Chapter 362
Property Maintenance

[HISTORY: Adopted by the Village Board of the Village of Campbellsport as indicated in article histories. Amendments noted where applicable.]

Article I
Adoption of Standards

[Adopted 3-12-2012 by Ord. No. 327 (Ch. 8, Art. VI, of the 2008 Code)]

§ 362-1 **Interpretation and applicability.**

A. Every building, structure and premises will conform to the requirements of this article, irrespective of the class to which such building, structure and premises may otherwise belong, and irrespective of when such building may have been constructed, altered or repaired.

B. This article will be known as the "property maintenance ordinance" and establishes minimum standards for maintenance of buildings, structures and premises and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings and structures except such as are in conflict with the provisions of this article. Any inconsistency or conflict between the provisions of this article and any other existing ordinance will not repeal such provision or ordinance; but the provisions of this article will be cumulative thereto.

§ 362-2 **Definitions.**

A. For the purpose of this article, the following words and phrases will have the meaning respectively ascribed to them by this section:

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.

BASEMENT

That portion of the building, the floor line of which is below the surface of the ground immediately adjoining it, and its ceiling not more than four feet above lot grade.

BUILDING

Any structure utilized or intended for supporting or sheltering any occupancy.

DETERIORATION

The condition or appearance of a building or structure, or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or neglect.

DWELLING

Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.

EXTERMINATION

The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Health Commissioner or county health department.

FENCE

An independent structure forming a barrier at grade or between lots, between a lot and a street or an alley, or between portions of a lot or lots and includes a wall or lattice-work screen, but excludes a hedge or natural growth, or a barrier of less than 18 inches in height which is used to protect plant growth.

GARBAGE

Garbage is all waste, animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption.

INFESTATION

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

NUISANCE

(1) Any public nuisance known at common law or in equity jurisprudence, or as provided by the Statutes of the State of Wisconsin, or the ordinances of the Village of Campbellsport. (2) Any attractive nuisance which may prove detrimental to the health or safety of children in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, oak sumac, which may prove a hazard for inquisitive minors.

OCCUPANT

Any person occupying or having use of a building, structure, premises or any part thereof.

OPERATOR

Any person who has charge, care or control of a building, structure or premises or a part thereof.

OWNER

Any person who, alone, jointly, or severally with others, will hold title to a building, structure or premises, or who will be in actual possession of or have charge, care or control of a building, structure or premises as an employee or agent of the title holder, or who will be trustee or guardian of the estate or person of the title holder.

PERSON

Includes a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this article prescribing a penalty or fine, as to partnerships or associations, the word will include the partners or members thereof, and as to corporations, will include the officers, agents or members thereof who are responsible for any violation of such section.

REFUSE

All solid waste (except body waste), including but not limited to: rubbish, ashes, street cleanings,

abandoned, nonlicensed or inoperable motor vehicles, appliances and solid market and industrial wastes. Refer to Chapter 464 of this code.

REPAIR

To restore to a state of operation, serviceability or appearance in conformity with this article.

REPLACE

To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.

RUBBISH

Rubbish is the miscellaneous waste material, combustible and noncombustible, resulting from housekeeping and ordinary mercantile enterprises, and includes but is not limited to boxes, cartons, excelsior, paper, ashes, cinders, tin cans, bottles and broken glass, rubber, grass clippings, brush, leaves and garden plants.

STORAGE CONTAINER

A Portable Storage Container is any container, storage unit, shed-like container or other portable structure, other than an Accessory Building, yard maintenance building or shed, that complies with all the requirements of this code, that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building.

STRUCTURE

Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a building, fence, freestanding wall, sign or other advertising medium, whether detached or projecting.

SUBSTANDARD

All buildings which do not conform to the minimum standards established by this chapter and by any other provisions of this Code of Ordinances or by State of Wisconsin Administrative Code.

WEATHERING

Deterioration, decay or damage by exposure to the elements.

YARD

An open space at grade on the same lot as a building or structure, located between such building or structure and the adjoining lot line and/or street line.

