

Ordinance 11-23-15-03

An Ordinance Amending Section 18-13 and Creating Sections 18-400 to 18-402 of the Municipal Code of the Village of Fontana regarding Property maintenance ordinance definitions and requirements.

WHEREAS, the Village Board does intend by this Ordinance to make certain amendments to the Village of Fontana on Geneva Lak Municipal Code.

NOW, THEREFORE, the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

SECTION 1.

To amend Section 18-13 to add the following definitions:

Sec. 18-13. – Definitions.

Approved means approved by the local or state authority having such administrative authority.

Blighting influence means a condition having an adverse effect on the surrounding properties. An adverse effect on the surrounding properties is created when the property owner fails to comply with any of the requirements listed herein.

Building code means the State of Wisconsin Uniform Dwelling Code (UDC) used for building, plumbing and electrical requirements.

Building Inspector means the designated Building Inspector of the Village or his or her authorized representatives.

Clean means free from dirt, impurities, and/or extraneous matters that could cause the spread of disease.

Debris see *Garbage*.

Dilapidated means the building is no longer structurally suitable for its current use.

Extermination means the control and elimination of insects or rodents 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 and materials as approved under the guidelines of the U.S. Environmental Protection Agency and the Wisconsin Department of Public Health, or conducted by a Wisconsin certified pest control technician.

Garbage means the waste resulting from the handling, preparation, cooking, serving and non-consumption of food. Broken concrete, bricks, blocks, or mineral matter; bottles, porcelain, and other glass or crockery, boxes, lumber (new or used), posts, sticks or other wood; paper, rags (to include old clothing or discarded clothing), cardboard, excelsior, rubber, plastic, wire, tin and metal items, discarded furniture, household goods or appliances, inoperable lawn mowers, vehicles or other equipment, tar paper, residues, or other materials which constitute health, fire, or safety hazards. Scrap metal, metal alloy, synthetic, or organic material or waste, or any junked, ruined, dismantled, or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. Non-containerized waste which, if not deposited in a litter receptacle, tends to create a danger to public health, safety, and welfare, or impairs the environment of the people of the village. Litter includes, but is not limited to, garbage, trash, refuse, debris, grass clippings, other lawn or garden waste, newspapers, magazines, glass, metal, plastic, paper, motor vehicle parts, or other nauseous and/or offensive matter. All putrescible and non-putrescible solids including ashes and dead animals. Waste materials, including but not limited to combustible and noncombustible materials such as yard clippings,

cardboard, plastic containers, paper, rags, cartons, boxes, wood, rubber, leather, cans, metals, mineral matter, glass, crockery, and other similar materials.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace room, pantries, kitchenettes, utility rooms, foyers, communicating corridors, stairways, closets, storage spaces, workshops and the like.

Heating device means all furnaces, water heaters, fireplaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.

Infestation means the presence within or around a dwelling of any rodents and/or insects.

Junk see *Garbage*.

Litter see *Garbage*.

Multiple dwelling means any dwelling containing more than 2 dwelling units.

Occupant means any individual, living, sleeping, cooking, or eating in a dwelling unit or a rooming unit of which the individual does not have legal title to the dwelling unit; except that in dwelling units a guest shall not be considered an occupant.

Operator means a representative, caretaker, business owner occupying the space, who is in an approved position of using and controlling a property.

Person means and includes any individual, firm, corporation, association, partnership, cooperative or governmental agency.

Plumbing means and includes all of the following supplied facilities and equipment; water pipes, waste pipes, water closets, sinks, lavatories, bathtubs, shower baths, catch basins, drains, vents and any other similar supplied fixtures, and the installation thereof, together with all connections to water or sewer lines.

Premises means a platted lot, plot, parcel of real estate, land, or part thereof, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building accessory structure or other structure thereon.

Privacy means the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

Properly connected means connected in accordance with all applicable codes and ordinances of this Village as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constitute a hazard to life or health.

Refuse see *Garbage*.

