



Town of Grafton Ordinance No. 2010-7

**AN ORDINANCE INCORPORATING
TITLE 6 CHAPTER 7 ABANDONED PROPERTY
INTO THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN**

WHEREAS, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, a Notice of Public Hearing before the Town Board was duly published in the *Ozaukee Press* on September 30, 2010 and October 7, 2010 as required by Title 9.1.11 of the Code of Ordinances, Town of Grafton, Wisconsin; and

WHEREAS, a Public Hearing was held before the Town Board on October 13, 2010, regarding the proposed Amendment to the Town's Code of Ordinances; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Grafton does hereby ordain as follows:

Section 1

The following Chapter is hereby incorporated into the Town of Grafton’s Code of Ordinances:

Title 6 – HEALTH AND SANITATION

Chapter 7 – ABANDONED PROPERTY

Table of Contents

Title 6 – Health and Sanitation	1
Chapter 7 – Abandoned Property	1
6.7.1.....Purpose.....	2
6.7.2.....Definitions.....	2
6.7.3.....Public Nuisances	2
6.7.4.....Inspection	3
6.7.5.....Abatement of Nuisance	3
6.7.6.....Assessment of Costs of Abatement.....	3
6.7.7.....Effective Date	3

6.7.1 Purpose.

It is the purpose and intent of the Town of Grafton, through the adoption of this ordinance, to correct the negative impacts of overgrown grass, weeds, trash, graffiti and unmaintained swimming pools and spas located on abandoned properties in the Town of Grafton and to protect residential neighborhoods from becoming blighted through lack of adequate maintenance and security on such abandoned properties.

6.7.2 Definitions.

- (A) **“Abandoned”** means a property that is vacant for at least one hundred twenty (120) consecutive days.
- (B) **“Evidence of Vacancy”** means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, disconnected utilities, accumulation of trash, junk or debris on the property, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, or statements by neighbors, passersby, delivery agents, government employees that the property is vacant.
- (C) **“Owner”** means any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.
- (D) **“Property”** means any unimproved or improved real property, or portion thereof, situated in the Town of Grafton and includes the buildings or structures located on the property regardless of condition.
- (E) **“Vacant”** means a building/structure that is not legally occupied.

6.7.3 Public Nuisances.

- (A) The Town of Grafton finds that lawns on an abandoned property which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other properties within the Town of Grafton. For that reason, any lawn on an abandoned property which exceeds eight (8) inches in length is hereby declared to be a public nuisance.
- (B) The Town of Grafton finds that any swimming pool or spa located on an abandoned property, which is not properly maintained or kept in working order such that the water remains clear, free of pollutants and debris and not a breeding ground for mosquitoes or other insects, is a safety hazard and adversely affects property values of adjacent properties located within the Town of Grafton. For that reason, any swimming pool or spa located on an abandoned property which is not properly maintained as set forth herein or is not drained and kept free of water is hereby declared to be a public nuisance.
- (C) The Town of Grafton finds that any trash or debris located on an abandoned property, which is not removed within seven (7) days of placement and any graffiti which is not removed within forty-eight (48) hours of placement detrimentally impacts public safety and the property values of adjacent properties within the Town of Grafton and is hereby declared to be a public nuisance.

6.7.4 Inspection.

The Town of Grafton or its designee shall inspect or cause to be inspected all property within the Town of Grafton that is reported to be abandoned to determine if the property is in fact abandoned and whether any public nuisance, as defined above, exists. If the property is found to be vacant or shows evidence of vacancy then it shall be deemed to be abandoned.

6.7.5 Abatement Of Nuisance.

If the inspecting officer determines that a public nuisance, as defined above, exists, he shall immediately report such existence to the Town Board. If the Board determines that a public nuisance does exist, it shall order the inspecting officer to serve or cause to be served upon the owner of the property a written notice to abate the nuisance within thirty (30) days of the service of the notice. If the owner does not abate the nuisance within the time limit, the inspecting officer shall cause the nuisance to be abated.

6.7.6 Assessment Of Costs Of Abatement.

The entire cost of abating any public nuisance, including administrative costs, shall be billed to the owner of the property. If the property owner fails to timely make a payment of the costs, the Town may do any or all of the following things: refer the delinquent bill to a collection agency, refer the costs to the County tax assessor as a special tax assessment to be collected with the property taxes, and or attach a lien on the property.

6.7.7 Effective Date.

This ordinance shall be effective on the date of adoption by the Town Board.

Section 2.

Except as hereinabove specifically modified and amended, the Code of Ordinances, Town of Grafton, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 3.

This Ordinance shall take effect and be in full force from and after its passage and publication or posting.

Adopted by the Town Board of the Town of Grafton, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 13th day of October, 2010

Lester A. Bartel, Jr., Town Chairman

Jessica C. Schmidt, Town Clerk

Posting Date: November 2, 2010