

## Chapter 245

### PROPERTY MAINTENANCE

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

#### GENERAL REFERENCES

Driveways and culverts — See Ch. 160.  
Fire prevention — See Ch. 176.  
Hazardous materials — See Ch. 189.  
Housing standards — See Ch. 193.  
Nuisances — See Ch. 229.  
Solid waste — See Ch. 272.  
Trees and shrubs — See Ch. 295.  
Abandoned vehicles — See Ch. 304.

#### ARTICLE I

##### Brush, Grass and Weeds

**[Adopted 3-28-1994 as §§ 8-1-4 to 8-1-6 of the 1994 Code]**

##### **§ 245-1. Destruction of noxious weeds.**

- A. The Village Clerk-Treasurer shall annually on or before May 15 publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- B. If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Public Works Superintendent of the Village shall give five days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that said Public Works Superintendent, after the expiration of the five-day period, will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of § 66.0407, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five-day notice, then the Public Works Superintendent shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method, and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- C. As provided for in § 66.0407(2), Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hay fever in human

beings or would cause a skin rash through contact with the skin.

- (1) Noxious weeds, as defined in this section and in § 245-3, shall include but not be limited to the following:
  - (a) *Cirsium arvense* (Canada thistle).
  - (b) *Ambrosia artemisiifolia* (common ragweed).
  - (c) *Ambrosia trifida* (great ragweed).
  - (d) *Euphorbia esula* (leafy spurge).
  - (e) *Convolvulus arvensis* (creeping jenny) (field bind weed).
  - (f) *Tragopogon dubius* (goat's beard).
  - (g) *Rhus radicans* (poison ivy).
  - (h) *Cirsium vulgaries* (bull thistle).
  - (i) *Pastinaca sativa* (wild parsnip).
  - (j) *Arctium minus* (burdock).
  - (k) *Xanthium strumarium* (cocklebur).
  - (l) *Amaranthus retroflexus* (pigweed).
  - (m) *Chenopodium album* (common lambsquarter).
  - (n) *Rumex crispus* (curled dock).
  - (o) *Cannabis sativa* (hemp).
  - (p) *Plantago lanceolata* (english plantain).
- (2) Noxious grasses, as defined in this section and in § 245-3, shall include but not be limited to the following:
  - (a) *Agrostia alba* (redtop).
  - (b) *Sorghum halepense* (johnson).
  - (c) *Setaria* (foxtail).
- (3) Noxious weeds are also the following plants and other rank growth:
  - (a) Ragweed.
  - (b) Thistles.
  - (c) Smartweed.
  - (d) Dandelions (over 12 inches in height).
  - (e) Milkweed (over 12 inches in height).

**§ 245-2. Regulation of natural lawns.**

- A. Natural lawn defined. "Natural lawn" as used in this section shall include common species of grass and wildflowers native to North America which are designed and purposely cultivated to exceed eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in § 245-1 of this article. The growth of a natural lawn in excess of eight inches in height from the ground surface shall be prohibited within the Village corporate limits unless a natural lawn management plan is approved and a permit is issued by the Village as set forth in this section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.<sup>1</sup>
- B. Natural lawn management plan.
- (1) "Natural lawn management plan" as used in this section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of the lawn upon which the planted grass will exceed eight inches in length, a statement of the intent of and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.<sup>2</sup>
  - (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property owner" shall be defined to include the legal titleholder and/or the beneficial owner of any such lot according to most current Village records. Natural lawn management plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property, including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than 10 feet adjacent to the street where there is no sidewalk, whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within 10 feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the lawn management plan.
  - (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver, thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten-foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten-foot section abutting the

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

neighboring property owner. The Village Board shall revise the approved natural lawn management permit accordingly. The owner of the approved natural lawn shall be required to remove the ten-foot section abutting the neighboring property owner within 20 days of receipt of the written notification from the Village, provided that the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten-foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

C. Application process.

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a nonrefundable filing fee as prescribed in the Village Fee Schedule will be assessed by the Village.<sup>3</sup> Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the office of the Village Assessor, who are owners of the property situated wholly or in part within 300 feet of the boundaries of the properties for which the application is made. If within 15 calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from 51% or more of the neighboring property owners, the Village Clerk-Treasurer shall immediately deny the application. "Neighboring property owners" shall be defined as all those property owners who are located within 300 feet of the proposed natural lawn site.
- (2) If the property owner's application is in full compliance with the natural lawn management plan requirements and less than 51% of the neighboring property owners provide written objections, the Village Clerk-Treasurer shall issue permission to install a natural lawn.

