

9.06 MINIMUM PROPERTY MAINTENANCE CODE

(1) Minimum Maintenance Standards.

- (a) Policy - There exists in the Village of Hilbert, structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and/or removed, the expenditure of public funds to correct and eliminate the same may be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Village of Hilbert.
- (b) Purpose - The purpose of this Chapter is to protect public health, safety and welfare by establishing minimum property maintenance standards. This Chapter does not replace or modify standards otherwise established by other portions of this Code of Ordinance for construction, repair, alteration or use of buildings. This Chapter is meant to be remedial and this Chapter shall be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this Chapter shall be deemed to be a public nuisance.
- (c) Scope - These standards apply to all structures located within the Village of Hilbert.
- (d) Minimum Standards - It shall be unlawful for any person to occupy or use or let or hold out to another for occupancy for use any building, structure or premises which does not comply with the requirements of this Chapter.

(2) Definitions.

For purposes of this Chapter, the following definitions shall be applicable:

- (a) Abandoned Dwelling - A dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.
- (b) Accessory Structure - A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

- (c) Blighted Area - Any area in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.
- (d) Building - Any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.
- (e) Deterioration - The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
- (f) Dilapidated - Describes a building, structure or part thereof which is in a state of shabbiness resulting from neglect. The term implies a hazard to life or property.
- (g) Dwelling - Any enclosed space which is wholly or partly used or intended to be used for housing or sleeping by human occupants.
- (h) Nuisance - Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Wisconsin or the Village of Hilbert Ordinance. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public, or
 - (2) In any other way render the public insecure in life or in the use of property.
- (i) Occupant - Any person living, sleeping or having actual possession of a building.
- (j) Owner - Any person who alone, or jointly or severally with others:

- (1) Shall have legal title to any premises, with or without accompanying actual possession thereof; or
- (2) Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this Chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (k) Person - Any natural individual, firm, trust, partnership, association or corporation.
- (l) Premises - A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and included any such building, accessory structure or other structure thereon.
- (m) Refuse - All perishable and non-perishable solids (excluding ashes) consisting of either:
 - (1) Combustible wastes such a paper, cardboard, plastic containers, yard clippings and wood or
 - (2) Noncombustible wastes such as tin cans, glass or crockery.

(3) PROHIBITION OF LITTER, RUBBISH, OR DEBRIS

No owner or occupant shall accumulate, or allow the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture or other material, including non-registered vehicles, on such property which present a blighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighboring properties. Yards shall be kept substantially clear of debris and shall be provided with adequate lawn or ground cover of vegetation, hedges or bushes. All areas not covered by any of the foregoing shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes, or vegetation that overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

(4) HOUSING APPEARANCE

- (a) Minimum Standards - No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following

Subsections.

- (b) Foundations. Exterior Walls and Roofs - No person shall be an owner or occupant of any premises which does not comply with the following requirements:
- (1) Every exterior wall shall be free of deterioration holes, breaks, loose or rotting boards or timbers. All siding materials shall be securely attached to the structure.
 - (2) Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent (30%) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application. Paint shall be uniform in color.
 - (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
 - (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
 - (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly where applicable, to an exterior wall or exterior roof.
 - (6) The foundation shall be substantially watertight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points.
 - (7) Roof drainage must be adequate to prevent rainwater from causing dampness in the wall.
- (c) Windows, Doors and Hatchways - Every window shall be fully supplied with transparent window panes which are substantially without cracks or holes, shall be substantially tight and shall be kept in good condition and repair. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Every exterior door shall fit substantially tight within its frame and shall be kept in good condition. Window and door frames shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain, and surface drainage water into

the building or structure.

