CHAPTER 10

PUBLIC NUISANCES

10.01 Public Nuisances Prohibited

10.02 Public Nuisance Defined

10.03 Public Nuisances Affecting Health

10.04 Public Nuisances Offending Morals and Decency

10.05 Public Nuisances Affecting Peace and Safety

10.06 Junk, Certain Vehicles and Firewood

10.07 Abatement of Public Nuisances

10.08 Diseased and Infected Tree Control

10.09 Weed Control

10.10 Lawn Care

10.11 Vacant Building Registration Program

10.15 Penalty

10.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

10.02 PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of sec. 10.2 of this chapter:

(1) ADULTERATED FOOD. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) UNBURIED CARCASSES. Carcasses of animals, birds or fowl not intended for human consumption, or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) BREEDING PLACES FOR VERMIN, ETC. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitos, disease-carrying insects, rats or other vermin may breed.

(4) STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply.

(5) PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not fly tight.

(6) AIR POLLUTION. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

(7) NOXIOUS WEEDS. All noxious weeds, as defined in §66.0407, Wis. Stats. In addition, other rank growth of vegetation, and all weeds, grasses and plants over 12 inches in height, excluding trees and shrubs, which:

(a) Detract from the surrounding area and properties.

(b) Become a possible fire hazard, as determined by the Fire Chief.

(c) Become a health hazard due to pollen or potential cover for disease-carrying rodents and other small animals.

(d) Are of infectious or poisonous nature in or adjacent to a populated area, regardless of height.

(e) Become a potential hazard to vehicular traffic in vision clearance triangles.

(8) WATER POLLUTION. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(9) NOXIOUS ODORS, ETC. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases effluvia or stanches repulsive to the physical sense of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.

(10) STREET POLLUTION. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.

(11) PESTICIDE APPLICATION. The application, or causing of the application, of any pesticide, as defined in §946.67(25), Wis. Stats., in such a manner as to endanger the health of persons within the Village.

10.04 PUBLIC NUSIANCES OFFENDING MORALS AND DECENCY. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of sec. 10.02 of this chapter.

(1) DISORDERLY HOUSES. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) GAMBLING DEVICES. All gambling devices and slot machines.

(3) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled manufactured or rectified without a permit or license as provided for by this Code.

(4) CONTINUOUS VIOLATION OF VILLAGE ORDINANCES. Any place or premises within the Village where Village ordinances or State laws relating to public health safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(5) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws or this Code.

10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of sec. 10.02 of this chapter:

(1) SIGNS, BILLBOARDS, ETC. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.

(2) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structure within the Village.

(3) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markers or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any device, sign or signal.

(4) OBSTRUCTIONS OF INTERSECTIONS. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(5) TREE LIMBS. All limbs of trees which project over and less than 10 feet above any public sidewalk or less than 14 feet above a street or other public place.

(6) DANGEROUS TREES. All trees which are injurious to public health or safety because of a diseased or damaged condition, and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.

(7) FIREWORKS. All use, possession or display of fireworks except as provided by the laws of the State and ch. 9 of this code.

(8) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

(9) WIRES AND CABLES OVER STREETS. All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

(10) NOISY ANIMALS OR FOWL. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.

(11) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this Code or which, although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.

(12) SNOW, ICE AND DEBRIS REMOVAL. All debris not removed, and all snow and ice not removed or sprinkled with salt, ashes, sawdust or sand, as provided in ch. 8 of this Code.

(13) REFRIGERATORS. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

(14) OPEN PITS, BASEMENTS, ETC. All open and unguarded pits, wells, excavations and basements.

(15) FLAMMABLE LIQUIDS VIOLATIONS. Repeated or continuous violations of the Code or the laws of the State relating to the storage of flammable liquids.

(16) ALL ANIMAL WASTE CLEANUP AND DISPOSAL. All animal waste/manure on Village streets and sidewalks will be immediately picked up and properly disposed of by the owners.