D. Application for appeal. The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the natural lawn management plan. The decision rendered by the Village Board shall be final and binding.

E. Safety precautions for natural grass areas.

- (1) When, in the opinion of the Fire Chief of the Department serving the Village of Hustisford, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within three days upon receiving written direction from

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3. Editor's Note: See Ch. A330, Fees.

the Fire Chief.

- (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the lawn management plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to ensure public safety. The burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby ensuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be \$500,000.<sup>4</sup>

F. Revocation of an approved natural lawn management plan permit. The Village President, upon the recommendation of the Public Works Superintendent, shall have the authority to revoke an approved natural lawn management plan permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this section. Notice of intent to revoke an approved natural lawn management plan permit shall be appealable to the Village Board. All applications for appeal shall be submitted within 15 calendar days of receipt of the written notice of intent to revoke the approved natural lawn management plan. Failure to file an application for appeal within the 15 calendar days shall result in the revoking of the natural lawn management plan permit. All written applications for appeal filed within the fifteen-calendar-day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.

G. Public nuisance defined; abatement after notice.

- (1) The growth of a natural lawn as defined in this section shall be considered a public nuisance unless a natural lawn management plan has been filed and approved and a permit is issued by the Village as set forth in this section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within 10 days, the enforcement officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within 10 calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by state statute.
- (3) The failure of the Village Clerk-Treasurer to record such claim or to mail such

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this section.

H. Violations and penalties.

- (1) Any person, firm or corporation who or which does not abate the nuisance within the required time period or who or which otherwise violates the provisions of this section shall be subject to the general penalty found in Chapter 1, § 1-3 of this Code.
- (2) In addition to any penalties herein provided, the Village may issue stop-work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this section.

**§ 245-3. Regulation of length of lawn and grasses.**

- A. Purpose. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Hustisford.
- B. Public nuisance declared. The Village Board finds that lawns, grasses and noxious weeds on nonagricultural lots or parcels of land, as classified under Chapter 325, Zoning, of this Code, within the Village of Hustisford which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Village. For that reason, any nonagricultural lawn, grass or weed on a lot or other parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to § 245-2 above.<sup>5</sup>
- C. Nuisances prohibited. No person, firm or corporation shall permit any public nuisance as defined in Subsection B above to remain on any premises owned or controlled by him within the Village.
- D. Inspection. The Public Works Superintendent or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection B above exists.
- E. Notice.
  - (1) If the Public Works Superintendent shall determine with reasonable certainty that any public nuisance as defined in Subsection B above exists, he shall immediately cause written notice to be served that the Village proposes to have the lot grass or lawn cut so as to conform to this section and § 245-2.

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5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) The notice shall be served at least five days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then on the tenant of the time and place at which the hearing will be held.
- F. Due process hearing. If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Zoning Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within the five days set forth in the Public Works Commissioner's notice. Upon application for the hearing, the property owner must deposit a bond for \$50. If a decision is rendered in the property owner's favor, the \$50 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Zoning Board of Appeals shall be held within seven days from the date of the owner's request. The property in question will not be mowed by the Village until such time as the hearing is held by the Zoning Board of Appeals. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his own case. At the close of the hearing, the Zoning Board of Appeals shall make its determination in writing specifying its findings, facts, and conclusions. If the Zoning Board of Appeals determines that a public nuisance did exist, the Zoning Board of Appeals shall order the Public Works Superintendent to mow the property in question unless the property has been mowed by the owner within 48 hours of the Zoning Board of Appeals' decision. If the owner does not abate the nuisance within the described 48 hours, the Public Works Superintendent shall cause the same nuisance to be abated and the cost in excess of the forfeited fee assessed accordingly.<sup>6</sup>
- G. Village's option to abate nuisance. In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then and in that event the Village may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection E shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Village shall abate the same, and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) The Village shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a minimum charge of \$200 for the first hour and \$100 per hour for any portion of any additional hours. If services are contracted out by the Village, the charge will be the cost of the contractor's bill plus an additional administrative cost of 50% of the bill. The charges shall be set forth in a statement to the Village Clerk-