Rodent harborage means any conditions or place where rodents can live, nest or seek shelter.

Rodent proofing means a form of construction that will prevent the ingress or egress of rodents to or from a given space or building, or from gaining access to food, water, or harborage, consisting of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rodents, by the use of materials impervious to rodent gnawing and other methods as set forth in the United States Public Health Service Publication: "Control of Domestic Rats and Mice," Pratt, Bjornson and Letting, July, 1977, HEW Publication #(CDC)77-8 141; and "Rat-Borne Disease Control Through Rat Stoppage," Scott and Borom, USPHS Reprint 1976.

Rubbish see *Garbage*.

Safety means the condition of being reasonably free from danger and hazards which may cause accidents or disease.

Sanitary means the promotion of hygiene which creates an environment which facilitates the prevention of diseases.

Supplied means paid for, furnished by, provided by, or under the control of the owner, operator or agent.

SECTION 2.

To create Sections 18-400 to 18-402 as follows:

Sec. 18-400. – Purpose.

The purpose of this section is to protect the public health, safety, and welfare by eliminating safety and fire hazards, and to retain property value, by establishing minimum standards governing the maintenance, appearance, and condition of residential and nonresidential premises, including, but not limited to, buildings, structures, yards, vacant lots and/or combinations thereof, and to protect adjoining properties and neighborhoods from blighting influences and deteriorating values.

Further, this section authorizes and establishes procedures for the inspection of residential and nonresidential premises, to fix certain responsibilities and duties upon owners and operators, to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use, and establishes penalties for violations of its contents.

1. *Applicability.*

- a. Every residential, nonresidential, or mixed occupancy premises located within the corporate limits of the village, used or intended to be used for dwelling, commercial, business, or industrial occupancy shall comply with the provisions of this section, whether or not the buildings and structures thereon were constructed, altered, or repaired before or after the enactment of this section, and irrespective of any permits or licenses which have been issued for the use or occupancy of the premises, for the construction or repair of the premises or for the installation or repair of equipment or facilities upon such premises prior to the effective date of this section. The owner, occupant, operator or other entity responsible for the property shall be responsible for insuring that the land, buildings and structures conform to the requirements of this chapter.
- b. In any case where the requirements of this section conflict with those set by any other village ordinance or the laws of the State of Wisconsin, the higher standard shall prevail.
- c. No license, permit, or other certification or indication of compliance with this section shall constitute a defense against violations of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, operator, or occupant from complying with any such other ordinance, or preclude any official of the village from enforcing any such other ordinance.

Sec. 18-401. – Definitions.

Undefined Words. Words not specifically defined in this chapter, and which are not defined in Section 18-13, Definitions, shall have the common definition set forth in a standard dictionary or common use.

Meaning of Certain Words. Whenever the words "dwelling," "dwelling units," "premises," and "structure" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

Sec. 18-402. – General requirements relating to the safe and sanitary maintenance of property.

All premises, whether zoned residential, commercial or other, shall be maintained in a clean, sanitary and safe condition and shall comply with all applicable legal requirements of the Village.

No person shall occupy as owner/occupant or shall let or hold out to another for occupancy, any dwelling of 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.

Every owner or occupant, if the occupant has assumed responsibility under the terms of a written lease, shall either personally, or by agent, improve and maintain all property under his or her control to comply with the following requirements:

