

Village of Almena, WI  
Tuesday, July 30, 2024

## Chapter 218. Property Maintenance

[HISTORY: Adopted by the Village Board of the Village of Almena as Ch. 16 of the former Village Code. Amendments noted where applicable.]

### § 218-1. Purpose and intent.

- A. The initial construction or development in a community is usually accomplished after a great deal of planning, designing and implementation.
- B. The time and attention to detail given to the initial construction is often the last concentrated and conscious thought and effort expended regarding the total visual effect of the building and building lot or site.
- C. Attractive and well-maintained property enhances the neighborhood and Village and provides a suitable, desirable and economically healthy environment for pleasant living, appropriate and desirable growth and increasing property values.
- D. While most property owners establish a periodic maintenance program to keep their property in pleasing and physically safe and sanitary condition, many properties are unkept and unkempt and allowed to fall into visual or physical decay. Due primarily to this circumstance, it has been determined that there is a need to establish guidelines and regulations to ensure the continuing maintenance of property within the Village of Almena.
- E. It is found and declared that there are in the Village land and structures used for residential and nonresidential purposes which are substandard in structure, equipment, or maintenance. These constitute a hazard to the health, safety, morals, welfare and reasonable comfort of the residents of the Village and to the value of property within the Village. It is further found and declared that by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and if the same are not curtailed and removed, the said conditions will grow and eventually require expenditure of large amounts of public and private money to correct and eliminate the effects of said conditions. By way of timely regulations and restrictions, as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced, and the public safety and welfare protected and fostered.
- F. It is the intent and purpose of this chapter of the Almena Code of Ordinances to encourage, establish minimum standards for, and provide for the enforcement of a minimum level of care and maintenance to buildings and properties throughout the Village.
- G. The purpose and intent is to:
  - (1) Enhance and improve the environment and the aesthetics, visual and other, in the Village;
  - (2) Protect and promote the health, safety, comfort, prosperity and general welfare of the residents of the Village;
  - (3) Protect and promote the value of the property within the Village;
  - (4) Protect the character and stability of the residential, business, manufacturing and other districts within the Village;

- (5) Prohibit uses, buildings or structures incompatible with the character of the surrounding area or incompatible with the desired aesthetics and safety within the community;
- (6) Stabilize, protect and promote existing and potential property values and encourage the most appropriate use of land within the Village;
- (7) Provide for the elimination of conditions and uses of land, buildings and structures which do or may adversely affect the character and value of desirable development in the Village.
- (8) It is not the intent of this chapter to discourage or inhibit owners of older properties from upgrading such properties over an extended period of time.

H. This chapter is hereby declared to be remedial and essential for the public interest and it is intended that it be liberally construed to effectuate its purposes herein.

## § 218-2. Scope and applicability.

This chapter shall apply uniformly to all buildings, properties and premises within the Village of Almena, and to the owners, occupants and operators thereof. It shall apply whether or not buildings or structures were constructed, altered or repaired before or after enactment of this chapter. It establishes minimum standards for the initial and continued occupancy and use of all such buildings, properties and premises and does not replace or modify standards otherwise established for the construction, repair, alteration or use thereof.

## § 218-3. Definitions.

Whenever the following terms or words are used in this chapter, they shall be construed to have the following meanings:

### **ACCESSORY STRUCTURE**

A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

### **BLIGHTING INFLUENCE**

A condition having an adverse effect on the surrounding properties.

### **BUILDING**

A combination of materials to form a construction adapted for permanent or temporary use for residence, business, or storage.

### **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.

### **DEBRIS**

Broken concrete, bricks, blocks or other mineral matter; cans, bottles (glass or plastic), porcelain and other glass or crockery; boxes, lumber (new or used), posts, sticks, or other wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin, and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, residues from burning, or any similar materials which present or constitute health, safety or fire hazards, or a blighting influence upon the neighborhood or the Village.

### **DETERIORATION**

The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, lack of maintenance or excessive use.

**DUST FREE**

Also means dirt and mud free. The intent is to have no dust, dirt and mud generated by traffic on the driveway or by winds.

**DWELLING**

Any structure designed or used for human occupation for sleeping and living purposes whether occupied or vacant.

**GARDENING AND RECREATIONAL VEHICLES AND EQUIPMENT**

Includes lawn mowers, snowblowers, tractors, wheelbarrows, ladders, scaffolding, cultivators, rototillers, seed and fertilizer spreaders, mechanical lawn rakes, lawn rollers, lawn aerators, snowmobiles, ATVs, motorcycles, bicycles, campers, truck-campers/topper units, boats, trailers of all sorts, and recreational vehicles.