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<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Treasurer, who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter, the Village Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate or as provided under § 66.0627, Wis. Stats.<sup>7</sup>

- (3) Grass and weeds within a public right-of-way, not kept properly mowed by the adjacent property owner, may be mowed by the Village and the cost thereof charged to the adjacent property owner pursuant to § 66.0627, Wis. Stats.

ARTICLE II  
**Junked Vehicles and Appliances**  
[Adopted 3-28-1994 as § 10-5-8 of the 1994 Code]

**§ 245-4. Storage restricted.**

No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, vehicle parts or tires, or appliances shall be stored upon private residential property or unenclosed within a building upon nonresidential property within the Village of Hustisford for a period exceeding 10 days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as not to constitute a public nuisance.

**§ 245-5. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS** — Motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways or which are otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.

**INOPERABLE APPLIANCE** — Any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.

**MOTOR VEHICLE** — As defined in § 340.01(35), Wis. Stats.

**UNLICENSED MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS** — Motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful, current license plates.

**§ 245-6. Exceptions.**

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<sup>7</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

This article shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and in a non-nuisance manner in a properly zoned area when necessary to the operation of such business enterprise or in a storage place or depository maintained in a lawful place and manner, or to seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided that such vehicles are stored in compliance with the ordinances of the Village. Also excepted are motor vehicles registered pursuant to §§ 341.265 and 341.266, Wis. Stats. In other situations, the Village Board may issue temporary permits permitting an extension of not to exceed an additional 30 days' time to comply with this article where exceptional facts and circumstances warrant such extension.

**§ 245-7. Enforcement.**

- A. Whenever the Police Department shall find any vehicles, vehicle parts or tires, or appliances, as described herein, placed or stored in the open upon private property within the Village, it shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this article. If said vehicle, part thereof or appliance is not removed within five days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
- B. If such vehicle or appliance is not removed within 20 days after issuance of a citation, the Chief of Police shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Chapter 304, Vehicles, Abandoned, by the Chief of Police or his duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.

**§ 245-8. Violations and penalties.**

Any person who shall interfere with the enforcement of any of the provisions of this article and shall be found guilty thereof shall be subject to a penalty as provided in Chapter 1, § 1-3 of this Code. Each motor vehicle or appliance involved shall constitute a separate offense.

ARTICLE III

**Commercial Property**

[Adopted 3-28-1994 as Title 15, Ch. 5 of the 1994 Code]

**§ 245-9. Title.**

This article shall be known as the "Village of Hustisford Commercial Property Exterior Maintenance Code."

**§ 245-10. Purpose and intent.**

- A. This article is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic and monetary values.
- B. It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

**§ 245-11. Word usage and definitions.**

In the construction of this article, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- A. Word usage.
  - (1) Words used in the present tense shall include the future.
  - (2) Words used in the singular number shall include the plural number, and the plural the singular.
  - (3) The word "shall" is mandatory and not discretionary.
  - (4) The word "may" is permissive.
  - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- B. Definitions. The definitions found in Chapter 193, Housing Standards, § 193-3B, shall be applicable in this article.

**§ 245-12. Minimum requirements.**

- A. Purpose. The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.
- B. Minimum requirements. Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:
  - (1) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
  - (2) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this Code.<sup>8</sup> Where weed cutting is required, the Public Works

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<sup>8</sup>. Editor's Note: See Art. I, Brush, Grass and Weeds, of this chapter.

Superintendent shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted property.

- (3) Debris. 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 24 hours.
- (4) Fences, walks and parking areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
- (5) Exterior surfaces. 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. Any exterior surface treated with paint 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 or other preservative shall be applied in a workmanlike fashion.
- (6) Yard areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least six feet high, yards shall not be used to store appliances, furnaces, water heaters, water softeners, or building materials not used within five days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.<sup>9</sup>
- (7) General requirements. Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained as to ensure that they safely and properly remove the products of combustion from the building.
- (8) Windows and doors. Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (9) Outside stairs and porches. Every outside stair, every porch, and every

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9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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, shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.