10.06 PROPERTY AND VEHICLES. (1) Purpose Statement. It is the purpose of Section 10.06 of the Public Nuisance Ordinance to prevent, reduce or eliminate present or future blight being commonly known as junk, trash, garbage, debris, scrap, disassembled equipment, inoperable or operable vehicles and equipment which stored in the open, in an unsecured manner, may pose an attractive nuisance or safety concern or have the potential to reduce neighboring property value. It is recognized that discarded and/or inoperable equipment or vehicles do have value. It is not the intent of this ordinance to take this value from the property owner(s), but to ensure the proper storage of

vehicles/equipment and other materials so as not to create blight or safety concerns. It is recognized that blight, as defined in this ordinance detracts from the public health, safety and welfare. Furthermore, blight detracts from the aesthetic value of property which lowers property values and is not consistent with preserving the public welfare. For the purpose of this ordinance any structure or accessory structure, which being located in any zone within the Village, that is either abandoned, dilapidated, or in such a state of disrepair as to be considered blighted, an eyesore, an attractive nuisance, or safety hazard, and which may also detract from the aesthetic value of the property and thereby lowering neighboring property values is not consistent with preserving the public welfare of the Village and therefore shall be considered a public nuisance.

(2) Public Nuisances. (a) *Abandoned Building or Structure.*

1. A building or structure which is not occupied, inhabited, used or secured. For purposes of this chapter, a building or structure is unsecured when it is unlocked or the public can gain entry without the consent of the owner.

2. Any partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for six months.

(b) *Attractive Nuisance.* Property which is in an unsecured state so as to potentially constitute an attraction to children, harbor for vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

(c) *A Building or structure which is in a State of Disrepair.*

1. Any building or other structure which by reason of rot, weakened joints, walls, floors, underpinning , roof, ceilings, or unsecure foundation, or other cause has become dilapidated or deteriorated.

2. Any building or other structure with exterior walls and/or roof coverings which have become so deteriorated as to not provide adequate weather protection and be likely to, or have resulted in, termite infestation or dry rot.

3. Buildings or Structures with broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers. For purposes of this chapter “window” shall include any glazed opening, including glazed doors, which upon a yard, court, or vent shaft open unobstructed to the sky.

4. Buildings or structures including, but not limited to, walls, windows, fences, signs, retaining walls, driveways, or walkways which are obsolete, broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts on neighboring property or presents a risk to public safety. For purposes of this chapter “defaced” includes, but is not limited to, writings, inscriptions, figures, scratches, or other markings commonly referred to as “graffiti” and peeling, flaking, blistering, or otherwise deteriorated paint.

(d) *Property Inadequately Maintained.*

1. Property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or other vegetation, rank growth, dead organic matter, trash, junk, garbage, animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material. For the purposes of this section the term “trash” shall include combustible and noncombustible material; and the term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, hay, straw, tin cans, metal, mineral matter, glass, crockery, furniture and household appliances, and the term shall also include animal feed and the products of and waste from animal.

2. Property which constitutes a fire hazard or a condition considered dangerous to the public health, safety, and general welfare.

3. Property which is likely to or does harbor rats or other vectors, vermin, feral pets, or other non-domesticated animal nuisances.

4. Property which substantially detracts from the aesthetic and economic values of neighboring properties including, but not limited to, personal property and wares and foodstuffs, premises garbage and refuse receptacles, and commercial and industrial business activities which are inadequately buffered from any street, sidewalk, or other publicly trafficked area or such buffering which is inadequately maintained.

5. Landscaping which is inadequately maintained or which is not installed as required by village codes or any permit issued in accordance with such codes,

6. Matter including, but not limited to, smoke, odors, dust, dirt, debris, fumes, and sprays which are permitted to be transported by wind or otherwise upon any street, course, alley, sidewalk, yard, park, or other public or private property and which is determined to be a violation of federal, state, regional, or local air quality regulations.

7. Property including, but not limited to, building façade, window, doorway, driveway, walkway, fence, wall, landscaped planter or area, sidewalk, curb and gutter, and edge of street pavement on which dirt, litter, vegetation, sticks, garbage, refuse, debris, flyers or circulars have accumulated.

8. Property on which a swimming pool, pond, stream, or other body of water is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" is defined for the purpose of this chapter, as water which contains bacterial growth, remains of garbage, refuse, debris, paper and any other foreign matter or material which constitutes an unhealthy or unsafe condition.

