

## CHAPTER 15

### PROPERTY MAINTENANCE

#### 15.01 Legislative Intent

1. Policy. There exists in the Village of Sharon structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and such constitute a menace to the health, safety, and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same may be necessary. Timely regulation and restriction to contain and prevent blight is necessary, thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Village of Sharon.

2. Purpose. The purpose of this chapter is to protect public health, safety, and welfare by establishing minimum property maintenance standards. This chapter does not replace or modify standards otherwise established by other portions of this code of ordinances for construction, repair, alteration, or use of buildings. This chapter is meant to be remedial and this chapter shall be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this chapter shall be deemed to be a public nuisance. Nothing in this Chapter shall be deemed to abolish or impair existing remedies of the Village of Sharon or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.

3. Scope. These standards apply to all structures located within the corporate limits of the village, used or intended to be used for dwelling, commercial, business, or industrial occupancy and all structures and sites used for residential purposes but zoned for other uses.

4. 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 in compliance with the provisions of this ordinance, 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.

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 or more restrictive 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.

## 15.02 Definitions

a. Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

b. Terms Not Defined. Where terms are not defined in this chapter they shall have ascribed to them the definitions provided elsewhere in the Village of Sharon Municipal Code if none exists then their ordinary accepted meanings.

c. Applied Meanings Of Words And Terms.

1. Abandoned Dwelling. A dwelling shall be presumed to be abandoned if it is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of (30) thirty days or more. Occupancy required here under shall be bonafide and not occupied for the sole purpose of defeating the abandonment of a dwelling.

2. Boat. Boat means every description of watercraft used or capable if being used as a means of transportation on water.

3. Family. A group of persons related by blood, marriage or adoption not to exceed five persons not so related, living together in one dwelling unit with 200 square feet of living space per person.

4. Firewood. Firewood shall be natural in its state. All wood treated or painted shall not be deemed firewood.

5. Garbage. The animal and vegetable waste resulting from handling, preparation, cooking or consumption of food.

6. Habitable Room. A room or enclosed floor space arranged for living, eating, and sleeping purposes (not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways and other accessory floor spaces).

7. Junk. Any old or scrap metal, metal alloy, synthetic or organic material, waste, household appliances, furnaces, water heaters, machinery, wood, bricks, cement or cement blocks, and other miscellaneous building materials. Firewood neatly stacked in the rear yard of the property, cut to lengths of less than

4 feet and diameters of less than 2 feet shall not be deemed junk under this definition. In addition, junk shall also mean any dismantled or wrecked motor vehicles, parts thereof, or any other motor vehicle which, under the totality of the circumstances, appears mechanically inoperable, or cannot be used legally upon the public highways. In considering the totality of the circumstances herein, factors shall include, but not be limited to, whether the vehicle has affixed to it a current license plate and registration, whether it is actually operable, the amount of time it has remained in one position, whether there is air in the tires, whether it is being used for storage, or whether it otherwise appears to be junk.

8. Landscape Material. A collection of organic or mineral matter used in general landscaping. The material may include but not be limited to topsoil, dirt, gravel, crushed stone, mulch, shredded wood, brick, landscape fabric, manure, or other material used in landscaping.

9. Occupant. Any person over one year of age who has legal rights to or control over the premises occupied; a tenant or owner.

10. Owner. Any person or other legal entity who, alone or jointly with others has legal title to any premises, with or without accompanying actual possession thereof.

11. Person. Any natural individual or other legal entity.

12. Plumbing or Plumbing Fixtures. Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, showers, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similar supplied fixtures, together with all connection to water, gas, sewer or vent lines.

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

14. Recreational Vehicle. Recreational vehicle means any of the following:

a. Travel Trailer means a vehicular, portable structure built on a chassis and on wheels; that is, between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width; designated to be used as a temporary shelter for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.

b. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary shelter for travel, recreation, vacation or other uses.

c. Motor Home means a portable, temporary shelter to be used from travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.

d. Camping Trailer means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.

e. Chassis Mounts and Mini-Motor Homes means recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.

f. Converted and Chopped Van means recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.

g. Boat, Snowmobile Trailer or ATV trailer means a vehicle on which a boat, snowmobile or ATV trailer may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this article, is termed an unmounted boat or snowmobile.