(10) Removal of debris.

- (a) No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
- (b) No landowner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than 10 days.
- (c) All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

**§ 245-13. Responsibility of owners, operators and occupants.**

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

**§ 245-14. Enforcement.**

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this article or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Chapter 193, Housing Standards, § 193-10.

ARTICLE IV

**General Regulations**

**[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

**§ 245-15. Findings; intent.**

The initial building construction or development in a community is usually accomplished after a great deal of planning, designing, and implementation. The time and attention to detail given to the initial construction is, often, the last concentrated effort regarding the total visual affect of the building and building lot or site. While most property owners establish a periodic maintenance program to keep their property in a visually pleasing and physically safe and sanitary condition, many properties are unkempt and are left to visual or physical decay. Due, primarily, to this circumstance, it has been determined that there

is a need to set forth guidelines as well as regulations to ensure the continuing maintenance of property within the Village. It is the intent and purpose of this article to encourage, establish minimum standards for, and provide for the enforcement of a minimum level of care and maintenance of buildings and properties throughout the Village. It is not the intent of this article to discourage or inhibit owners of older residences from upgrading such residences over an extended period.

**§ 245-16. Scope.**

This article shall apply uniformly to the maintenance and use of all premises within the Village of Hustisford and the owners, occupants, and operators thereof.

**§ 245-17. Title.**

This article shall be known and may be cited as the "Property Maintenance Code of the Village of Hustisford," hereinafter referred to as "this article."

**§ 245-18. Responsibilities of owner and occupant; minimum standards.**

- A. Owner and occupant responsibilities. Every owner and occupant of property within the corporate limits of the Village of Hustisford has a responsibility to maintain such property in a visually clean, sanitary, safe and groomed condition in order to be aesthetically pleasing and compatible with the majority of individual properties in the neighborhood with similar uses. More specifically, it is every property owner's and occupant's responsibility to:
- (1) Keep any building(s) and building-related equipment located on the property in good, safe repair and maintained in a good condition as relates to exterior appearance.
  - (2) Keep and maintain all nonsurfaced yard areas in grass or other ground cover in keeping with the other properties in the neighborhood and, in addition, install and maintain trees, shrubs and other landscape materials in a manner to be an attractive setting for the building(s) and the neighborhood and keep such landscaping in a neat and groomed manner.
  - (3) Keep all solid waste receptacles and receptacle areas screened from view of the general public.
  - (4) Keep all nonresidential driveways and parking areas hard-surfaced and dust-free, and all residential driveways and parking areas shall be surfaced with concrete, asphalt, traffic bond, gravel (kept dust-free), paving block and seal coat.
  - (5) Keep all yards which are visible to the general public and neighbors free of equipment and materials which are not specifically accessory and compatible with the principal use of the property, except where approved by the Plan Commission.
  - (6) Keep and maintain all fences and walls, whether designed to be functional or

only decorative, in a safe and good condition and appearance.

- (7) Keep all signs and lighting on the site in good repair in order to be both safe and visually pleasing.

B. Minimum property maintenance standards. Following are the minimum standards to be met by a property owner or occupant regarding property maintenance in the Village of Hustisford. Violation of these standards may result in the issuance of a citation by the Building Inspector.