9. Parking lots, driveways, paths, and other areas used or intended to be used for commercial and industrial business activities including, but not limited to, selling, manufacturing, processing, packaging, fabricating, treating, dismantling, transferring, handling, transporting, storing, compounding, or assembling which are inadequately maintained and pose a risk of harm to public health or safety including, but not limited to, unpaved surfaces which generate fugitive dust and paved surfaces with cracks, potholes, or other breaks,

10. Property on which recyclable materials are openly stored. For the purposes of this chapter, "open storage" means storage on private property other than in a completely enclosed building. Materials shall be deemed to be held in "open storage" even though screened from public view, or view of residents of adjacent property, by a fence or other such partition.

11. Property which is not securely fenced or adequately lighted to prevent illegal access and activity related to the dumping of garbage, waste, debris and litter or any recyclable materials. "Recyclable materials" includes any materials, goods, vehicles, machinery, appliances, product or article, new or used, which is suitable for reuse.

(e) *Property Which Creates a Dangerous Condition.*

1. Property having a topography, or configuration which, as a result of grading operations, erosion control, sedimentation control work, or other improvements to said property, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems as to harm or pose a risk of harm to adjacent properties.

2. Property whereon any condition or object obscures the visibility of public street intersections to the public so as to constitute a hazard, including but not limited to, landscaping, fencing, signs, posts, or equipment.

3. Conditions which due to their accessibility to the public pose a hazard including, but not limited to, unused and broken equipment, abandoned wells, shafts, or basements, hazardous or unprotected pools, ponds, or excavations, structurally unsound fences or structures, machinery which is inadequately secured or protected, lumber, trash, fences or debris that may pose a hazard to the public, storage of chemicals, gas, oil, or toxic or flammable liquids.

(f) *Parking, Storage or Maintenance of the Following Areas Zoned for Residential Use Prohibited.*

1. Construction or commercial equipment, machinery, material, truck or tractor or trailer or other vehicle having a weight exceeding seven thousand (7,000) pounds.

2. Trailers, campers, recreational vehicles, boats, and other mobile equipment for a period of time in excess of seventy-two (72) consecutive hours in front yard areas. However parking of these vehicles will be allowed on driveways or parking pads located next to an accessory building or house.

(a) Any parking, keeping or storing of these items in the side or rear yard areas shall be in accordance with the provisions of the Village of Frederic Land Use Ordinance or in an area which provides for a five-foot setback from any property line.

(b) In addition to the setback requirement, fifteen hundred (1,500) square feet or at least sixty (60) percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

(c) No item shall be parked, stored or kept within five feet of any required exit, including existing windows.

(g) *Inoperable Vehicles.*

1. Definitions. For the purpose of this section the following definitions shall be:

(a) Inoperable Motor Vehicle means any motor vehicle which satisfies one or more of the following criteria:

1. That is missing a tire, a wheel, a window, motor or transmission, or which has been so damaged as to appear not safely operable.

2. That is not capable of legal operation on public streets in accordance with applicable state law. The fact that a vehicle is not equipped with license plates required by State law shall mean that it is not capable of legal operation on public streets.

3. That is untitled.

4. That is unlicensed.

5. That is partially dismantled, wrecked or deteriorating to such an extent that its continued presence would create a negative impact on property values and/or create a blighting influence on the neighborhood.

6. That has become a habitat for rodents, vermin or insects.

7. That in any other way constitutes a threat to the public health or safety.

(b) Motor Vehicle: any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, all-terrain vehicles, mopeds, motor scooters, motorcycles, motorized campers, snowmobiles, tractors and tractor trailers.

(c) Motor Vehicle Accessories: any part or parts of any motor vehicle.

(d) Private Property: any real property not owned by the federal government,

(e) Removal: physical relocation of a motor vehicle to an authorized location.

2. Storage Prohibited. (a) It shall be unlawful for any person to allow, or any private property owner to allow, to be kept any inoperable motor vehicle, motor vehicle accessories, on private property within the Village of Frederic.

