

**Ordinance No. 2019-18**

**AN ORDINANCE TO CREATE CHAPTER 7 OF TITLE 15 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CALEDONIA PERTAINING TO PROPERTY EXTERIOR MAINTENANCE CODE**

The Village Board of the Village of Caledonia, Racine County, Wisconsin, ordains as follows:

1. Chapter 7 of Title 15 of the Code of Ordinances for the Village of Caledonia be, and hereby is, created to read as follows:

**"Title 15 Chapter 7**

**PROPERTY EXTERIOR MAINTENANCE CODE**

**SEC. 15-7-1 Intent, Purposes.**

- (a) **Intent.** This Chapter is adopted to preserve and promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the village and its environs, including, but not limited to, physical, aesthetic, and monetary values. The establishment and enforcement of minimum standards of habitation and property conservation is necessary to preserve and promote the private and public interest.
- (b) **Purpose.** The purpose of this Chapter is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards and vacant areas by adopting minimum standards. Attractive and well-maintained property will enhance the neighborhood and the Village as a whole by maintaining physical, aesthetic and monetary values. With respect to rental housing, it is necessary to adopt minimum regulations regarding human habitation to protect the health, safety, and general welfare of tenants within the Village.

**SEC. 15-7-2 Applicability.**

The provisions of this Chapter shall apply to all properties and buildings within the Village and its jurisdiction.

**SEC. 15-7-3 Maintenance Required; Definition.**

The exterior of all properties and premises including the open space of the property or premises shall be maintained in a clean, safe and sanitary condition, free from accumulation of any combustible or non-combustible materials, debris and refuse. Debris and refuse shall include but not be limited to: broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and

other glass or crockery; boxes; new and used lumber or other wood that is not part of a structure or that is not used as firewood and is not stacked or stored in a neat manner on the property; paper, rags, animal waste, cardboard, rubber, plastic, wire, tin and metal materials; discarded household goods or appliances, junk lawn mowers, snow blowers, tires, tire rims or used motor vehicle parts, machine parts, junked boats or junked recreational vehicles; tar paper residue from burning or similar materials which constitute health, fire or safety hazards or any other materials that have a detrimental visual and aesthetic impact upon the neighborhood in which the property is located or the village in general, which tend to cause a blighted condition as defined under state law, or which emit a noxious, foul or offensive odor. The provision of this section shall not apply to materials stored or maintained on a property in conjunction with any business, manufacturing or other use which meets applicable Village ordinance including but not limited to fire, building and zoning code requirements and restrictions.

#### **SEC. 15-7-4 Access to Property**

After presenting proper identification, the Building Inspector, or the Police Chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Chapter and related ordinances. If denied access, the Code Official may acquire a special inspection warrant for such access, pursuant to Sec. 66.0119, Wis. Stat., as amended from time-to-time.

#### **SEC. 15-7-5 Enforcement**

##### **(a) Enforcement.**

(1) **Order to correct conditions.** Whenever the Village, through its agents or employees shall, upon inspection of the premises within the Village, find the condition of the property or premises is in violation of this Chapter, an order shall be issued to the owner (and occupant if different from owner) of the premises or property to correct said condition by the Building Inspector or designee.

(2) Contents of the order shall include:

- a. A description of the premises and the violation of the Chapter;
- b. A statement of the correction necessary to bring the property into compliance;
- c. A statement specifying the time within which the owner and occupant shall comply with the order; and
- d. A statement of the penalty section of the ordinance for noncompliance.

#### **SEC. 15-7-6 Service**

The order shall be served on the owner (and occupant if different from owner) by delivering the same to and leaving it with any adult competent person in charge of the premises or in case no

such person is found upon the premises by affixing a copy thereof in a conspicuous place near the entrance of the premises accompanied by regular mail to the owner and occupant of the premises.

**SEC. 15-7-7 Failure to Comply; Declaration of Public Nuisance.**

**(a) Failure to comply.**

(1) **Citation.** Any person, firm or corporation violating any provision of this Chapter shall be subject to the general penalty provisions of this code. A citation may be issued pursuant to Sec. 1-1-6 and Title 1 Chapter 2 of the Village's Code or Ordinances.

(2) **Cause work to be done.** Upon failure to comply with an order where there is proof of service of said order which requires that any premises or property be cleaned or condition abated or improved in accordance with this Chapter, the Village may cause such cleaning, improvement, abatement or removal of the offending combustible or incombustible materials, debris or refuse. Such repair or removal shall be deemed a special benefit to such property and the costs of the same shall be charged against the owner(s) of the property. If the cost of the same is not paid within 60 (sixty) days, it shall be levied as a special charge against the property as authorized by Section 66.0627 of the Wis. Stat.

(3) **Injunctive Relief.** In addition to other applicable enforcement procedures the village shall have the right to abate any violation of this Chapter by an action for injunctive relief in Racine County Circuit Court.

**(b) Declaration of Public Nuisance.**

A violation of this Chapter is deemed a public nuisance and may be proceeded against as set forth under Title 11 Chapter 6 of this Code of Ordinances and Chapter 823 of the Wisconsin Statutes.

**SEC. 15-7-8 Reinspection Fees**

The following fees shall be imposed for the administration of this Chapter.

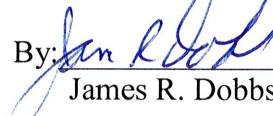
- First re-inspection fee of \$75.00 per property upon verification of continued violation by Village Building Inspector or designee.
- Each additional re-inspection after the first re-inspection fee is \$100.00 per property.

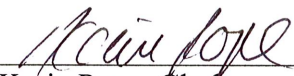
If a property owner fails to pay such fees after billing, the Village may impose such fees as against the property pursuant to applicable law and collect such charges on the property tax bill each year.

2. That this ordinance shall take effect upon the day after posting or publication in accordance with ordinance and applicable law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin on this 3<sup>rd</sup> day of December, 2019.

**VILLAGE OF CALEDONIA**

By:   
James R. Dobbs, President

Attest:   
Karie Pope, Clerk

770272.001(761) 10-23-19