- (d) Stairways and Porches - Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free of deterioration with every rail and balustrade firmly fastened and maintained.
- (e) Accessory Structures - All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.
- (f) Abandoned Dwellings - The owner of any abandoned dwelling shall:
 - (1) Cause all service and utilities to be disconnected or discontinued to said dwelling;
 - (2) Lock all exterior doors and windows of said dwelling;
 - (3) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weather tight, waterproof, rodent proof, structurally sound, and in good repair such that they comply with Subsection (b); and
 - (4) Maintain the yard and accessory structures such that they comply with this Section.
- (g) Nuisances - The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.
- (h) Infestation - Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control except where more than one unit is infested at the same time and, in this instance, the owner shall also be responsible for extermination of the infestation.
- (i) Refuse, Garbage and Rubbish Storage Requirements - Every building or structure shall have adequate refuse, garbage or rubbish storage facilities. Garbage containers shall all have tight covers and shall be kept in place at all times. No occupant shall accumulate rubbish, boxes, lumber, metal or other materials which may provide harborage for rodents or vermin.

(5) NOTICE AND REMEDY

- (a) The Village President is authorized and directed to make inspections in response to a written and signed complaint that an alleged violation exists; or when there is good reason to believe that a violation is being committed. If the Village President determines that a violation exists, he/she may refer the matter to the Improvements and Building Permits Committee for action under Section 9.06(5)(b). Although not required, the Village President may attempt to make personal contact with the property owner and/or occupant of the premises to review the alleged violation(s) and attempt to resolve the matter informally without referral to the Improvements and Building Permits Committee. The Village President shall document any personal contact on a Village prescribed form.
- (b) Upon referral from the Village President as provided in Section 9.06(5)(a), the Improvements and Building Permits Committee is authorized to issue a Notice of Violation upon determination of a violation of this Section 9.06.
- (c) A Notice of Violation issued under Section 9.06(5)(b) may be appealed by written request to the Improvements and Building Permits Committee on or before the deadline for corrective actions. Upon appeal, the Improvements and Building Permits Committee shall have the authority to dismiss or affirm, in whole or in part, the Notice of Violation. If the violation continues after expiration of the deadline for corrective actions, or in the event of an appeal the Improvements and Building Permits Committee affirms (in whole or in part) the Notice of Violation, the matter shall then be referred to the Village Board for an enforcement determination under Section 9.06(5)(e).
- (d) A Notice of Violation issued under Section 9.06(5)(b) shall specify the nature of the violation and the required corrective actions. The Improvements and Building Permits Committee shall establish the deadline for corrective actions which shall be not less than fifteen (15) days nor more than thirty (30) days. The Improvements and Building Permits Committee shall have the authority to extend the deadline to complete corrective actions for up to an additional one hundred eighty (180) days. In determining whether to grant an extension, the Improvements and Building Permits Committee may consider the health of the owner/occupant as it relates to their ability to correct the violation in a timely manner, the length of time required to correct the violation, the weather conditions and any other factors which relate to the ability of the owner/occupant to timely correct the violation. The Notice of Violation shall advise the property owner/occupant of the right to appeal under Section 9.06(5)(c). The Notice of Violation shall be served personally or by certified mail addressed, postage paid, to the

last known address of the owner/occupant. Service by certified mail shall be deemed complete upon mailing.

- (e) The enforcement determination may include the issuance of one or more citations in accordance with Section 9.06(8), and/or other enforcement means, including actions to abate nuisances under Chapter 823 and/or actions for razing dilapidated buildings pursuant to Wisconsin State Statute.

(6) OTHER METHODS NOT EXCLUDED

Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisance by the Village of Hilbert or its officials in accordance with the laws of the State of Wisconsin or Village ordinances. In their interpretation and application, the provisions of this code shall be considered minimum requirements. Where the provisions of this code impose greater restrictions than any statute, other regulation, ordinance, or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance, or covenant shall prevail.

(7) COST OF ABATEMENT

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, 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.

(8) PENALTY

All violations of this Ordinance shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) per offense, together with applicable surcharges and penalty assessment and taxable costs of prosecution, and the Court may also grant injunctive relief. Failure to comply with an order of abatement issued under this Ordinance shall constitute a violation of this Ordinance and each day of continued violation shall constitute a separate offense. Failure to pay any penalties imposed by the Court in accordance with this Ordinance may result in imprisonment in the County Jail.