

TOWN OF HARMONY
ORDINANCE NO. _____

The Town Board of the Town of Harmony, Rock County, Wisconsin, does hereby ordain as follows:

SECTION 1. Chapter ____ of the Town of Harmony Municipal Code is hereby created to read as follows:

Property Maintenance Ordinance

Section 1: Policy and Purpose.

It is hereby found and declared that there exists in the Town residential structures and non-residential structures which are, or may become in the future, substandard with respect to physical condition, upkeep, or maintenance. Such conditions, including, but not limited to, structural deterioration, lack of maintenance, poor exterior appearance, infestation, and the existence of fire and/or health hazards constitute a threat to the health, safety, morals, welfare, and reasonable comfort of the citizens and inhabitants of the Town and may further result in the deterioration of property value. If such conditions are not curtailed and removed, they will grow and spread and necessitate future expenditures of large amounts of public funds to correct and eliminate such conditions. The purpose of this section is to protect the public health, safety, morals, and welfare, and to retain property value, by establishing minimum standards governing the maintenance, appearance, and condition of residential and non-residential properties within the Town. Further, this section authorizes and establishes procedures for the inspection of residential and non-residential properties and establishes penalties for violation of this Ordinance.

Section 2: Definitions.

Blighting Influence. A condition of the subject property having an adverse effect on surrounding properties. An adverse effect upon surrounding properties is created by the subject property when the property value of surrounding properties is deteriorated, however slightly, by the condition of the subject property.

Debris. Broken concrete, bricks, blocks or other mineral matter, bottles, porcelain and other glass or crockery, boxes; lumber (new or used), posts, sticks, or other wood; paper, rags, to include old clothing or discarded clothing, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded furniture, household

goods or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon surrounding properties in the Town or the Town of Harmony in general.

Junk. 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, and unlicensed motor vehicles, boats, automobiles, recreational vehicles, ATV's etc.

Non-combustible Material. Material that cannot be burned.

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

Refuse. Debris as heretofore defined.

Property. A lot, plot or parcel of real estate or land including all buildings and structures thereon.

Abandoned Building. A building that is unoccupied and in a state of grave disrepair, as determined by the Town Board in its sole discretion, which may include, but is not limited to broken or fallen siding planks, broken garage doors, fallen roof shingles, shattered windows, or any other condition of the building which poses a health risk, safety risk, or nuisance to neighboring properties or citizens, as determined by the Town.

Section 3: Maintenance Requirements.

It is the duty of the owner, occupant, operator, or lessee of all property to comply with all local, state, and federal rules, regulations, ordinances, statutes, and laws, as well as, the following minimum requirements:

- (1) Exterior of Premises. The owner, occupant, operator, or lessee of all property must keep the exterior of such premises and all structures thereon in a clean and sanitary condition, free from any accumulation of combustible or noncombustible debris, junk, rubbish, or refuse or any similar material which could or may cause fire, safety, or health hazards or constitute a blighting influence upon surrounding properties and free of all nuisances and of any

hazards to the safety of the occupant, pedestrians, or other people utilizing the premises. Such property shall also be kept free from unsanitary conditions and any such conditions shall be promptly removed and abated by the owner. Further, the exterior of every structure within the boundaries of the Town shall be maintained in good repair by the owner, occupant, operator, or lessee. Such maintenance shall include, but not be limited to, the avoidance of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint, loose boards or other condition(s) reflective of deterioration or inadequate maintenance. No person shall dispose of rocks, trees, shrubs, waste building material, or other debris from land development, building construction, building demolition, street, grading, or installation of underground utilities, from the parent parcel or any other property, upon the surface or buried on any land in the Town, except at approved disposal sites. However, an owner of an agriculturally zoned property may pile rocks, trees, and/or stumps that are collected on and/or from the agricultural property on which they are piled. Further, the yard of such property shall not be used to store appliances, furnaces, hot water heaters, water softeners, tires, batteries, building material not used within six (6) months, inoperable or unused machinery and/or equipment, or any unsightly bulk items, except that such inoperable or unused machinery and/or equipment may be stored on agricultural property in the machinery and/or equipment is agriculturally related and is able to be repaired and/or returned to operation. Fuel oil tanks which are no longer in use shall be removed within six (6) months of the date of last use.