**HOUSING INSPECTORS**

All officers, officials, or employees of the Village entrusted with the enforcement of this chapter.

**INFESTATION**

The presence of insects, rodents, vermin or other pests on the premises, which present a health hazard.

**JUNK**

Includes, but is not limited to, wood, bricks, broken concrete, cinder block, inoperable vehicles or machinery or parts thereof, refrigerators, furnaces, washing machines or dryers, stoves, or other unsightly debris such as may tend to depreciate property values in the area or create a nuisance or hazard. These shall not be allowed on any property by the owner or occupant thereof, except when such materials are properly housed inside and out of public view. Lots in residentially developed areas shall be kept free, by the owner and/or person authorized to use same, of dirt piles, rubble and any other material or conditions which might hinder maintenance of the property, except that dirt piles used for landscaping shall be leveled and such areas seeded for grass within 30 days of the date of delivery of the dirt.

**MIXED OCCUPANCY**

Any building containing one or more dwelling units and also having a portion thereof devoted to nondwelling uses.

**NONCOMBUSTIBLE MATERIAL**

Material that cannot be burned.

**NOXIOUS AND NUISANCE WEEDS****A. NUISANCE WEEDS**

Any nonnative member of the genus *Lythrum*, (purple loosestrife), or hybrids thereof and multiflora rose. It shall also include any other weeds as the Village Board, by ordinance or resolution, declares to be a nuisance, or which the Wisconsin Statutes shall so declare.

**B. NOXIOUS WEEDS**

Includes any of the following: Canada thistle, leafy spurge, field bindweed, (creeping Jenny), and any other weeds as the Village Board, by ordinance or resolution, declares to be noxious, or which the Wisconsin Statutes shall so declare.

**NUISANCE**

- A. Any public nuisance known in common law or in equity jurisprudence, or as defined in the statutes of the State of Wisconsin or the Village ordinances.
- B. Any attractive nuisance which may prove detrimental to the health or safety of children in a building or on the premises of a building or upon an unoccupied lot. This includes but is not limited to basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any

structurally unsound fences or structures, fences, lumber, trash, fences, debris or vegetation such as poison ivy, poison oak or poison sumac.

**OCCUPANT**

Any person living, sleeping, or having actual possession of a dwelling unit or rooming unit.

**OPERATOR**

Any person who has charge, care or control of a building or premises or part thereof, whether with or without the knowledge or consent of the owner.

**OWNER**

Any person who, alone or jointly or severally with others, has legal or equitable title to any premises, with or without accompanying actual possession thereof.

**RUBBISH**

Combustible and noncombustible material, except garbage, and the term shall include the residue from burning of coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust, and other similar materials.

**WEATHERING**

Deterioration, decay or damage by exposure to the elements.

## § 218-4. Administration and enforcement.

- A. The Board shall prepare and distribute procedural rules as it deems necessary to administer the purpose of this chapter.
- B. If any two households or neighbors within the immediately affected area have reason to believe they have a complaint or that a violation of this chapter exists, they shall put the complaint in writing and refer it to the Board President or any Trustee, or the Police. Upon receipt of a written complaint, the person to whom the complaint was referred shall:
  - (1) Investigate the complaint to ascertain its seriousness and validity.
    - (a) Complaint not valid. If, in the opinion of the person investigating the complaint, the complaint is not valid, he/she shall respond to the complaining person with copy to the Village Clerk. The response shall state the reasons why it is believed the complaint is not valid. If the complaining person still believes that violations of this chapter exist, such person has the right to appear before the Village Board to state their case.
    - (b) Valid complaints.
      - [1] When it has been determined that a complaint is valid, the person to whom the complaint was referred shall cause notice to be served upon the owner and the occupant of the offending property. The notice shall state:
        - [a] The nature of the complaint;
        - [b] The corrective action required;
        - [c] A time, not less than five nor more than 30 days after service of the notice, within which the corrective action must be completed.
      - [2] Copies of all correspondence regarding such complaints shall be provided to the Village Clerk.
    - (c) Within 10 working days following issuance of any notice to correct any violation, the recipient of such notice may apply to the Village Board for a hearing to consider the

alleged violation(s). The alleged violator and the complainant(s) shall be advised of the time, date and place of the hearing at least seven working days prior to the hearing. At such hearing the alleged violator and the complainant(s) shall be given an opportunity to be heard to show cause why the notice should be enforced, modified, withdrawn, or a variance granted.

