

ORDINANCE NO. 98

AN ORDINANCE RELATING TO THE MAINTENANCE OF
PREMISES AND STRUCTURES
IN THE TOWN OF OREGON

The Town Board of the Town of Oregon, Dane County, Wisconsin, do hereby ordain as follows:

1. Section 9.35 of the Town of Oregon Municipal Code is hereby created to read as follows:

“Section 9.35.010 Maintenance of Premises and Structures.

a. Premises and Structures Shall Be Maintained. Every owner of any premises and every adult resident of any premises, with the exception of premises including out buildings or farm buildings not used for human living or sleeping purposes, shall keep such premises and every structure thereon free of any condition that poses a hazard or threatens the health and safety of the occupants or public, including:

1. Any deterioration.
2. Any appearance of deterioration.
3. Any nuisance.
4. Any vermin.
5. Any health, safety, or fire hazard.

b. Definitions: For the purposes of this section, the following terms shall have the described meanings:

1. “Adult.” A person who is 18 years of age or older.
2. “Basement.” That portion of a structure that has a floor below the surface of the ground immediately adjoining it.
3. “Deterioration.” The condition of a structure, or part thereof, that is:
 - A. So old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy, or use; or
 - B. Characterized by hazardous structural unsoundness; or other evidence of hazardous decay, neglect, lack of maintenance, or excessive use.
 - C. This term does not include outbuildings or old farm buildings not used for human living or sleeping purposes.
4. “Fence.” An independent structure forming a barrier at grade between lots, between a lot and a street or an alley, or between portions of a lot or lots, and includes a wall or latticework

screen, but excludes a hedge or natural growth, and excludes a barrier that is lower than 18 inches in height that is used to protect plant growth.

5. “Nuisance.” Any one of more of the following conditions or items:

A. Any nuisance known at common law, in equity jurisprudence, or as described by Wis. Stats. Chap. 823, or as described by the Town’s ordinances.

B. Any attractive nuisance that may prove detrimental to the health or safety of any person on any premises or in any structure. This includes, but is not limited to: open basements and excavations that are not barricaded so as to prevent any person from falling into the basement or excavation; unused iceboxes, refrigerators, and freezers in which a person could be trapped; and any structurally unsound fence or structure.

C. Any abandoned, inoperable, or unlicensed vehicle, or any vehicle part, that is visible, in whole or in part, from the ground at any place other than on the premises that may prove detrimental to the health or safety of any person on any premises or in any structure.

D. Any plant, tree, or other vegetation that constitutes a hazard to any person, such as a dead or dying tree or vine.

E. All solid waste including, but not limited to: all waste and all animal, fish, fowl, or vegetable matter incident to or resulting from the use, preparation, or storage of food (except properly maintained composting material); rubbish; waste material, combustible and noncombustible, resulting from housekeeping or an ordinary mercantile enterprise; debris; street cleanings; excelsior, paper, ashes, cinders, tin cans, bottles and broken glass; and significant amounts of grass clippings, brush, and loose leaves.

F. Any garbage not in a secure storage facility.

6. “Owner.” Every person who holds title, or part of the title, to a structure or premises.

7. “Premises.” A parcel of land.

8. “Resident.” Every person who occupies a structure or premises.

9. “Structure.” Anything constructed or erected that requires location on the ground or is attached to something having location on the ground, including a building, dwelling, fence, free standing wall, driveway, sign, or other advertising medium. This term does not include outbuildings or old farm buildings not used for human living or sleeping purposes.

10. “Vermin.” Rats, mice, termites, cockroaches, and other rodents, insects, or pests that constitute an actual or potential health hazard, excluding flies and mosquitoes that are not inside a structure.

c. Enforcement.

1. Inspection of Premises and Structures. The Building Inspector, the Public Works Supervisor, and the Fire Chief are each authorized to make one or more inspections of any premises or structure to determine whether such premises or structure comply with this section. The Building Inspector, the Public Works Supervisor, and the Fire Chief are each authorized to obtain a special inspection warrant pursuant to Wis. Stats. §66.0119 The Building Inspector, the Public Works Supervisor, and the Fire Chief may act pursuant to Wis. Stats. §66.0413.

2. Notice. Whenever the Building Inspector, Public Works Supervisor, or Fire Chief believes that a violation of this section has occurred, the Building Inspector, Public Works Supervisor, or Fire Chief shall provide written notice of the violation to any owner of the premises, any adult resident of the premises, or any combination thereof as the Building Inspector, Public Works Supervisor, or Fire Chief deems appropriate. The notice may be addressed to an owner or resident by name or as “owner” or “Resident”. The notice mailed to any owner shall be mailed to the address to which the property tax bills for the premises are sent. The notice mailed to any resident shall be mailed to the resident’s address. Notice is effective upon mailing.

3. 30-Day Correction Period. The owner, owners, adult resident, or adult residents to whom a notice has been mailed shall have 30 days from the effective date of the notice to correct the violation.

4. Defenses to Charge. It shall be a defense to any charge under this section that:

A. The person charged does not have the legal right to correct the condition upon which the charge is based.

B. A different person or persons have the legal responsibility to correct the condition upon which the charge is based.

C. The person charged does not have a legal right to reside on the premises and resides on the premises pursuant to permission that may be revoked at any time.

D. An item or items have been placed near a highway for the purpose of removal from the premises within 24 hours.

5. Forfeiture. In the event a violation of this section is not corrected within the 30-day correction period, each person found guilty of such a violation shall forfeit not less than \$25.00 not more than \$200.00 for each violation plus all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by state law. Each day a violation occurs or exists after the effective date of the notice shall be considered a separate violation.

6. Town Agreement After Forfeiture Is Imposed. In the event a forfeiture is imposed under this section, the Town and any owner or any resident may stipulate that the amount of the forfeiture may be reduced to an agreed-upon if the violation is corrected by an agreed-upon date.”

This Ordinance shall take effect the day after passage and publication pursuant to law.

The above and foregoing ordinance was duly adopted by the Town Board of the Town of Oregon at its meeting held on ____ day of _____, 2023.

APPROVED:
TOWN OF OREGON

By Carl Walser, Chair

ATTEST:

Jennifer Hanson, Town Clerk

Approved: _____
Published: _____

4858-2024-2038, v. 1

AFFIDAVIT OF POSTING

STATE OF WISCONSIN
Town of Oregon
Dane County

I, Jennifer Hanson, the town clerk of the Town of Oregon, Dane County, Wisconsin, attest and affirm of the following:

1. That the following action was posted pursuant to s. 60.80 Wis. stats:

Ordinance No. 98

An Ordinance Relating to the Maintenance of Premises and Structures in the Town of Oregon

2. That the above-noted action was posted as required in the following 3 places in the Town of Oregon, Dane County, Wisconsin:

1. Oregon Town Hall, 1138 Union Road, Oregon, WI 53575 & www.town.oregon.wi.us
2. Town of Oregon Disposal Site (TORC), 1067 Storytown Rd., Oregon, WI 53575
3. Village of Oregon, 117 Spring St., Oregon, WI 53575.

3. That the posting of this action occurred at the following times and dates:

Posting: Thursday, August 10, 2023 at 12:00 p.m.

That I filed this affidavit in the records of the town clerk for the Town of Oregon on August 10, 2023.

Dated this 10th day of August 2023.


Jennifer J. Hanson, Town Clerk