

## ***ARTICLE VII. PROPERTY MAINTENANCE CODE<sup>1</sup>***

### **Sec. 18-571. Title.**

This article shall be known as "The Property Maintenance Code," and may be referred to in this section as "this code."

(Ord. No. 570-03, § 1, 6-17-03)

### **Sec. 18-572. Findings and declaration of policy.**

It is hereby found and declared that there exist, in the city, structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance or, further, that such conditions, including, but not limited to, structural deterioration, lack of maintenance and appearance of exterior of premises, infestation and existence of fire hazards constitute a menace to the health, safety, welfare and reasonable comfort of the citizens of the city. It is further found and declared that, by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, these conditions will grow and spread and will necessitate the expenditure of large amounts of public funds to correct and eliminate such conditions, that by reason of timely regulations and restrictions contained in this code, the desirability and amenities of residential and nonresidential uses and neighborhoods may be enhanced and the public health, safety and welfare protected and fostered.

(Ord. No. 570-03, § 2, 6-17-03)

### **Sec. 18-573. Purpose.**

The purpose of this code is to protect the public health, safety, and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises; to affix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; and to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use.

(Ord. No. 570-03, § 3, 6-17-03)

### **Sec. 18-574. Definitions.**

The following words and terms, wherever used herein or referred to in this code, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

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<sup>1</sup>Editor's note(s)—Ord. No. 570-03, §§ 1—10, adopted June 17, 2003, was not specifically amendatory of the Code and has been included as art. VII, §§ 18-571—18-580 at the editor's discretion.

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*Blight.* A deteriorated condition.

*Deterioration.* The condition of a building or part thereof characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use. All exterior wood and composition surfaces shall be properly protected from the elements and against decay by paint, stain or other protective coating and applied in a workmanlike manner.

*Elements.* Any element, whether created by nature or by man, which, with reasonable foreseeability could carry litter from one place to another. Elements shall include, but not be limited to, air current, rain, water current and animals.

*Exposed to public view.* Any premises, or any part thereof, or any building, or any part thereof, which may be viewed by the public.

*Exterior of the premises.* Open space on the premises outside of any building thereon.

*Extermination.* The control and elimination of insects, rodents and vermin.

*Garbage.* Decayed and decomposed animal and vegetable waste resulting from the handling, preemption, cooking and consumption of food. (See also Refuse and Rubbish)

*Infestation.* The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

*Litter.* Includes any non-containerized man-made or man-used materials or waste which, if deposited within the city other than in a litter receptacle.

*Mixed occupancy.* Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses or used as a hotel.

*Nuisance.*

- (1) Any public nuisance, as defined by statute or this chapter.
- (2) Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.

*Operator.* Any person who has charge, care or control of a dwelling or premises, or part thereof, whether with or without the knowledge and consent of the owner.

*Owner.* Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

*Park.* A public or private park, reservation, playground, beach, recreation center or any public park private area devoted to active or passive recreation or any other area under the supervision of the City.

*Parking lot.* Any private or public property with provisions for parking vehicles to which the public is invited or which the public is permitted to use or which is visible from any public place or private premises.

*Premises.* A lot, plot or parcel of land, including the buildings or structures thereon.

*Public place.* All streets, boulevards, avenues, lanes, alleys, tree border/terrace or other public ways and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

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*Refuse.* All non-recyclable materials as detailed in section 82.33, decayed and decomposed solid waste, except body wastes, including, but not limited to, garbage, rubbish, ashes, dead animals, abandoned automobiles and solid wastes. (See also garbage and rubbish)

*Residue.*

- (1) *Generally.* No person shall throw any glass, garbage, rubbish, waste, slop, dirty water or noxious liquid or other litter or unwholesome substance upon the streets, alleys, highways, public parks or other property of the city, upon any property not owned by him or upon the surface of any body of water within the city.
- (2) *Truck loads causing.* No person shall drive or move any truck or other vehicle within the village unless such vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley or other public place. No person shall drive or move any vehicle or truck within the city the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances or foreign matter of any kind.

*Rubbish.* Solid wastes consisting of both combustible and non combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. (See also garbage and refuse)

(Ord. No. 570-03, § 4, 6-17-03)

### **Sec. 18-575. Applicability.**

Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, mobile home park, commercial, business or industrial occupancy shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code.

(Ord. No. 570-03, § 5, 6-17-03)

### **Sec. 18-576. Duties and responsibilities of owners and operators.**

- (a) *Maintenance of exterior of premises.* The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards, which include, but are not limited to, the following:
  - (1) Refuse, such as brush, weeds, broken glass, stumps, obnoxious growths, filth, garbage, trash and debris.
  - (2) Natural growth, such as dead and dying trees and limbs or other natural growth, which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions.
  - (3) Overhangs, such as loose and other hanging objects, which, by reason of location above ground level, constitute a danger of falling on the persons in the vicinity.
  - (4) Sources of infestation.
  - (5) The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor.