- (d) If the violation is not corrected within the time allowed by the notice, or such time as may be set after hearing, the investigating person shall issue, or be cause to be issued, a citation regarding such violation.
- (e) For noxious weed violations, the inspecting person shall have the alternative, in lieu of issuing a citation, of directing the Public Works Department to correct the violation and charge the actual cost of such work to the property owner. If such charges are not paid by November 15 of the year in which billed, such charges, plus interest at 12%, shall be added to the next succeeding tax roll as a special assessment against the property affected and shall be collected in the same manner as are other taxes and assessments, pursuant to § 66.0627, Wis. Stats.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

## § 218-5. Maintenance standards.

- A. Owner and occupant responsibilities. Every owner and occupant of property within the corporate limits of the Village has the responsibility to maintain such property in a visually clean, sanitary, safe and groomed condition. 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 safety-related repair and maintained in good exterior appearance condition.
  - (2) Keep and maintain all nonsurfaced "yard" areas as grass or other ground cover. Also, to 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 to keep landscaping in a neat and groomed manner.
  - (3) Keep all yards free of the long-term storage of lawn and garden equipment, vehicles, equipment and materials, except where approved by the Village Board.
  - (4) Keep and maintain all fences and walls, whether designed to be functional or only decorative, in a safe and good condition and appearance.
  - (5) 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 and complied with by property owners or occupants regarding property maintenance in the Village of Almena. Violation of these standards may result in issuance of a citation.
  - (1) All buildings located on property within the Village shall be maintained in condition to be safe to both occupants and passersby, and visually nonoffensive.
  - (2) The exteriors of premises and all structures shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of unsanitary conditions. Any of the foregoing shall be promptly removed and abated by the owner, operator or occupant.
  - (3) All nonpaved yard areas shall be graded to minimize or eliminate 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 properly trimmed and maintained, except where a land management plan has been filed with and

approved by the Village Board. Plantings shall be maintained so as to not present hazards to adjoining properties or to persons or to vehicles traveling on public ways.

- (4) All yard and landscaped areas shall be kept free of trash, debris, rubbish, garbage, physical hazards, rodent harborage and infestation, animal feces, noxious and nuisance weeds, old building materials, junk, unlicensed or inoperative vehicles, and other such material and equipment which by its appearance, location or use, make it incompatible with the principal use or other predominate principal uses in the immediate neighborhood.
- (5) All outside storage of any items, other than one regularly used motor vehicle shall be screened from view of the general public by use of such measures as earth berming, vegetative planting, decorative fencing, or building positioning.
- (6) All fences, walls, lighting, signs, storage structures, walks, driveways, parking areas, and similar paved areas, and other visual physical improvements, construction, or appurtenances shall be maintained in a safe, sanitary, working order and in good appearance.
- (7) All building-related equipment, every foundation, exterior wall, floor and roof shall be reasonably weathertight, watertight, and rodent proof and shall be kept in proper working repair and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- (8) Every window, exterior door, interior door, and basement entry shall be reasonably weathertight and rodent-proof and in proper repair and appearance.
- (9) Every inside and outside stair, every porch, and every 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, and shall be kept in proper condition and repair and up to all applicable codes.
- (10) Exteriors.
  - (a) 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 preservatives shall be maintained so as to prevent chipping, cracking, crackling, 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 manner.
  - (b) Exteriors shall not be in such condition as to constitute a blighting factor for adjoining properties, nor become an element leading to the progressive deterioration and downgrading of the neighborhood.
  - (c) Exteriors shall be maintained free of broken or loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance.
- (11) 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.
- (12) Wood piles. No person shall store outside, or permit or allow the outside storage of, firewood on any property used or zoned for residential use, except as permitted in this subsection. Firewood shall not be stored in the front yard of such property or within the front yard setback, except that firewood may be temporarily stored therein for a period not to exceed 14 days from the date of delivery to the property. All firewood shall be stacked neatly and in stable condition above grade, to provide drainage. It shall be no closer than one foot to any lot line and no higher than five feet above grade, except when adjacent to a fence, where firewood shall be stacked no higher than the uppermost horizontal portion of the fence, or when stacked under a

roof. No person shall permit the infestation of mice, rats, other rodents or wildlife, or insects in, under, or near the stack. No person shall allow any brush, debris, or refuse from the processing of firewood to remain anywhere on the property.

## § 218-6. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to penalty as provided in § 1-4 of this Municipal Code.