

# **Village of Oliver**

## **Chapter 300. Property Maintenance**

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### **Section 1. General**

- A. These regulations shall be known as the Property Maintenance Code of the Village of Oliver, Wisconsin, hereinafter referred to as "this chapter."
- B. The provisions of this chapter shall apply to all existing residential and nonresidential premises and constitute minimum standards for premises.
- C. It is the purpose of this chapter to regulate and provide for the removal and disposal of blighting influences, debris, junk, noncombustible material, rubbish, and refuse generated in the Village of Oliver in order that the health, safety and welfare of all persons in the village may be protected.
- D. The Village Board finds that lawns on residential lots and commercial parcels of land which exceed 8 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 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 land within the Village. For that reason, any lawn on a residential or commercial lot or other parcel of land which exceed 8 inches in length is hereby declared to be a public nuisance.

### **Section 2. Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common use.

BLIGHTING INFLUENCE shall be a condition having an adverse effect on surrounding properties.

DEBRIS shall include broken concrete, bricks, blocks or other mineral matter, bottles, porcelain and other glass or crockery, boxes, lumber (new and used), posts, sticks or other wood, paper, rags, rubber, plastic wire, tin and metal items, discarded household goods or appliances, junk lawn mowers, junked or wrecked motor vehicles, tar paper, residues from burning or any other similar materials which constitute health, fire or safety hazards or a serious blighting influence upon the neighborhood or the Village of Oliver in general.

JUNK shall mean any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. An unlicensed motor vehicle shall be construed to be a junked motor vehicle.

JUNKED OR WRECKED MOTOR VEHICLES shall include disassembled, inoperable and unlicensed, junked or wrecked motor vehicles.

NONCOMBUSTIBLE MATERIAL shall mean material that cannot be burned

PUBLIC NUISANCE shall mean property which is not kept in a safe or sanitary condition in accord with the provisions of this chapter.

REFUSE shall mean debris as hereto defined.

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

### **Section 3. Property Maintenance Required**

- A. It shall be unlawful for any person, firm or corporation and no person, firm or corporation shall allow or permit or place, throw, leave or permit to remain any blighting influence, debris, junk, rubbish, refuse, paper or garbage upon the person's, firm's or corporation's property or upon any street, gutter, ditch, sidewalk, alley, park or other public grounds immediately adjacent to such person's, firm's or corporation's property.
- B. No disassembled, inoperable and unlicensed, junked or wrecked motor vehicle shall be stored or allowed to remain in the open upon public or private property within the Village of Oliver for a period in excess of 10 days unless located in an area of the Village properly zoned for such usage.
- C. All appliances waiting for disposal must be stored out of public view.
- D. The owner, occupant or tenant of any real property in the Village shall keep such property in a safe and sanitary condition, free of rubbish and other debris.
- E. Property shall be maintained so that the height of lawns shall not exceed 8 inches in height.

### **Section 4. Enforcement, Violations and Penalties**

- A. Building inspector.
  - 1. The Village Board or its designated agent shall act as the building inspector to enforce the provisions of this chapter.
  - 2. The building inspector is authorized and directed to make inspections in response to a complaint that an alleged violation of this chapter exists or when the building inspector has good reason to believe that a violation is being committed.
  - 3. The building inspector is authorized to enter the premises at reasonable time to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the building inspector is authorized to pursue recourse as provided by law.
  - 4. The building inspector will make written reports of all inspections.
  - 5. The building inspector shall serve notice to the property owner of the complaint, the required remedial action, and an appropriate date by which time the remedy must be completed.
- B. Violation and Penalty.
  - 1. Whenever blighting influences, debris, junk, junked or wrecked vehicles, noncombustible material, rubbish and refuse remain on property after a duly conducted inspection and contrary to this chapter, the building inspector, Village or any member of the Village Board may direct removal of such material by a licensed collector or, in the case of lawns of excessive height direct the mowing of the lawn. In such event, the collector shall make such collection and removal or, in the case of lawns, the Village or its agent shall mow the lawn. The building inspector, Village or member of the Village board shall make a written record of the request and provide a copy to the licensed collector or lawn mower.
  - 2. The Village shall pay the collector his regular rate for the removal, or, in the event of lawn mowing shall pay the regular rate for such service. If such collection and removal or lawn mowing require an expenditure of time and effort in excess of that required for ordinary collections or mowing, the collector or mower shall be paid a reasonable hourly rate determined by the Village Board.
  - 3. If any junked or wrecked vehicles collected and removed under order by the Village under the terms of this chapter are subsequently claimed by the owner, the junk or salvage yard shall be entitle to a reasonable fee for handling and storage, which shall be paid by the owner at the time the vehicle(s) is claimed.

4. The fee for collections or lawn mowing, known herein as "collection fee," shall be paid by the Village and, as set forth hereinafter, be recovered from the owner of the premises from which such collection and removal is made, as provided in Section 66.0627, Wisconsin Statutes.

C. Assessment and collection of fees.

1. In addition to other methods provided by law, it is hereby provided that special charges or assessments for collection fees may be levied in accordance with the provisions of this section, which are hereby adopted pursuant to Section 66.0114, Wisconsin Statutes, or such other statute as may be applicable.
2. Delinquent collection fees shall be levied as a special assessment or charge against the real property, shall become a lien thereon, and be placed on the tax roll with the same effect as other Village taxes unless the Village otherwise determines after notice and opportunity to be heard.
3. The bill for such collection charges shall be sent to the person, firm or corporation from whose property or adjacent property the collection was made within 14 days of the collection.
4. The bill will be specially assessed against the real property and become a lien thereon and placed on the tax roll unless paid within 30 days of the date of the notice of the bill.
5. The property owner may petition for a hearing before the Village Board. The date of said hearing shall be less than 90 days after the first issuance of the collection bill and at least 5 days after said written notice is mailed.
6. The Village Board may instruct the Village Clerk not to have the delinquent collection levied as a special assessment or charge after the 90 days from the first issuance of the collection bill only in the following circumstances:
  - a. Payment is made;
  - b. Reasonable assurance is given by the property owner that payment will be made within a reasonable time, not to exceed 45 days from the date of the hearing. If payment is not made as guaranteed, the bill amount shall be specially assessed as a lien to be placed on the tax roll after the deadline for payment set by the Village Board; or
  - c. The bill is incorrect either as to amount or property owner obligated to pay and, in that event, the Village Board shall direct the issuance of a revised billing statement.
7. The Village Board may not permit payment of the delinquent collection fee by installments.

## **Section 5. Interference**

Any person who shall interfere in any way whatsoever with the enforcement of any of the provisions of this ordinance shall be subject to a forfeiture not to exceed an amount set by resolution of the Village Board.

History: Adopted as ordinance 2011-7 on May 31, 2011. Supersedes Junked or Wrecked Motor Vehicle ordinance and Garbage and Trash ordinance both adopted September 26, 2000.