

# **Chapter 205**

## **PROPERTY MAINTENANCE**

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**[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Fire prevention -- See Ch. 139.  
Nuisances -- See Ch. 186.  
Pollution -- See Ch. 200.

Solid waste -- See Ch. 228.  
Trees and shrubs -- See Ch. 251.  
Vehicles, abandoned and junked -- See Ch. 261.

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### **ARTICLE I** **General Regulations** **[Adopted as Title 9, Ch. 7 of the 1984 Code]**

#### **§ 205-1. Findings and purpose.**

- A.** It is hereby found and declared that premises exist within the Village of Genoa City which are blighted because there exist thereon blighted buildings or structures either due to faulty design or construction, or to failure to maintain them in a proper state of repair or to improper management, or due to the accumulation thereon of junk, wood, brick, cement block, or other unsightly debris, refrigerators, furnaces, appliances, machinery, or parts thereof, structurally unsound fences, and other such items which tend to depreciate property values and to jeopardize or be detrimental to the health, safety, morals or welfare of the people of the Village.
- B.** It is hereby further found and declared that such blighted premises, buildings or structures contribute to the development of, or increase in, disease, infant mortality, crime and juvenile delinquency; that conditions existing on such blighted premises are dangerous to the public health, safety, morals and general welfare of the people; that conditions existing on such blighted premises necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection, and

other public services; and that the conditions existing on such blighted premises cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

- C. It is hereby further found and declared that the elimination of blighted premises and the prevention of occurrence of blighted premises in the future is in the best interests of the citizens of this Village and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this chapter, which is hereby declared to be essential to the public interest, and it is intended that this chapter be liberally construed to effectuate the purpose heretofore stated.

## **§ 205-2. Definitions.**

The following definitions shall only apply in the interpretation and enforcement of this chapter:

**DWELLING** -- Any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances thereto.

**DWELLING UNIT** -- Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.

**EXTERMINATION** -- The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other approved pest control methods.

## **NUISANCE -**

- A. Any public nuisance known in common law or in equity jurisprudence.
- B. Any attractive nuisance which may prove detrimental to children, whether in a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements and excavations; any abandoned refrigerators, furnaces, machinery or parts thereof; structurally unsound fences and structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
- C. Whatever is dangerous to human life or is detrimental to health.
- B. Dwelling or non-dwelling structures which tend to depreciate property values and jeopardize or be detrimental to the health, safety, morals or welfare of the people of the Village due to faulty design or construction or to failure to maintain them in a proper state of repair or to improper management.

**OCCUPANT** -- Any person living, sleeping or eating in or having actual possession of a dwelling, dwelling unit or rooming unit.

**OPERATOR** -- Any person who has charge, care or control of a building or part thereof in which dwelling or rooming units are let.

**OWNER** -- Any person who alone or jointly or severally with others shall be the legally recorded holder of the title, with or without actual possession thereof, or who has charge, care or control of any dwelling or dwelling unit as agent or owner, or as executor, administrator, trustee or guardian of the estate of the owner. The term "owner" under this chapter shall also include the legally recorded holder of a land contract vendee interest.

**PERSON** -- Includes any individual, firm, corporation, partnership or association.

**PREMISES** -- Any lot, plot or parcel of land either occupied or unoccupied by any dwelling or non-dwelling structure.

### **§ 205-3. Responsibility of occupants.**

#### **A. The responsibilities of the occupant are as follows:**

- (1)** To keep the exterior of the dwelling and non-dwelling structures and premises he controls and occupies in a clean and sanitary condition.
- (2)** To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by this Code<sup>1</sup>.
- (3)** To exterminate in the following cases:
  - (a)** The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on the premises.
  - (b)** The occupant of a dwelling unit in a multiple-unit structure is responsible for extermination of any insects, rodents, or other pests if his unit is the only unit infested.