(b) No person, after notification to remove any inoperable motor vehicle, motor vehicle accessories from any private property has been given pursuant to this section, shall move the same to any other private property upon which storage is not permitted or onto any public highway or public property for purposes of storage.

3. Exceptions. (a) This section shall not apply to any motor vehicle, motor vehicle accessories, stored within an enclosed building, garage, outbuilding, or like structure.

(b) This section shall not apply to any motor vehicle, motor vehicle accessories, on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area when necessary to the operation of such business enterprise.

(c) Garden tractors and lawn mowers may be stored in the rear yard not less than 10 feet from any property line.

10.07 ABATEMENT OF PUBLIC NUISANCES. (1) ENFORCEMENT. It shall be the duty of police officers, the Fire Chief and the Zoning Administrator to enforce those provisions of this chapter that come within the jurisdiction of their respective offices and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section t abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.

(2) SUMMARY ABATEMENT. (a) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct a police officer to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Village shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(b) Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisances.

(3) ABATEMENT BY COURT ACTION. If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 14 days. If such nuisance is not removed within 14 days, they shall report such fact to the Village President, who may direct the Village Attorney to commence an action in Circuit Court for the abatement of the nuisance.

(4) OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the law as of the State, not as prohibiting an action to be commended in the Circuit Court seeking a forfeiture as provided in sec. 10.15 of this chapter.

(5) COST OF ABATEMENT. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

10.08 DISEASED AND INFECTED TREE CONTROL. See sec. 8.12 of this Code.

10.09 WEED CONTROL. (1) NOXIOUS WEEDS AND RANK GROWTH PROHIBITED. No owner or occupant of any lot or parcel shall allow such property to become overgrown with any weeds or grass so as to constitute a public nuisance as defined in sec. 10.03 (7) of this chapter.

(2) NOTIFICATION. The Village President shall annually, on or before May 15, publish a Class 2 notice, under Ch. 985 Wis. Stats. That every person is required by law to destroy all noxious weeds and other rank growth of vegetation, as define in sec. 10.03(7) of this chapter, on land in the Village which he owns, occupies or controls.

(3) ENFORCEMENT. If a property owner fails to control the growth of such weeds or rank growth of vegetation on his property, the Weed Commissioner shall serve upon him notice as to this fact. If such owner fails to abate this nuisance within 5 day after service of the notice, the Weed Commissioner shall take action to abate such public nuisance.

(4) COSTS. If the Village causes a nuisance to be removed as provided in sub. (3) above, the actual cost thereof together with an administrative fee equal to 10% for the actual cost, shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to §66.0517, Wis. Stats.

10.10 LAWN CARE. (1) OCCUPIED LOTS. Every owner or occupant of any premises having a lawn consisting of conventional grasses such as Blue Grass, Creeping Fescue, Rye Grass, etc., shall cut and maintain such lawn on such premises as well as the boulevard in front of or along such premises in a neat and orderly manner.

(2) VACANT LOTS. All vacant lots in all residential, business and manufacturing districts shall be kept free of unhealthy and unsightly debris and shall be reasonable maintained. This shall also include the boulevard in front or along such vacant lot.

10.11 VACANT BUILDING REGISTRATION PROGRAM (1) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a.Building means any structure used or built for shelter or enclosures of persons, animals, chattels, or movable property of any kind for commercial purposes; and when, separated by a firewall, each portion of such building so separated shall be deemed a separate building.

b. Evidence of vacant property means any condition that on its own or combined with other conditions would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and /or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices, disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded windows, abandoned vehicles, auto parts or materials, the absence of furnishings and/or personal items consistent with habitation, or occupation, statements by neighbors, passerby, delivery agents or governmental employees that the property is vacant. In addition, a commercial property may further be defined as vacant if it is not being used for commercial purposes, having regular business hours, operating under a state business license, and has a current and valid Certificate of Occupancy.

c. Owner means any individual, limited liability company member, co-partnership, association, corporation, company fiduciary, or any other person or legal entity having a legal or equitable title or interest in real property. The term includes a mortgagee which has obtained a judgment of foreclosure against a property.

