

TOWN OF HARMONY

**CHAPTER 20 OF THE MUNICIPAL CODE
OF THE TOWN OF HARMONY, WISCONSIN**

PROPERTY MAINTENANCE

SECTION 1: DEFINITIONS

In this Chapter, the following definitions shall be applicable:

- (1) “Blighting Influence” A condition of the subject property having an adverse effect on surrounding properties. Ad adverse effect upon surrounding properties is created by the subject property when the property value of he surrounding properties is deteriorated, however slightly, by the condition of the subject property.
- (2) “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 good or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials upon surrounding properties in the Town of the Town of Harmony in general.
- (3) “Junk” Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicles or machinery, or any part thereof, whether salvageable or not, and unlicensed motor vehicles, boats, automobiles, recreational vehicles, ATV’s etc.
- (4) “Non-combustible Material” Material that cannot be burned.
- (5) “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, minerals matter, glass, crockery and dust, and other similar materials.
- (6) “Refuse” Debris as heretofore defined.
- (7) “Property” A lot, plot or parcel of real estate or land including all buildings and structures thereon.

- (8) “Abandoned Building” A building that is unoccupied and in the 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 2: **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, 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 rock, trees, and/or stumps that are collected on and/or from 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) Abandon Buildings. No abandon 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 3: **ENFORCEMENT**

- (1) This Ordinance shall be enforced by the Town's Zoning Officer and/or contracted police agencies ("Agent"). The Zoning Office 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 Office 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 fee access to any part of 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 violation 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) day 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 4: **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 Four Hundred Dollars (\$400), 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, by not exceeding ninety (90) days. Every day upon which a violation occurs or exists constitutes a separate offense and violation.

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