- (1) All buildings located on property within the Village of Hustisford shall be maintained in a condition to be safe to both occupants and passersby as well as to appear to be in good repair in regard to condition of foundation; condition of exterior paint or finish; condition of windows and doors; condition of roof, gutters and downspouts; and condition of accessory buildings and architectural appurtenances, such as chimneys and steps.
- (2) All nonpaved yard areas, as set forth in Chapter 325, Zoning, shall be graded to alleviate standing water and shall be maintained in grass, other vegetative ground cover, or trees and shrubs compatible with similar uses within the neighborhood. Such ground cover, trees and shrubs shall be kept maintained and trimmed in compatibility with such other neighborhood uses, except where a land management plan has been filed and approved by the Plan Commission. Grass and other general ground cover shall be kept trimmed to a height of no more than six inches.
- (3) All solid waste containers stored outside shall be visually screened from view of passersby by means of being placed within a containment structure visually and structurally compatible with the principal building or by means of a containment area screened from view by dense vegetative growth or by structural materials which are visually compatible with the principal structure.
- (4) All driveways and parking, loading and outside storage areas on nonresidential property shall be surfaced and maintained as set forth in Chapter 325, Zoning.
- (5) After the date of adoption of this article, all new driveways and parking areas on residential properties shall be surfaced with asphalt, concrete or paving blocks, and the driveway area between the street and sidewalk must be surfaced with asphalt or concrete within six months of building/construction.
- (6) All yard and landscaped areas shall be kept free of motor vehicles, trash, building materials, junk, unlicensed or inoperative vehicles, and other such material and equipment which, by its appearance, location or use, makes it incompatible with the principal use or other predominate principal uses in the immediate neighborhood.
- (7) Parking and/or storage of licensed motor vehicles on private residential properties shall be limited to garages, driveways, parking areas, and carports.
- (8) All outside storage which is expected to be, generally, permanent or long term

shall be screened from view of the general public by use of such measures as earth berming, vegetative planting, decorative fencing or building positioning. In addition, any unlicensed vehicle required to be licensed by Wisconsin law may not be parked in the open on a residential parcel, and recreation or gardening vehicles must be parked inside a garage or, if stored outside, must be screened so as not to be visible to passersby.

- (9) All fences, walls, lighting, signs, storage structures, and other visual physical improvements or appurtenances shall be maintained in a safe, working order and in good appearance.

**§ 245-19. Administration and enforcement.**

- A. The Building Inspector is authorized to prepare and distribute procedural rules as he deems necessary to administer this article.
- B. If any two households of the Village of Hustisford or neighbors make a written complaint concerning the maintenance of property within the Village, the Building Inspector shall review such complaint, visit the property against which such complaint has been made and, if found to be in violation of this article or any other Village ordinance, shall issue a notice of such alleged violation to the owner or occupant of the property along with a specified time period within which such violation(s) must be corrected.
- C. The Building Inspector may also issue a notice of alleged violation of this article by his own action, which notice shall be transmitted to the owner or occupant of the property on which such violation exists along with a specified time period within which such alleged violation(s) must be corrected. The property owner shall notify the Building Inspector upon completion of repairs so that a reinspection may be made.
- D. If the violation has not been corrected within the time limit allowed by the Building Inspector (not to be less than 10 days of issuance of the notice), the Building Inspector shall issue a citation on the property owner regarding such violation. For weed and landscaping violations, the Building Inspector shall have the alternative option to instruct the Public Works Superintendent to correct said violation and charge the actual costs incurred against the property owner. If such charges are not paid by November 1 of the year in which they are billed, such charges shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to § 66.0627, Wis. Stats.
- E. Within 10 working days following the date of issue of any notice by the Building Inspector, the recipient of the notice may apply to the Village Board for a hearing for consideration of the alleged violation(s) enumerated in the notice. The appellant shall be advised of the time and place of the hearing at least seven working days prior to the hearing and shall be given an opportunity to be heard and to show cause why such notice should be modified, extended or withdrawn or a variance granted.

**§ 245-20. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BUILDING-RELATED EQUIPMENT** — Includes heating and air-conditioning equipment, chimneys and vents, signs, antennas, gutters and downspouts, fences, steps, shutters, lights, garages, sheds, birdhouses, doghouses, and small storage structures.

**DUST-FREE** — Concrete, asphalt, traffic bond, gravel, paving block, and seal coat.

**GARDENING AND RECREATIONAL VEHICLES AND EQUIPMENT** — Includes lawn mowers, snow blowers, tractors, wheelbarrows, ladders, scaffolding, cultivators, rototillers, seed and fertilizer spreaders, mechanical lawn rakes, lawn rollers, snowmobiles, and all-terrain vehicles.

**LAND MANAGEMENT PLAN** — A detail plan for a lot showing the location and names of the natural and man-made features, including buildings, trees, plantings, grass areas, and walks.

**LANDSCAPED AREA** — Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property.

**MOTOR VEHICLE** — An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power.

**YARD** — An open space on a lot with or without a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.