

PROPERTY MAINTENANCE
Ordinance No. 021202

(a) Purpose.

The purpose of this Ordinance is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the Town of Janesville and provide a suitable environment for increasing physical and monetary values.

(b) Maintenance Requirements.

Every owner or operator shall improve and maintain all property under his control to comply with all local, state and federal rules, regulations, ordinances, statutes and laws, as well as the following minimum requirements,:

- (1) 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 from animal feces, except that an owner of agriculturally zoned property may pile rocks, trees, and/or stumps that are gathered on and/or from the agricultural property on which they are piled. Upon notice of a violation, every owner or operator shall have thirty (30) days to bring the property into compliance with this section.
- (2) 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 non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, tires, batteries, or building material not used within six (6) months, or any unsightly bulk items. Additionally, yards shall not be used to store inoperable or unused machinery and/or equipment, except that such machinery and/or equipment may be stored on agricultural property if the machinery and/or equipment is agriculturally related and is able to be repaired and/or returned to operation. Upon notice of a violation, every owner or operator shall have thirty (30) days to bring the property into compliance with this section, except that an owner notified of a violation relating to the storage of inoperable or unused agricultural machinery and/or agricultural equipment may request to be allowed to continue to store such item on agricultural property pending future repair and/or use.
- (3) Abandoned Fuel Oil Tanks. Fuel oil tanks which are no longer in use shall be removed within 6 months of the date of last use. Upon notice of a violation, every owner or operator shall have thirty (30) days to bring the property into compliance with this section.
- (4) 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 Town of Janesville, except at approved disposal sites, and

except that an owner of agriculturally zoned property may pile rocks, trees, and/or stumps that are collected on and/or from the agricultural property on which they are piled.

- b. Except as provided in Paragraphs (b)(1) and (b)(4)a of this Ordinance, no land owner 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 thirty (30) days.
- c. Upon notice of a violation, every owner or operator shall have thirty (30) days to bring the property into compliance with this section.

(c) Penalties and Violations.

- (1) Any violation of this Ordinance shall be deemed unlawful. The Building Inspector or other authorized inspectors shall promptly report all such violations to the Town Board, who may refer the matter to the Town Attorney to bring an action to enjoin the violation. The violator may also be subject to a penalty as provided in the general penalty provisions of the Zoning Ordinance. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Town of Janesville officials constitute a defense. Compliance with the provisions of this Ordinance may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Ordinance.
- (2)
 - a. If an inspection reveals a noncompliance with this Ordinance, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(l)(c), Wis. Adm. Code.
 - b. Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town of Janesville from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance.
- (3) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (4) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Janesville charged with the enforcement of this Ordinance shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent or employee of the Town of Janesville as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the legal

representative of the Town of Janesville until the final determination of the proceedings therein.

- (5) Unless another penalty is expressly provided within the Town of Janesville Building Code, any person or entity violating any of the provisions of this Ordinance shall, upon conviction, be subjected to a forfeiture of not less than \$50.00 nor more than \$500.00 and the cost of prosecution for each violation. In default of payment of such forfeiture and costs, the Court where the action is venued shall, in its discretion, be allowed to jail the convicted person or entity until such forfeiture and costs of prosecution are paid. Every day upon which a violation occurs or exists constitutes a separate offense and violation. If there is an amendment of or addition to the Town of Janesville Building Code, the penalty provided for the violation shall also relate to any amendment or addition.

Approved by the Town Board of the Town of Janesville.

Dated this 6th day of January, 2003.

Town of Janesville

By: /s/ Edward Marshall
Ed Marshall
Town Chairperson

Attest:

By: /s/ Gloria Brown
Gloria Brown
Town Clerk