- (2) Abandoned Buildings. No abandoned buildings are permitted in the Town. If the Town Board determines a building is abandoned and poses a health risk, safety risk, or nuisance to neighboring properties or citizens, the property Owner is in violation of this Ordinance.
- (3) Upon notice of a violation under this section, every owner, occupant, operator, or lessee shall have thirty (30) days to bring the property into compliance with this section.

Section 4: Enforcement.

- (1) This Ordinance shall be enforced by the Town's Zoning Officer and/or contracted police agencies ("Agent"). The Zoning Officer and/or Agent may investigate potential violations of this Ordinance upon the order of the Town Board, a written complaint of a person to him, or upon its own observation. The Zoning Officer and/or Agent, upon presentation of proper credentials, may enter at any reasonable time, any property to investigate potential

violations of this section or to enforce the provisions of this section. If any owner, occupant, or other person in charge of a property refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part property upon the request of said Zoning Officer and/or Agent, he or she may apply for and obtain an inspection warrant pursuant to Sections 66.122, Wis. Stats.

- (2) The Zoning Officer and/or Agent shall promptly report any violations of this Ordinance or any other Town ordinance to the Town Board. If the Town Board determines there has been a violation, the Zoning Officer and/or Agent shall issue a warning letter to the person, firm, or corporation in violation of this Ordinance, which warning letter shall state the violation and inform the violator that the condition must be remedied within thirty (30) days from the date of the letter. Each day a violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. If the violation is not remedied within thirty (30) days of the date of the warning letter, the Town may pursue any and all legal remedies available to it under this Ordinance, other Town ordinances, or Wisconsin law.
- (3) If a legal proceeding commences, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Zoning Officer or Agent constitute a defense.
- (4) Any property owner, occupant, operator, or lessee feeling aggrieved by the Zoning Officer's or Agent's determination of a violation hereunder may appeal from such order or determination to the Town Board at the regularly scheduled monthly Town Board Meeting provided notification of such appeal is made to the Town Clerk in writing at least five (5) business days prior to the regularly scheduled monthly Town Board Meeting.
- (5) Except as may otherwise be provided by statute or ordinances, no officer, agent, or employee of the Town charged with the enforcement of this Ordinance shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Ordinance. Any suit brought against any officer, agent, or employee of the Town as a result of any act required or permitted in the discharge of his or her duties under this Ordinance shall be defended by the legal representative of the Town until the final determination of the proceedings therein.

Section 5. Penalty.

Any person who fails to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a forfeiture of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), together with the cost of prosecution for each violation. In default of payment of such forfeiture and costs, the Court where the action is venued shall, in its discretion, be allowed to jail the convicted person or entity until such forfeiture and costs of prosecution are paid, but not exceeding ninety (90) days. Every day upon which a violation occurs or exists constitutes a separate offense and violation.

SECTION 2: This Ordinance shall take effect upon passage and posting as required by law.

DATE: _____

Jeff Klenz, Town Chair

CERTIFICATION

I hereby certify that the above ordinance number _____ was adopted by the Town Board of the Town of Harmony on the _____ day of _____, 2023, and that on the _____ day of _____, 2023, a copy of the above ordinance was posted as required by state statute in the Town as follows:

Harmony Town Hall, 440 N Hwy 14, Janesville WI
Town of Harmony Website (www.townofharmony.com)

Tim Tollefson, Town Clerk,
Town of Harmony
Rock County, Wisconsin

Subscribed and sworn to before me this
_____ day of _____, 2023.

Notary Public, Rock County, Wisconsin
My Commission expires _____