d. Structure means a combination of material to form a construction that is safe and stable; including among others, buildings, stadiums, platforms, staging observation towers, radio towers, water tanks and towers, sheds, shelters, fences and display signs; the term structure shall be construed as if followed by the words "or part thereof."

e. Foreclosure means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the mortgagee.

f. Mortgage means a recorded lien or interest in real property to secure payment of a loan.

g. Mortgagee means a person, firm corporation or other legal entity holding a mortgage on a property.

h. Village Code Official means person(s) or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

(2) Intent and purpose.

a. The purpose and intent of this article is to prevent the blighting influence and nuisances caused by commercial structures that are condemned, abandoned, or vacant and to ensure the integrity of our community's health, safety, welfare, and value.

b. Properties that are condemned, abandoned, or vacant act as blighting influence for the surrounding neighborhood, depress market values of surrounding properties to the detriment of the various taxing districts and require additional governmental services. Property in such condition endangers the public safety and health, constitutes an unreasonable use and condition to the annoyance, discomfort and repose of a considerable number of the public, is detrimental to the public good and to the common welfare.

c. Unsecured properties are a harborage for rodents; an invitation to derelicts, vagrants and criminals as a temporary abode; have a very high probability of setting fire; are an increased risk of explosion due to the theft of internal piping. Unkempt grounds surrounding such properties invite dumping of garbage and rubbish thereon. Therefore, adequate protection of public health, safety and welfare, requires the establishment and enforcement of the means by which such nuisance conditions may be abated.

d. It is important for the community to know which buildings are vacant or have a higher potential for abandonment so as to establish a proactive approach to track properties that are at risk of becoming vacant while the owner is still known. This type of action reduces the cost to the community and places the responsibility for rehabilitation or proper security of the property on the owner early in the cycle of deterioration.

(3) Penalty.

a. Violation of this article including those provisions of the Wisconsin Statutes or other materials which are incorporated by reference, are a Class B offense as provided in the Village Code. In addition: 1. Any license or permit issued pursuant to this article may be suspended by the Village Board after giving the permittee or licensee a minimum of a 10 day written notice and a hearing before the Board.

2. Any license or permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction thereof.

b. Any person violating any State Statute, State regulation or the order of a State agency, which statute, regulation or order pertains to health or safety, even though not incorporated herein by reference, shall suffer suspension or revocation of any license or permit issued pursuant to this chapter, as provided immediately above in subsection (a)1 and 2 of this section; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this article exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(4) Interference with Enforcement**.**

No person shall prevent, resist or interfere with *the* Village Code Official or his/her designee or any employee or agent of the village thereof in the entering of any premises or the carrying out of their duties under this article.

(5) Administration. The Village Code Official or his/her designee will be charged with the administration of the VBRP and may contact contractors for appropriate repairs. The process for repairs shall begin within 30 days of notice by the Village Code Official or his/her designee. Potential demolition will follow the process specified in WI Stat Sec. 66.0413.

a. Identifying qualified properties will require a cooperative effort from public workers in the field. Indicators that present risk factors of a vacant or soon-to-be abandoned building are as follows, but not limited to:

1. A history of back taxes and special charges.
2. Previous structural fires.
3. Unabated zoning and housing code violations.
4. Unreleased liens and attachments.

5. Lack of commercial business being operated from commercial buildings.

b. The funds generated from the VBRP will be utilized for the administrative cost of identifying, evaluating, inspecting, securing, demolishing or rehabilitating properties that are condemned, abandoned, or vacant. Any additional funds will be placed in a restricted fund for downtown rehabilitation.

(6) Registration Requirement. A commercial building not operating as a commercial business, abandoned, or vacant shall register for the VBRP.

a. The term "unfit building" means any building found to have any of the following defects shall be condemned and shall be so designated and placarded by the Village Code Official or his/her designee: 1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;

2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;

3. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public;

4. A structure intended for commercial operation which lacks any of the following: sanitary sewer, water, heating or electrical service.

b. The term "abandoned structure" means a commercial building or structure which is not occupied by a business, and which is not intended by the owner to be occupied within a reasonable period of time. A commercial building or structure shall be presumed to be abandoned if it is unoccupied by a business open to the public for a period of twelve consecutive months. Occupancy required here under shall be bona fide and not to be acquired for the sole purpose of defeating the abandonment of the building or structure.

c. The term "vacant building or structure" means a commercial building or structure which has not been operating as a commercial business for a period of 365 days. For clarity, occupying a commercial building as a residence shall not avoid the commercial building from being declared vacant unless the commercial building has been remodeled and reconstructed as a permanent residence and is in compliance with all building and zoning code provisions.