B. Whenever the words "building," "structure," "premises," are used in this article, they will be construed as though they were followed by the words "or any part thereof."

§ 362-3 **Responsibilities of owners, operators and occupants independent of each other.**

A. Owners, operators and occupants will have all the duties and responsibilities as given in this article and no owner, operator or occupant will be relieved from any duty and responsibility nor be entitled to defend against any charge of violation.

B. Occupants will have all the duties and responsibilities as prescribed in this article. No person will attempt to contract away his responsibilities under this article.

§ 362-4 **Duties and responsibilities of owners and operators.**

A. Maintenance and appearance of exterior of premises.

(1) The exterior of premises and all structures will be kept free of all nuisances, unsanitary conditions, and any hazards to the safety of occupants, pedestrians and to the persons utilizing the premises. Any of the foregoing will be promptly removed and abated by the owner or operator.

(2) The exterior of the premises and surrounding yard will be kept free of hazards, which include, but are not limited to, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.

(3) Exterior porches, landings, balconies, stairs and fire escapes will be provided with banisters or railings properly designed and maintained to minimize the hazards of falling and will be kept structurally sound, in good repair and free of defects.

(4) The exterior appearance of all buildings will reflect a level of maintenance in keeping with the standards of the neighborhood. It will not constitute a blighting factor for adjoining property owners or an element leading to the progressive deterioration and downgrading of the neighborhood.

(5) The premises will be kept landscaped and lawns, hedges and bushes will be kept trimmed and from becoming overgrown and unsightly where exposed to the public view. Premises will include the areas between the sidewalk and the curb of the street.

(6) In addition to Subsection **A(5)** above, no grass upon any private premises within the Village limits will be allowed to grow in excess of an average length of six inches before mowed, cut or trimmed, provided, however, that this provision will not apply to land with a pitch greater than 30° from horizontal.

(7) Yards will be kept substantially clear of debris and will be provided with adequate lawn, ground cover or vegetation. Hedges or bushes will be cut or trimmed as often as necessary to maintain a neat and attractive appearance. All areas not covered by any of the above-mentioned will be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public entrance will be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

(8) Every yard, court, driveway or other portion of the lot will be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways will be maintained in good condition and repair.

(9) Every building, structure and all exterior accessories on the premises will be adequately protected against rats, mice, termites, and other vermin infestation, and will not permit the entrance of such rats, mice, termites, and other vermin. Occupants and operators will 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 will also be responsible for extermination of the infestation.

(10) Every building will have adequate refuse, garbage or rubbish storage facilities. No occupant will accumulate rubbish, boxes, lumber, metal refuse or other materials which may provide a harborage for rodents or vermin.

(11) The exterior of every structure or accessory structure, residential and nonresidential, including fences, will be maintained in good repair and all surfaces will be kept painted where necessary for purposes of preservation and appearance. The same will be maintained free of broken loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance.

(12) Every dwelling and accessory structure, exterior walls, siding and roofs will be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards and will be so maintained as to be weather- and water-tight. (The above applies to residential and nonresidential properties.)

(13) This article applies whether or not the premises are temporarily or continuously occupied or unoccupied, inhabited or uninhabited, commercial or noncommercial, and whether or not there is a structure, building or other improvement upon the premises.

(14) Storage containers are prohibited. Exception would be considered for a container from a bona-fide company that leases or rents storage containers with a 45-day limitation. An extension would be allowed by Village Board approval.

B. An owner or occupier of land in the Village may apply for approval of a land management plan for a natural lawn in which grasses and vegetation may exceed six inches. Applications for such plans will be considered as applications for conditional use permits.

