

Chapter 170

PROPERTY MAINTENANCE

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[HISTORY: Adopted by the Town Board of the Town of Pleasant Springs 11-4-2003. Amendments noted where applicable]

General References

Fire prevention – See Ch. 100.

Littering – See Ch. 129.

Nuisances – See Ch. 152.

§170-1. Definitions

For this chapter the following definitions shall apply:

BLIGHTING INFLUENCE – A condition having an adverse effect on the surrounding properties.

BUILDING-RELATED EQUIPMENT – Equipment related to construction, and shall include but not be limited to heating and air-conditioning equipment, chimneys and vents, signs, antennas, gutters and downspouts, fences, steps, shutters, and lights that are not incorporated into a structure.

DEBRIS – Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes, lumber (new or used), posts, sticks and other wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, inoperable lawn mowers; tar paper; residues from burning; building-related equipment, or any similar materials which constitute health, fire or safety hazards or have a serious blighting influence upon the neighborhood or the Town in general

DUST-FREE – Without dust, and also dirt- and mud-free. The intent is to have no dust, dirt and mud generated by traffic or by winds.

GARDENING AND RECREATIONAL VEHICLES AND EQUIPMENT – All vehicles and equipment associated with the lot, including but not limited to lawn mowers, snow blowers, tractors, wheelbarrows, ladders, scaffolding, cultivators, rototillers, seed and fertilizer spreaders, mechanical lawn rakes, lawn rollers, snowmobiles, all-terrain vehicles, campers, truck-camper units, boat and recreational trailers.

NONCOMBUSTIBLE MATERIALS – Material that cannot be burned.

RUBBISH – Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other

combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

§170-2. Maintenance Standards

A. No debris, rubbish, building-related equipment, gardening and recreational vehicles and equipment, inoperable vehicles or inoperable machinery or parts thereof, refrigerators, furnaces, washing machines, dryers or stoves or other unsightly debris such as may tend to depreciate property values in the area or create a nuisance or hazard shall be allowed on any property by the owner or occupant thereof, except when such materials are properly housed inside.

B. No dirt piles, rubble, rubbish, and any other material or condition which may hinder a dust-free condition of the property, except dirt piles used for landscaping provided that the dirt piles shall be leveled and seeded for grass within 30 days of the date of delivery of the dirt, shall be allowed on any property by the owner or occupant thereof on any lot in a residentially developed area or any lot that is not in a residentially developed area under the following circumstances: if any part of the lot is within 300 feet of any neighboring residential dwelling, such items are prohibited within 300 feet of the neighboring residential dwelling.

§170-3. Woodpiles

No person shall store outdoors, nor shall any person permit or allow the outside storage of, firewood on any property used or zoned for residential use, except as is permitted in this section. All firewood shall be stacked neatly and in stable condition above grade to provide drainage and no closer than one foot to any lot line and no higher than the uppermost horizontal portion of the fence, or when stacked under a roof. No person shall permit the infestation of mice, rats or other rodents or insects in, under or near the firewood. No person shall allow any brush debris or refuse from the processing of firewood to remain anywhere on the property.

§170-4. Noxious Weeds, grass and vegetation [amended 1-19-2016]

A. The following are designated as noxious weeds in the Town:

1. Canada thistle, leafy spurge, and field bindweed (creeping Jenny), or any other weed provided by s. 66.0407(1)(b), Wis. stats.
2. The Town Chairperson shall include those weeds designated as noxious weeds in the Noxious weed notice given annually under s. 66.0407(4), Wis. stats.

B. Town Weed Commissioner

The Town Chairperson having appointed a Town Weed Commissioner under s. 66.0517(2)(a), Wis. Stats., and the Weed Commissioner having the powers and duties to investigate and destroy noxious weeds in the Town as provided in s. 66.0517(2)(a), Wis. Stats., the following provisions are established in regard to the performance of the office of Weed Commissioner:

1. When the Town receives a complaint on a vacant lot or residential or commercial property, the Town Weed Commissioner shall conduct an

investigation. If after investigation it is determined that a violation is present, a notice of violation shall be sent out granting the property owner ten (10) business days to correct such violation. If such violation is not corrected, the Town will authorize and conduct such action as is necessary to bring the property into compliance and bill the property owner for such efforts. If the invoice is not paid, the cost of such removal shall be charged against such property.

2. The Weed Commissioner shall receive compensation for investigating the existence of and destroying noxious weeds, including any clerical or administrative activities performed in relation to the performance of those activities. The Weed Commissioner shall provide an account of the noxious weed investigation and destruction activities performed. This account shall be verified by oath and approved by the Town Chairperson. The property owner shall be responsible for the actual cost associated with the investigation and destruction of noxious weeds.

3. After the account of the Weed Commissioner has been forwarded to the Town, the Clerk shall bill the property owner directly for the charges associated with the investigation and destruction of noxious weeds. If the invoice is not paid within 90 days, the clerk shall enter the amount chargeable for the destruction of weeds to each tract of land in the next tax roll in a column headed, "For the Destruction of Weeds," as a tax on the lands upon which the weeds were destroyed. The tax shall be collected as a special charge pursuant to § 66.0627, Wis. Stats. under ch.74, Wis. Stats., except in case of lands that are exempt from taxation, railroad lands, or other lands for which taxes are not collected under ch.74, Wis. stats. Billing for the abatement of the nuisance may be in addition to citations issued for violations of this section.

C. Annual Noxious Weed Destruction

1. As provided under §66.0407(3), Wis. Stats., and this ordinance, a person owning, occupying, or controlling land shall destroy all noxious weeds on their land.

2. If after publication of the notice required under §66.407(4), Wis. Stats., the Town Weed Commissioner, after consultation with the Town Board, determines after investigation of the conditions on the land that the persons owning, occupying, or controlling the land have failed to destroy all noxious weeds on the land, the Town Board may cause to be served upon any or all of those persons a notice of violation as required under §66.0470(4), Wis. Stats., together with a statement commanding that the noxious weeds upon the land shall be destroyed within 10 days of the receipt of the notice or the person shall be subject to a forfeiture as provided herein. The notice and statement shall be served by registered or certified mail.

3. Any person upon whom a notice to destroy weeds is served under subsection 2. may request a hearing before the Town Board to challenge the reasonableness of the Board's command to destroy weeds. The request for

hearing shall be in writing and shall be filed with the Town Clerk on or before the expiration of the time to destroy the weeds as stated in the notice under subsection 2. In the event that a request for hearing is filed, the town board shall set a time and place for the hearing, not less than 5 days after the date the request for hearing is received by the town clerk, and notice of the time and place hearing shall be served upon the person requesting the hearing. No citation or complaint for the recovery of a forfeiture under this section may be issued until the completion of the hearing. Every notice issued under subsection 2. shall contain a clear statement of the right to request a hearing as provided under this subsection.

4. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this subsection as determined by the town board shall, upon conviction, pay a forfeiture of not less than \$20.00 nor more than \$100.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations, or seek corrective action.

§170-4. 5 Violations and penalties. [amended 1-19-2016]

Violation of this chapter shall be subject to the penalties provide in Chapter 1, General Provisions, §1-1 of this Code.