15. Refuse. All decayable solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

16. Rubbish. Combustible and non-combustible 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, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

17. Structure. Any erections or constructions, such as buildings, towers, masts, poles, booms, signs, decorations, machinery and equipment.

18. Supplied. Installed, furnished, or provided by the owner or operator.

19. Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

a. Mechanical. Ventilation by power driven devices.

b. Natural. Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices.

### **15.03 Minimum Maintenance Standards.**

All building, structures and appurtenances shall be maintained in good repair and order as to prevent deterioration and infestation by rodents, insects or other nuisance creating animals. The exterior of all buildings, structures and appurtenances shall be maintained and not permitted to be a blighting influence to the surrounding properties, the neighborhood or the Village in general.

**1. Residential Property Owner Occupied.** All dwelling units occupied by the owner shall comply with the following:

**a.** No person or other legal entity shall store junk upon real property that is subject to the view of the public. The use of temporary cover is not recognized as an acceptable barrier from public view, unless permitted by act of Chapter 17 of the Village of Sharon Municipal Code.

**b.** Yards shall be provided with adequate lawn or ground cover or vegetation, hedges or bushes. All areas not covered by any of the forgoing shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes, or vegetation which overhangs a public entrance or sidewalk shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

**c.** Outdoor storage of firewood shall not exceed 4 cords.

**d. Foundation, Exterior Walls and Roofs.**

1. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board or timbers.
2. Structures that require paint or stain shall have paint or stain applied at regular intervals to exterior building services. When the building has more than (30%) thirty percent deterioration of its finished surface on any wall, that wall shall be painted or stained. Paint shall be uniform in color.
3. All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
4. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secure and hung properly.
5. Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.

6. The foundation shall be substantially water tight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points.
7. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls.

**e. Windows, Doors, and Hatchways.** Every window shall be fully supplied with transparent or translucent window panes which are substantially without cracks or holes and 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. Every exterior door shall fit substantially tight within its frame and shall be kept in good condition. Window and door frames shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain, and surface drainage water into the building or structure.

**f. Porches, Decks, Stoops, Stairs, Etc.**

1. Every porch, deck, stoop, and all appurtenances thereto, to include, but not limited to, guardrails, handrails and steps shall be maintained in good repair.
2. Stairways shall be maintained with uniform risers and proper guardrails and handrails.

**g. Grading and Drainage of Lots.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.

**h. Accessory Structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, and miscellaneous sheds.

**i. Abandoned Dwellings.** The owner of an abandoned dwelling shall:

1. Cause all services and utilities to be disconnected from or discontinued to said dwelling;
2. Lock all exterior doors and windows of said dwelling;
3. Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches, and stairs shall be reasonably weather tight, waterproof,

rodent proof, structurally sound, and in good repair, and maintain the yard and accessory structures such that they comply with this section.

**j. Nuisances.** The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

**k. Infestation.** Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, bats, termites, feral cats 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 except where more than one unit is infested at the same time and in this instance the owner shall be responsible for extermination of the infestation.

**l. 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.

**m. Landscaping material.** No person shall accumulate, allow to accumulate or store landscaping material in an unused state and open to the public view for a period exceeding ten (10) days.

**2. Residential Property.** All dwelling units occupied by non-owners shall comply with the following:

**a. Free From Dampness.** Every building, cellar, basement and crawl space shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure as required by this Chapter.

**b. Basement Floor Surface.** Any basement which is used for a habitable room shall have a cement floor in accordance with this Chapter.

**c. Structural Members.** The supporting structural members of every building shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of this Chapter.

**d. Interior Stairs and Railings.** Stairs shall be provided in every structure as required by this Chapter.

**1. Maintained in Good Repair.** All interior stairs of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be as constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of this Chapter.