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- (b) *Storage of commercial and industrial material.* There shall not be stored or used at any location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial use unless permitted for the premises under chapter 114 of the Municipal Code.
  - (c) *General maintenance.* The exterior of every structure or accessory structure, except accessory farm structures, including fences or enclosures, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, loose boards or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blighting influences.
- (Ord. No. 570-03, § 6, 6-17-03)

### **Sec. 18-577. Litter control.**

- (a) *Litter collections and storage area.* Every owner, occupant or lessee of a building used for residential, business or commercial purposes shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized. Failure to so maintain clean litter collection and storage areas shall constitute a violation of this subsection.
- (b) *Duty to collect litter before it is carried from the premises.* All litter that is subject to movement by the elements shall be secured by the owner of the premises where it is found before the litter is allowed to be removed from the premises by the elements.
- (c) *Neglected premises visible to the public.* It shall be the duty of any person owning or controlling any premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonable clean and orderly manner. It shall be a violation of this subsection to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter.
- (d) *Areas around business premises.* The owner or person in control of any public place shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises. It shall be a violation of this subsection to abandon, neglect or disregard the condition or appearance of such premises so as to permit it to accumulate litter.
- (e) *Loading and unloading docks.* The person owning, operating or in control of loading or unloading dock shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried from the premises by the elements. This section shall also include areas of public property such as streets, alleys, driveways, tree boarder and or terrace used for purposes of loading and unloading of materials, supplies and or equipment.
- (f) *Construction sites.* The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried from the premises by the elements. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers, which will prevent litter from being carried from the premises by the elements. Property owners and or contractors shall implement or install necessary devices to protect public utilities from silt, debris or any other harmful bi-product of construction activity.
- (g) *Maintaining sidewalks and alleys.* Persons owning, occupying or in control of any premises shall keep the sidewalks and alleys adjacent thereto free of litter. Owners or occupants shall sweep or rinse off the sidewalks abutting their premises as often as may be required to keep the walk reasonable free from dirt, paper, and waste, and snow and ice as provided in section 86-226.
- (h) *Abandoned garbage.* It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage, which has been

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containerized in accordance with a contract for its removal, to allow that refuse, waste or garbage to remain uncollected for longer than seven days or, in any case, until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place.

(Ord. No. 570-03, § 7, 6-17-03)

## **Sec. 18-578. Lawn and yard maintenance.**

- (a) *Definitions.* The terms used herein are defined as follows.
- (1) *Turf grass.* Grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue and rye grass blends.
  - (2) *Natural lawn.* Any land managed to preserve or restore native Wisconsin grasses and foliage, native trees, shrubs, wildflowers and aquatic plants.
- (b) *General requirements.* Except as provided in subsection (c) below, the owner or occupant of any lot or parcel in the city which is five acres or less in area shall install and maintain landscaping, plantings and other decorative surface treatments, including turf grass, so as to present an attractive appearance in all court and yard areas in accordance with generally accepted landscaping practices in south central Wisconsin. Lawns shall be maintained to a height not to exceed 12 inches. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and the city.
- (c) *Natural law exception—Registration and fee.* Any owner or occupant of a lot or parcel subject to subsection (b) above and desiring a natural lawn may register with the city clerk for a natural lawn as defined in subsection (a)(2) above where grasses and foliage exceed 12 inches in height provided that such plantings meet the requirements of this subsection. Applications for registered natural lawns shall be available from the office of the city clerk and the fee for a registered natural lawn will be set by the City of Columbus Common Council.
- (d) *Maintenance of setbacks and drainage swales.* A ten-foot setback on any street frontage and a five-foot side and rear setback of all natural lawns shall be maintained in accordance with subsection (b) above. In addition, all drainage swales shall be free of plantings and maintained in accordance with subsection (b) above. Adjacent neighbors may agree to waive setbacks for encroachment on setbacks outside drainage swales; such waivers shall be in writing and filed with the weed commissioner. In addition, a five percent area exclusive of the setback area shall be left open for maintained paths. The setback area shall have a height of no more than 12 inches, excluding trees and shrubs.
- (e) *Weeds and plants prohibited.* The owners and occupants of all properties with properly registered natural lawns shall destroy all of the following weeds and plants:
- (1) Canada thistle and all other thistle varieties.
  - (2) Leafy spurge.
  - (3) Field bindweed (Creeping Jenny).
  - (4) Purple Loosestrife.
  - (5) Multiflora rose.
  - (6) Burdock.
  - (7) Ragweed.
  - (8) Garlic mustard.

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- (9) All weeds enumerated in §§ 66.955 and 66.96, Wis. Stats.
- (10) Turf grass, except in setback areas and designated paths.
- (f) *Review and approval of land management plans.* The weed commissioner shall review all applications for registered natural lawns and within 30 days of submittal of an application respond in writing to the applicant. The weed commissioner shall annually review the list of all registered natural lawn properties visit each site to check for compliance with this section and, within 30 days of the visit notify in writing the owner or occupant of any noncompliance of this subsection. The person receiving such notice of noncompliance shall comply with the requirements of this subsection within ten days of such notifications.
- (g) *Enforcement.* In the event any previously approved natural lawn fails to comply with the requirements of this subsection, such premises shall be deemed a nuisance under this chapter and the weed commissioner may order the nuisance abated within seven days.
- (h) *Appeal.* Any person aggrieved by the written determination of the weed commissioner to revoke such registration or to abate a nuisance thereto may file a written appeal within seven days of receiving such written determination with the judiciary committee. The appeal shall state the reasons for reviewing the determination of the weed commissioner. After giving a Class I notice, the committee shall hold a hearing and decide the matter within 30 days. The committee may reverse, affirm or modify the determination of the weed commissioner and issue an order accordingly.
- (Ord. No. 570-03, § 8, 6-17-03; Ord. No. 745-19 , § 3, 3-5-19)

#### **Sec. 18-579. Enforcement.**

This section shall be enforced by any law enforcement officer of the City of Columbus.

(Ord. No. 570-03, § 9, 6-17-03)

#### **Sec. 18-580. Penalty.**

Any person who violates, disobeys, neglects or refuses to comply with any of the provisions of this section shall be subject to a forfeiture as provided in section 1-20 of this Code.

(Ord. No. 570-03, § 10, 6-17-03)