(7) Properties not Subject to Registration.

a. A structure that meets the conditions under section (6) shall be registered under the VBRP unless the following conditions are met:

1. Existing renovation is actively and continuously occurring on the property with a specified completion date in order to bring the building up to minimum standards; and appropriate permits have been issued and no violation of the permit terms, or conditions exist.

2. A property that is currently part of an estate that is in probate and is not subject to bankruptcy.

3. A property that is listed for sale or rent on a multiple listing service or the owner provides copies of advertisements which have been place in any media for a period of six months and is prices at market value.

4. Property owned by governmental bodies.

(8) Registration Procedures. All properties subject to the VBRP shall:

a. File a registration form provided by the Village within 30 days of the building becoming vacant. The form may be signed by an agent for an owner provided the agent's written authorization from the owner is also provided. If the owner or the owner's agent fails to register the property, the Village shall register the property for them and update the form as new information is provided. The owner will be required to provide access to the interior of the building. If access is not obtained, for whatever reason, an inspection warrant for entry will be ordered.

b. *Owner Information and availability requirement.* The property owner shall provide the Village Code Official or his/her designee with such information as is required on forms provided. The information shall include the address of the property, the name and current address of the owner of the property, the owner's local agent or manager, and a current physical address where all correspondence is to be mailed. The information shall also contain a listing of current telephone numbers and emails at which the owner and the owner's agent and manager can be reached, and a response received within 48 hours. The owners or their representative of a property shall be available via telephone and shall designate an authorized local agent residing within 25 miles of the Village of Frederic limits with the authority to take whatever actions are necessary with respect to the property and the VBRP.

c. There is no registration fee for the initial registration, and the first registration shall last for 12 months. Registrations shall be renewed every 12 months. The owner shall pay a fee in the amount established by resolution for each registration renewal until the building is no longer required to register under this program. At the time of registration, if the property has not conformed to the building maintenance and security standards the registration fee will increase in the amount established by resolution.

d. If the property owner does not register and pay the fee at the time of registration, the

Village shall be recouped through a special assessment tax or charge.

e. An inspection will occur upon the initial registration and for all subsequent registrations to ensure that the property's interior and exterior are satisfactorily maintained and secured per sub-section 10 below and Chapter 10.

f. An emergency key lockbox shall be installed on the exterior of the structure at the discretion of the Village Code Official or his/her designee in order to gain nondestructive entry to the structure. The cost of the box and installation shall be the responsibility of the property owner. If a key box is required, an entry key shall be required to be provided to the village prior to the inspection.

g. The owner will receive a letter stating whether or not the property is in compliance with the building maintenance and security standards. Within 30 days of the mailing of any notice of violation and order to correct, the owner shall be required to comply with the building maintenance and security standards. Window damage requires corrective action within seven days.

h. If the building is not brought into compliance with the order to correct within the time specified, the Village may take actions needed to bring the property up to maintenance and security standards. The owner will be responsible for all costs incurred by the Village to bring the property into compliance. If the owner does not reimburse the Village within thirty days after invoice the Village may place the amount on the property tax roll as a special charge.

i. The owner shall acquire or otherwise maintain liability insurance as specified in section 2-B.

(9) Inspection Fee

a. An inspection fee in the amount established by resolution shall be paid at the time of each registration. The inspection will cover all exterior and interior elements of the property. The owner will be required to provide access to the interior of the building. If access is not obtained, for whatever reason, an inspection warrant for entry will be ordered.

b. Re-inspection fee. If the property owner was sent an order to correct, a re-inspection will be required to ensure that the corrections were made. If the order to correct is not satisfied, re-inspections will continue every 30 days until the corrections are made. The fee schedule for re-inspections is as established by the Village Board.

c. If the warrant for entry is not obtained prior to a re-inspection, the re-inspections(s) will commence for the external elements, and the re-inspection fee shall apply.

d. If the property owner does not pay the inspection or re-inspection fee(s) by the time of an inspection, the Village shall charge the fee as a lien to the property where it shall be recouped through a special assessment tax or charge.