**2. Handrails.** Every stairwell and every flight of stairs, which is more than 3 risers high, shall have handrails or railings located in accordance

with the provisions of this Chapter. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustrade railings, capable of bearing normally imposed loads as required by this Chapter shall be placed on open portions of stairs, balconies, landings and stairwells.

e. Screens. From June 1st to September 15th, screens shall be installed on doors or windows when they are required for ventilation. Screening shall be at least a (14) fourteen mesh and shall be attached to its frame in such a manner which does not leave openings larger than those in the screen itself. Frames shall be in good condition and repair and shall fit tightly into the window or door frame so as not to allow passage of insects or rodents. A self-closing device shall be provided for screen doors.

f. Bathroom and Kitchen Floors. Every boiler, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.

g. Sanitation. The interior of every dwelling and structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities.

h. Insect and Rodent Harborage. All buildings shall be kept free from insects and rodent infestation, and where insect or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

1. Extermination from Single-Family Dwelling Units. The occupant or owner of a dwelling unit in a dwelling or multi-family building shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.

2. Extermination from Two-Family and Multi-Family Dwelling Units. Every owner of a two-family or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever the infestation exists in 2 or more of the dwelling units, or in the shared or public parts of the structure.

3. Extermination from all other buildings. The owner or the occupant, in the case of single occupancy, of all other buildings shall be responsible for such extermination of insects and rodents.

4. Responsibility of Owner. Whenever infestation of rodents is caused by failure maintain any building or structure in a rodent proof condition, extermination of such rodents shall be the responsibility of the owner.

i. Interior Walls, Ceilings and Floors. All interior walls, ceilings and floors shall be structurally sound, in good repair, free from defects, clean and painted or decorated.



j. The owner shall otherwise comply with section 15.03(1) herein except for 15.03(1)(c).

3. Commercial and Industrial. All business, commercial and industrial properties shall comply with section 15.03(1) and (2) herein, except for 15.03(1)(c).

4. Any permissive conduct under chapter 17 of the Village of Sharon Municipal Code shall not be a violation under this chapter.

#### **15.04 Storage and Parking of Recreational Vehicles:**

1. Permitted Parking or Storage of Recreational Vehicles. In all residential and commercial districts provided for in this zoning Chapter, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:

a. Parking is permitted inside any enclosed structure, which otherwise conforms to the zoning requirements of the particular zoning district where located.

b. Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.

c. Parking is permitted outside on a hard-surfaced or well-graveled driveway,

d. No part of the unit may extend over the public sidewalk or public right-of-way.

e. Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be;

1. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in any (30) thirty day period, with notification to the Village Clerk. Cooking is not permitted at any time.

2. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.

3. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

f. Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

g. The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

**15.05 Demolition Order** The Village of Sharon Village Board, Building Inspector or their designee may order the owner of premises upon which is located any building or part thereof which, in their judgment, satisfies the elements of section 66.0413 Wis. Stats., as amended, may proceed as required by statute to raze said building or part thereof or order its repair.

### **15.06 Notice and Remedy**

a. Upon determination by the Village Building Inspector or their designee, of a violation of this Chapter, the Village shall notify the owner and, if different from the owner, the occupant of the premises of such violation.

b. Such notices and orders shall include:

1. An adequate description of the real estate so affected.
2. A statement of the alleged violation, including the corresponding reference to the Code requirement.
3. An order for remedial action to correct such violation.
4. A reasonable time for compliance to the Code requirements.

c. The time period for compliance may be extended only at the discretion of the Building Inspector who shall base his decision on the seriousness of the problem and the time required to remedy it.

d. Upon the failure of the occupant or owner to comply with (b) herein a citation may be issued, with each day being a new violation. Said citations shall be prosecuted pursuant Chapter 800 of the Wisconsin Statutes.

### **15.07. Other Methods Not Excluded**

Nothing in this chapter shall be construed as prohibiting the abatement of any public nuisance nor seeking any other remedy by the Village of Sharon or its officials in accordance with the laws of the State of Wisconsin or Village Ordinances.