

ORDINANCE NO. 16.2
TOWN OF DUNN
DANE COUNTY, WISCONSIN

AN ORDINANCE RELATING TO THE MAINTENANCE
OF PREMISES AND STRUCTURES

The Town Board of the Town of Dunn, Dane County, Wisconsin, do hereby ordain as follows:

Section 1: Maintenance of Premises and Structures.

- 1) Premises and Structures Shall Be Maintained. Every owner of any premises and every adult resident of any premises shall keep such premises and every structure thereon free of the following:
 - a) Any deterioration.
 - b) Any appearance of deterioration.
 - c) Any nuisance.
 - d) Any vermin.
 - e) Any health, safety, or fire hazard.

- 2) Definitions: For the purposes of this section:
 - a) "Adult" means a person who is 18 years of age or older.
 - b) "Basement" means that portion of a structure that has a floor below the surface of the ground immediately adjoining it.
 - c) "Deterioration" means the condition of a structure, or part thereof, that is:
 - i) So old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy, or use; or
 - ii) Characterized by broken, cracked, crumbling, rusting, pitted, holed, or rotten materials; broken, loose, or missing shingles; peeling or inadequate paint or stain; structural unsoundness; or other evidence of decay, neglect, lack of maintenance, or excessive use.
 - iii) This term does not include old farm buildings not used for human living or sleeping purposes.

 - d) "Fence" means an independent structure forming a barrier at grade between lots, between a lot and a street or an alley, or between portions of a lot or lots, and includes a wall or latticework screen, but excludes a hedge or natural growth, and excludes a barrier that is fewer than 18 inches in height that is used to protect plant growth.

- e) “Nuisance” means any one of more of the following conditions or items:
- i) Any nuisance known at common law, in equity jurisprudence, as described by the Wisconsin Statutes, or as described by the Town’s ordinances.
 - ii) Any attractive nuisance that may prove detrimental to the health or safety of any person on any premises or in any structure. This includes, but is not limited to: open basements and excavations that are not barricaded so as to prevent any person from falling into the basement or excavation; unused iceboxes, refrigerators, and freezers in which a person could be trapped; and any structurally unsound fence or structure.
 - iii) Any abandoned, inoperable, or unlicensed vehicle, or any vehicle part, that is visible, in whole or in part, from the ground at any place other than on the premises.
 - iv) The following items, if any such item is visible, in whole or in part, from the ground at any place other than on the premises for a period of time exceeding 48 hours: household furnishings, furniture, and appliances. This does not include furniture intended for outdoor use.
 - v) Any building material, if any such material is visible, in whole or in part, from the ground at any place other than on the premises for a period of time exceeding 5 days, and the building material has not been used, in whole or in part, as a part of a building project during those 5 days.
 - vi) Any accumulation of stagnant water.
 - vii) Any plant, tree, or other vegetation that constitutes a hazard to any person, such as a dead or dying tree or vine.
 - viii) Any uncovered soil that is subject to erosion.
 - ix) Any poison ivy, poison oak, poison sumac, or similar vegetation.
 - x) All solid waste including, but not limited to: all waste and all animal, fish, fowl, or vegetable matter incident to or resulting from the use, preparation, or storage of food (except properly maintained composting material); rubbish; waste material, combustible and noncombustible, resulting from housekeeping or an ordinary mercantile enterprise; debris; street cleanings; excelsior, paper, ashes, cinders, tin cans, bottles and broken glass; and significant amounts of grass clippings, brush, and loose leaves.
 - xi) Any garbage not in a secure storage facility.
- f) “Owner” means every person who holds title, or part of the title, to a structure or premises.
- g) “Premises” means a parcel of land.
- h) “Resident” means every person who occupies a structure or premises.
- i) “Structure” means anything constructed or erected that requires location on the ground or is attached to something having location on the ground, including a building, dwelling, fence, free standing wall, driveway, sign, or other advertising medium.

- j) “Vermin” means one or more rats, termites, or cockroaches, and other rodents, insects, or pests that constitute an actual or potential health hazard, excluding flies and mosquitoes that are not inside a structure.

3) Enforcement

- a) Inspection of Premises and Structures. The Building Inspector, the Public Works Supervisor, and the Fire Chief are each authorized to make one or more inspections of any premises or structure to determine whether such premises or structure comply with this section. The Building Inspector, the Public Works Supervisor, and the Fire Chief are each authorized to obtain a special inspection warrant pursuant to secs.66.122 and 66.123, Stats. The Building Inspector, the Public Works Supervisor, and the Fire Chief may act pursuant to sec. 66.05, Stats.
- b) Notice. Whenever the Building Inspector, Public Works Supervisor, or Fire Chief believes that a violation of this section has occurred, the Building Inspector, Public Works Supervisor, or Fire Chief shall provide written notice of the violation to any owner of the premises, any adult resident of the premises, or any combination thereof as the Building Inspector, Public Works Supervisor, or Fire Chief deems appropriate. The notice may be addressed to an owner or resident by name or as “owner” or “Resident”. The notice mailed to any owner shall be mailed to the address to which the property tax bills for the premises are sent. The notice mailed to any resident shall be mailed to the resident’s address. Notice is effective upon mailing.
- c) 30-Day Correction Period. The owner, owners, adult resident, or adult residents to whom a notice has been mailed shall have 30 days from the effective date of the notice to correct the violation.
- d) Defenses to Charge. It shall be a defense to any charge under this section that:
 - i) The person charged does not have the legal right to correct the condition upon which the charge is based.
 - ii) A different person or persons have the legal responsibility to correct the condition upon which the charge is based.
 - iii) The person charged does not have a legal right to reside on the premises and resides on the premises pursuant to permission that may be revoked at any time.
 - iv) An item or items have been placed near a highway for the purpose of removal from the premises within 24 hours.
- e) Forfeiture. In the event a violation of this section is not corrected within the 30-day correction period, each person found guilty of such a violation shall forfeit not less than \$25.00 not more than \$200.00 for each violation plus all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by state law. Each day a violation occurs or exists after the effective date of the notice shall be considered a separate violation.
- f) Town Agreement After Forfeiture Is Imposed. In the event a forfeiture is imposed under this section, the Town and any owner or any resident may stipulate that the

amount of the forfeiture may be reduced to an agreed-upon if the violation is corrected by an agreed-upon date.

Section 2: This Ordinance shall take effect the day after passage and publication pursuant to law.

The above and foregoing ordinance was duly adopted by the Town Board of the Town of Dunn at its meeting held on _____, 2002.

APPROVED:
TOWN OF DUNN

By _____
Edmond P. Minihan, Chair

ATTEST:

Rosalind Gausman, Clerk Treasurer

Approved: _____

Published: _____