§ 362-5 **Inspection by Building Inspector, Police Chief or designated representative.**
The Building Inspector, Police Chief, or designated representative is authorized and, upon receipt of complaint, will make exterior inspection to determine whether the buildings, structures and premises located within this Village conform to the requirements of this article. For the purpose of making exterior inspections, the Building Inspector, Police Chief, or designated representative is authorized to enter, examine and survey at all reasonable times the exterior portions of all buildings, structures or premises. Every owner or occupant will give the Building Inspector/Police Chief or designee free access to any said premises. The Building Inspector, Police Chief, or designated representative, having probable cause to believe a violation of this article exists, will have authority to enter any premises after written notice has been given to the owner, occupant or his agent. If, after such notice is given, access is denied to the Building Inspector, Police Chief, or designated representative, he or she may apply to the municipal court for a special inspection warrant according to the provisions established in §66.0119 of Wis. Stats.

§ 362-6 **Administrative provisions.**

A. The Building Inspector, Police Chief, or designated representative is hereby made responsible for the enforcement of this article. All inspections, enforcement, orders or matters relating to violation of this article will be under his/her direction and supervision. He/she may appoint or designate such other public officials or employees of the Village to perform duties as may be necessary to the enforcement.

B. The Building Inspector, Police Chief, or designated representative will be supplied with official identification and upon request will exhibit such identification when entering any premises subject to this article. The Building Inspector, Police Chief, or designated representative will conduct themselves to avoid intentional embarrassment or inconvenience to occupants.

§ 362-7 **Notice.**
Whenever the Building Inspector, Police Chief, or designated representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, notice of such alleged violation will be given to the person or persons responsible, which will:

A. Be in writing;

B. Indicate the nature of the violation(s);

C. Indicate the time for the correction of the violation in accordance with Subsection **E**;

D. Be served upon the owner or his agent, or the occupant or operator, as the case may require. Such notice will be deemed to be properly served upon such owner or his agent, or occupant, or operator, if a copy is:

(1) Served upon him personally; or

(2) Sent by regular mail to the owner at its last known address; or

(3) Posted in a conspicuous place in or about the building or structure affected by notice; or

(4) Served upon a member of the family of the owner, operator or occupant 1 years of age or older.

E. State a reasonable amount of time, not to exceed 30 days, to correct or abate the violation.

§ 362-8 **Notice on building.**

A. The Building Inspector, Police Chief, or designated representative will cause to be placed upon a building, structure or premises a notice, which will state the determinations of the Building Inspector, Police Chief, or designated representative as to the building, structure or premises being unfit for use or occupancy whenever all of the following occur:

(1) Any building, structure or premises that does not substantially comply with the requirements of this article; and

(2) The Building Inspector, Police Chief, or designated representative has given notice of the violation involved as provided for in § **362-7**; and

(3) If the owner, occupant or operator has failed to correct the violations in said notice; and

(4) The Building Inspector, Police Chief, or designated representative has further determined that the building, structure, or premises is so damaged, decayed, dilapidated, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public, and is, therefore, unfit for use or occupancy.

B. The form of the notice placed under the provisions of this section of the article will be determined by the Building Inspector, Police Chief, or designated representative but will also substantially state the specific violations of this article.

C. No person will deface or remove the notice from any building, structure or premises which has been placed by the Building Inspector, Police Chief, or designated representative until removal of such notice is authorized by the Building Inspector/Police Chief or designated representative.

D. Any building, structure or premises which has been determined by the Building Inspector, Police Chief, or designated representative as being so damaged, decayed, dilapidated, unsafe or vermin-infested that it creates a serious hazard to the health and safety of the occupants or of the public, and is, therefore, unfit for use or occupancy, and which said building, structure or premises has been noticed by the Building Inspector, will be vacated within such time period as set by the Building Inspector, Police Chief or designated representative.

E. No building, structure or premises which has been determined by the Building Inspector, Police Chief, or designated representative as unfit for use or occupancy and noticed will again be used or occupied until written approval is secured from, and such notice is removed by, the Building Inspector, Police Chief, or designated representative.

F. The Building Inspector, Police Chief, or designated representative will grant such approval and remove such notice in the event that the violations have been corrected and the Building Inspector, Police Chief, or designated representative determines that the building, structure or premises is now fit for use or occupancy.

