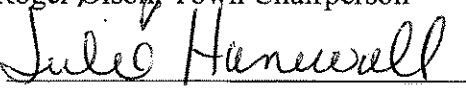
Section 2: That any ordinance of the Town of Albion in express conflict with the terms and provisions of the attached Ordinance be and hereby is repealed.

Section 3: That the attached Ordinance shall become effective upon its posting in at least three places located within the Town, likely to give notice to the public; except, however, that if the Ordinance provides for a forfeiture, the Town Clerk shall, in lieu of posting, publish a summary of the Ordinance as authorized in Sec. 60.80(5), Wis. Stats.

Adopted this 6th day of December, 2011.

TOWN OF ALBION

By: 
Roger Olson, Town Chairperson

Attest: 
Julie Hanewall, Town Clerk

Supervisor, Robert Cusick introduced the above ordinance and moved its passage. Seconded by Bob Venske.

Roll Call 5 Yes 0 No

Copies of this ordinance may be obtained at the clerk's office located at 620 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.