(10) Building Maintenance and Security Standards.

A. The property includes the land, interior, and exterior of all buildings condemned as unfit for human habitation, abandoned, or vacant buildings as defined in this Section 10.11 and the owner shall comply with the following standards:

1. All Exterior doors, windows, and other openings shall be locked and secured at all times to prohibit entry by unauthorized persons. Broken windows shall be repaired within seven days of an order to correct. Boarded up doors and windows are not permitted under minimum maintenance standards; however, supplemental

reinforcement measures may be taken at the Village's discretion for properties with a history of illegal entry. Temporary boarding for emergency purposes shall be allowed for no more than 30 days.

2. Maintain such building so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs are weathertight, waterproof, rodent proof, structurally sounds, and in good repair such that they comply with Section 10.05 and 10.06 of the Village Code and the following:

a. It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or provide harborage for rodents or other animals.

b. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.

c. Any plumbing fixtures, including those used for operation or sprinkling systems, shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.

d. Every exterior exit door or opening large enough for a person to penetrate shall be secured with a lock, or with a locking mechanism deemed equivalent or better by the Village Code Official or his/her designee. Every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.

e. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

f. Any opening on a building shall be closed and sealed to prevent damage from weather or nature.

3. Maintain the yard and accessory structures such that they comply with Chapters 10.09 and 10.10 of the Village code and the following:

a. All grass and weeds on the premises including abutting sidewalks, gutters and alleys shall be kept below 8 inches in height and all dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises.

b. Any public sidewalk shall be shoveled and clear of snow as required by the Code.

c. Junk, rubbish, and waste, including but not limited to any mail or flyers that have been delivered to the building, shall not be permitted to accumulate on any portion of the exterior lot of the building.

d. The lot shall be maintained so that water does not accumulate or pool on impervious surfaces.

e. All fences and gates shall be maintained in sound condition and in good repair.

4. Remove all combustible waste, refuse, and vegetation; and remove all storage of personal property in compliance with this article.

5. If a vacant building has a fire protection system installed then that system shall be maintained and operational; otherwise, all service and utilities shall be discontinued to said building. Fire protection and fire alarm systems shall be permitted to be removed from service at the direction of the Fire Department.

6. The Fire Department shall have the authority to require an inspection and test of any fire protection system or fire alarm system that has been out of service for 30 days or more before restored back to order.

7. The 2012 National Fire Protection Association (NFPA) fire codes are applicable to this program.

8. If the building is not brought into compliance with an order to correct within the time specified by the order to correct, as determined by the Village Code Official or his or her designee, the Village may take actions needed to bring the property up to maintenance and security standards or demolish. The Village shall charge the fees as a lien to the property where it shall be recouped through a special assessment tax or charge. The owner shall be responsible for all costs, fees and expenses incurred by the Village in the Village's enforcement of this provision, including, but not limited to, Village Code Official or his/her designees' fees, attorney's fees, cost of Village officials per diems and salaries, and the Village's out-of-pocket expenses. The enforcement provisions of this subsection 8 are in addition to any other enforcement provisions contained in Chapter 10 or elsewhere in the Village Code.

9. Property shall be maintained free of graffiti or similar markings.

10. The owner shall take necessary measures to avoid growth of mold or other obnoxious conditions in the building or property.

(11) Trespassing or Illegal Inhabitants. Any person, who enters or inhabits a condemned, abandoned, or vacant, commercial building or structure or any other structure without the consent of the owner or as allowed under the provisions of the Village Code shall be penalized in accordance with Section 3.

10.12 – 10.14 RESERVED.

10.15 PENALTY. In addition to the penalties provided in this chapter, any person who shall violate any provision of this chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in sec. 25.04 of this Code.