§ 362-9 **Noncompliance; remedy of defects.**

A. The owner, occupant or operator of any building, structure or premises will have the time as specified in the notice under § **362-7** to remedy the violations specified in such notice.

B. In the event the Building Inspector, Police Chief, or designated representative determine, in his/her discretion, that the owner, occupant or operator is, within said time, making a good faith effort to

correct the violations, he/she may extend the time for compliance.

C. If the owner, occupant or operator of building, structure or premises fail or refuse, after notice and order of the Building Inspector, Police Chief, or designated representative, to remedy the violations specified in such notice, then the Building Inspector, Police Chief, or designated representative may cause such work to be done and certify the cost to the Village Clerk-Treasurer, who will extend such cost against the property upon the next tax roll of the Village.

§ 362-10 **Transfer of ownership of noncomplying building.**

It is unlawful for the owner of any building, structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner furnishs to the Building Inspector, Police Chief, or designated representative a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§ 362-11 **Violations and penalties.**

A. A violation of any section or subsection of this article will be punishable as indicated in § 1-4 of this code.

B. Each day a violation exists after the notice of violation has been received and which becomes an order of the Building Inspector, Police Chief or designated representative will constitute a separate violation of this article.

C. Penalties set forth in this section will be in addition to all other remedies of injunction, abatement or costs whether existing under this article or otherwise.

Article II
Weed Control

[Adopted by Ord. No. 6, 1902 (Ch. 14, Art. IV, of the 2008 Code)]

§ 362-12 **Duty to destroy weeds.**

It will be the duty of every owner, occupant, agent or person in charge of any lot or parcel of land within the Village to destroy all Canada thistle, leafy spurge,field bindweed (creeping Jenny), purple loosestrife, multiflora rose, grass and other noxious weeds growing upon a premises, or on the sidewalk or street upon which premises abut, on or before July 1 in each year. All vegetation that are not vegetables , flowers, grass or shrubs need to be cut down to 2" or less; exceptions will be allowed in wildlife areas and parks.

§ 362-13 **Notification to remove weeds; removal by Village.**

A. A person owning, occupying or controlling land will destroy all noxious weeds on the land. The person having immediate charge of any public lands will destroy all noxious weeds on the lands. The highway patrol on all federal, state or county trunk highways will destroy all noxious weeds on that portion of the highway which that highway patrol patrols. The Department of Public Works is responsible for the destruction of all noxious weeds on the Village streets and thoroughfares.

B. The Village Clerk-Treasurer may annually on or before May 15 publish a class 2 notice, under Wis. Stats. Ch. 985, that every person is required by law to destroy all noxious weeds, as defined in this article, on lands in the Village which the person owns, occupies or controls. If the Village has designated an official newspaper the Village may publish the notice under this subsection in combination with the other town, village or city.

C. It will be the duty of the Director of Public Works, Police Chiefor designated representative to notify the owners or occupants of such land within the Village to destroy such thistles, grass and such

noxious weeds when found.

D. Should such owner or occupant neglect or fail to obey the provisions of this section and the provisions of § **362-12** within 24 hours after having received such notification, the Director of Public Works or designee will cut down or otherwise destroy such Canada thistles, grass or other noxious weeds in all cases where the owner or occupant of such lots fail to do so, and the expense of time, supplies, and equipment use will be added to the citation issued by the Police Department. The Police Chief will keep an account of such expense and make a report to the Village Clerk-Treasurer, who will enter the amount charged to each lot or parcel of land in the next or subsequent tax roll as a special tax against such lot or parcel of land, and the same will be collected in all respects like other Village taxes upon real estate.

E. The provisions of Wis. Stats. §§ 66.0407 regarding noxious weeds are adopted and made part of this Code along with any additions to the noxious weeds list as determined by United States Department of Agriculture Invasive Species Executive Order 13112.

Effective Date. This Ordinance shall take effect immediately upon its adoption, approval, and publication. Adopted, recorded and approved this 2nd day of October 2019.

David Krebs

David Krebs, Village President

ATTEST: Becky Tellier

Becky Tellier, Village Clerk

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