#### **B. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat-proof or reasonably insect-proof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein.**

1. Editor's Note: See Ch. 228, Solid Waste

**§ 205-4. Responsibility of owners.**

**A. The responsibilities of the owners are as follows:**

- (1) To exterminate in the following cases:
  - (a) When infestation exists in two or more units of a multiple-unit structure.
  - (b) When infestation exists in shared or public areas of a multiple-unit structure.
  - (c) When infestation exists in a single unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat-proof and reasonably insect-proof condition.
- (2) To perform the responsibilities of the occupant when premises are vacant.

**B. In addition to the above, no owner shall permit any premises to exist or any dwelling or non-dwelling structure or fence to exist on any premises which does not comply with the following requirements:**

- (1) **Maintenance of structures.** Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every dwelling or non-dwelling structure shall be so maintained as to prevent the structure from becoming a harborage for rats and shall be kept in a reasonably good state of maintenance and repair.
- (2) **Protection of exterior wood surfaces.** All exterior wood surfaces of all dwelling or non-dwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.
- (3) **Maintenance of fences.** Every fence shall be kept in a reasonably good state of maintenance and repair or shall be removed.
- (4) **Pest control.** Every premises shall be so maintained as to prevent the premises from becoming a harborage for rats and insect pests. Whenever infestation with rodents or pests exists in any premises upon which no structure or non-dwelling structures are located, extermination thereof shall be the responsibility of the owner.

**C. General cleanliness.** The accumulation or storage of junk, wood, brick, cement block or other unsightly debris, old automobiles or parts thereof, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, such as may tend to depreciate property values in the area or to create a nuisance or hazard, shall not be allowed on any lot or parcel or land within the corporate limits of the Village of Genoa

City except as may be allowed by permit approved by the Village Board or except when such materials are properly housed and out of public view<sup>2</sup>.

**§ 205-5. Enforcement.**

When the Building Inspector, Health Officer and/or Fire Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision which affects the safety of any such occupants or the safety of the general public, he shall give notice of such alleged violation to the person or persons responsible therefore and to any known agent of such persons, as hereinafter provided.

**A. Such notice shall:**

- (1) Be put in writing.
- (2) Include a statement of the reasons why it is being issued.
- (3) Allow a reasonable time for the performance of any act it requires.
- (4) Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.

**B. Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.**

**ARTICLE II**  
**Lawn Maintenance**  
**[Adopted as Title 10, Ch. 8 of the 1984 Code]**

**§ 205-6. Purpose.**

This article is adopted due to the unique nature of the problems associated with lawns being allowed to grow to excessive length in the Village of Genoa City.

**§ 205-7. Public nuisance declared.**

- A. The Village Board finds that lawns on residential lots or parcels of land which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard**

2. Editor's Note: See also Ch.194, § 194-22, Storage of junked or discarded property, and ch. 261, Vehicles, Abandoned, Stored or Junked.

and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Village. For that reason, any lawn on a residential lot or parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance.

- B.** No person, firm or corporation shall permit any public nuisance as defined in Subsection A above to remain on any premises owned or controlled by him within the Village of Genoa City.

**§ 205-8. Inspection.**

The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in § 205-7A above exists.

**§ 205-9. Abatement of nuisance. [Amended 7-8-1999]**

If the inspecting officer shall determine with reasonable certainty that any public nuisance as defined in § 205-7A above exists, he shall serve or cause to be served notice to the owner of the property, if he can be found, or upon the occupant thereof, a written notice to abate the nuisance within five days of the service of the notice. If the owner does not abate the nuisance within the specified time limit, the inspecting officer shall cause the same to be abated. Service of one written notice on the owner of the property in any one calendar year shall serve notice for any and all subsequent abatements in that calendar year and no further notice shall be required.

**§ 205-10. Recovery of abatement costs.**

The entire cost of abating any public nuisance as defined in § 205-7A above shall be chargeable to and assessed against the parcel or lot affected.