- 1) *Exterior of premises.*
 - a) It is the duty of the owner, occupant, or lessee of all premises to keep the exterior of such premises and all structures thereon in a clean and sanitary condition, free from any accumulation of debris, junk, rubbish, or refuse or any similar material which could or may cause fire, safety, or health hazards, or constitute a blighting influence upon the surrounding properties and free of all nuisances and/or any hazards to the safety of the occupant, pedestrians, or other persons utilizing the premises.
 - b) All sidewalks, driveways, parking spaces, and similar areas shall be kept in a proper state or repair and maintained free from hazardous conditions.
- 2) *Foundations, exterior walls, and roofs.*
 - a) 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.
 - b) All exterior surfaces of buildings made of materials not inherently resistant to deterioration shall be periodically coated with paint or another suitable preservation which provides adequate resistance to weathering. Peeling, flaking and chipped paint shall be eliminated and affected surfaces treated and replaced in a workmanlike manner. All exterior wood surfaces other than roofs shall be protected by paint, stain, or other water and weather-resistant treatment.
 - c) Every exterior wall shall be substantially watertight, weather tight, protected against rodents, kept in good condition and repair, and shall be free of deterioration and decay, missing parts, serious cracking, irregularities, holes, breaks, loose or rotting boards or timber, and any other condition which might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the dwelling.
 - d) The exterior of every structure within the municipal boundaries of the village shall be maintained in good repair by the owner, occupant, or lessee. Such maintenance shall include, but not be limited to, the avoidance of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint, loose boards, exposed insulation or exposed tar paper, or any other conditions reflective of deterioration or inadequate maintenance.
 - e) All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight.

- f) All surface repairs shall be completed to closely match the existing surface color and texture.
 - g) Every roof shall be watertight, weather tight, kept in good condition and repair, and have no dangerous defects. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All cornices, copings, parapets, moldings, belt courses, lintel, sills, and similar projections shall be kept in good repair, free from cracks or defects which make them hazardous or dangerous.
 - h) If gutters, leaders and downspouts are provided, they shall be maintained in good working condition as to provide proper drainage of stormwater. This shall include being substantially free from rust, corrosion, debris, leaves or other buildup of materials which would interfere with the proper drainage of stormwater.
- 3) *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.
- 4) *Chimneys.* Every chimney and chimney flue shall be in good and safe condition and repair.
- 5) *Windows, doors and hatchways.*
- a) Every window shall be fully supplied with transparent or translucent 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.
 - b) Every exterior door shall fit substantially tight within its frame and shall be kept in good condition.
 - c) Every window and door frame shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure.
 - d) Every basement hatchway shall prevent the entrance of rodents, rain, and surface drainage water into the building or structure.
- 6) *Fences.* Fences made of materials not inherently resistant to deterioration shall be periodically coated with paint or another suitable preservation which provides adequate resistance to weathering. Fences shall be kept in good repair, free of missing or loose boards, sections, panels, and free of holes or other signs of deterioration. Fencing shall be upright and not in a leaning or loose position. Fencing shall be of like and consistent materials and design.
- 7) *Yards.* 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 blowing or scattering of dust particles into the air. All trees, bushes, or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians. All vacant lots shall be maintained by the owner in a clean, sanitary and safe condition. No debris shall be allowed to accumulate on such vacant lot and it shall be maintained in rodent-free condition.
- 8) *Grading and drainage of lots.* Every yard, court driveway, or other portion of the lot shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.

- 9) *Refuse, garbage and rubbish storage requirements.* Every building or structure shall have adequate refuse, garbage, or rubbish storage facilities. Garbage containers shall 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.
- 10) *Litter control.*
- a) Every owner, occupant, or lessee of property within the village must maintain litter collection and storage areas, if present on the premises, in a clean condition and ensure that all litter is properly stored in containers. Said litter containers shall have sealed covers to avoid distribution of the litter by animals or the elements.
 - b) The owner or person in control of any public premises including, but not limited to, restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, hospitals and clinics, shall at all times keep the premises clear of all litter, and shall take measures, including necessary daily clean-up of the premises, to prevent litter from being carried by animals or the elements to adjoining premises.
- 11) *Infestation.* Every building, structure, and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin. Occupants and owners shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control.
- 12) *Outdoor storage of firewood.* See Section 18-215(e).

SECTION 3.

Effective Date: This ordinance shall be in full force and effect upon its passage approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 23rd day of November, 2015

Village of Fontana on Geneva Lake

By: _____

Patrick Kenny, President

Attest: _____

Theresa Loomer, Clerk