

Title III - Chapter 6

Property – Property, Building & Fire Regulations

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6.01 **Fire Inspector.**

- (1) Appointment. There is hereby created the position of Fire Inspector. The Fire Chief of the Poynette-Dekorra Community Fire Department shall be the Fire Inspector. The Fire Inspector shall enforce the Village's fire regulations. Fire Inspectors shall be fully certified by the State of Wisconsin to enforce the Fire Prevention Code and other Village fire regulations, and to enter Village property and buildings for the purpose of making inspections.
- (2) Powers and Duties.
 - (a) The Fire Inspector shall enforce the Village's fire regulations and all other ordinances, laws, and orders of the Village and State which relate to fire prevention. The Fire Inspector may appoint Assistant Fire Inspectors and may delegate to them the above-mentioned powers and duties.
 - (b) Fire Inspectors shall make all on-site inspections necessary for enforcement of all Village ordinances regarding fire prevention.
 - (c) Fire Inspectors shall have the authority to issue citations for violations of the Village's fire prevention regulations.

6.02 **State and Administrative Code Provisions Adopted.**

- (1) The following provisions of the Wisconsin Administrative Code, and any future amendments, revisions or modifications thereto, are hereby adopted and by reference made a part of the Chapter as if fully set forth herein:
 - Ch. Comm 14 (Fire Prevention Code)
 - Chs. Comm 16-17 (Electrical Code)
 - Chs. Comm 20-25 (Uniform Dwelling Code)
 - Ch. Comm 28 (Smoke Detectors)

Chs. Comm 50-64 (Building and Heating, Ventilating and Air Conditioning Code)
Ch. Comm 66 (Uniform Multi-Family Dwelling Code)
Ch Comm 69 (Barrier –Free Design)
Ch. Comm 70 (Historic Building Code)
Chs. 75-79 (Existing Buildings Code)
Chs. Comm 82-87 (Uniform Plumbing Code)

- (2) A violation of any of the administrative code provisions listed in Section 6.03(1) shall constitute a violation of this Chapter.

6.03 **Building Permits.** (am) 1-09-95 (am)4-26-99

- (1) **Permit Required.** No building or any part thereof shall hereafter be erected within the Village, or ground broken for the same, except as hereinafter provided, until a permit therefore shall first have been obtained from the Village Building Inspector by the owner, or his authorized agent. The term "building" as used in this section shall include any building or structure, and any addition, alteration, repair, electrical, plumbing, heating, cooling or ventilating installation, moving, demolishing, or anything affecting the fire hazards or safety of any building or structure.
- (2) **Application.** (AM 05/09/05 Ord 05-358)
- (a) Application for a building permit shall be made in writing upon a form furnished by the Village Building Inspector and shall state the name and address of the owner of the land, and also of the owner of the building, if different, the legal description of the land upon which the building is to be located, and shall contain such other information as the Village Building Inspector may require for effective enforcement of this Chapter and all other applicable ordinances.
- (b) No building permit for new residential construction shall be approved unless accompanied by the following supplemental documents:
1. A certificate by the purchaser of the property that the purchaser has been given a copy of any restrictions and covenants in force over the property, and that purchaser has reviewed and understands the implications of such restrictions and covenants.
 2. A site plan showing the elevations of:
 - a. Existing (or proposed) curb and sidewalk elevations taken along the extension of side and/or rear lot lines with the rights-of -way of all abutting streets. That is, if lot lines were extended to the street, at the points of intersection of such extended lot lines with existing (or proposed) sidewalk and curb.
 - b. Top of all foundation walls. If design calls for multiple tops of walls on foundation, show elevation of tops of each level.

- c. Door and/or window opening sills to be formed into any foundation walls.
 - d. Proposed finished grades (demonstrating positive drainage of at least 1/2 percent) at 25-foot intervals along rear and side yards to carry storm drainage away from the building, across the property, to an appropriate stormwater conveyance facility. Such stormwater drainage plans shall not conflict with adjoining developed property and be consistent with developer's stormwater plan for the area, if any exist.
 - e. Pre-construction ground grades at 25-foot intervals alongside and/or rear lot lines where abutting properties are landscaped to finished grade at the time of submission of building permit.
- (c) Permit and Application fees are as laid out in Title VI, Chapter 2 , and shall be paid upon the filing of an application for a building permit.

6.04 **Property Maintenance.**

(1) Applicability.

- (a) The property maintenance code contained in this Section 6.04 applies to every residential, nonresidential, or mixed-occupancy building and the land on which it is situated within the Village of Poynette.
- (b) All residential, nonresidential, or mixed-occupancy buildings and the land on which it is situated shall comply with the provisions of this code, whether or not such building was constructed, altered or repaired before or after the enactment of this code.

(2) Findings & Declaration of Policy.

- (a) It is hereby found and declared that there exists in the Village structures used for residential, nonresidential, or mixed-occupancy use which are, or may become in the future, substandard with respect to structure, equipment or maintenance. 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 danger or potential danger to the health, safety, morals, welfare and reasonable comfort of the citizens of the village.
- (b) It is further found and declared that, by reason of lack of maintenance and because of progressive deterioration, these properties have the further effect of creating blighting conditions which, if not curtailed, could spread and could necessitate in time the expenditure of large amounts of public funds to correct and eliminate such conditions.

- (c) The regulations and restrictions contained in this code are intended to enhance the desirability and amenities of residential, nonresidential, and mixed-occupancy uses and neighborhoods in the Village may be enhanced and to protect and foster the public health, safety and welfare of Village residents.
- (3) Purpose. The purpose of this code is to establish minimum standards for exterior property maintenance so as to preserve and promote the public interest, health, safety, and welfare.
- (4) 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.
- (a) 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.
- (b) Elements: Any element, whether created by nature or by man, which, with reasonable foresee ability, could carry litter from one place to another. Elements include, but are not limited to wind, rain, water, insects, and animals.
- (c) Exposed to Public View: Any premises, or any part thereof, or any building, or any part thereof, which may be viewed by the public.
- (d) Exterior of the Premises: Open space on the premises and outside surface area of any building thereon.
- (e) Extermination: The control and elimination of insects, rodents, and vermin.
- (f) Farm Structures: Any building or structure used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm structure" does not include dwellings or manure storage facilities.
- (g) Garbage: Decaying and decomposing animal and vegetable waste resulting from the handling, preparation, cooking, and/or consumption of food. (See also Refuse and Rubbish).
- (h) Infestation: The presence of insects, rodents, vermin, or other pests on the premises that constitutes a health hazard.
- (i) Litter: Includes any uncontained, man-made or man-used waste, which if deposited within the village other than in a litter receptacle, tends to create a danger to public health, safety, and welfare or to impair the environment of the citizens of the village. Litter may include, but is not limited to, any garbage, trash, refuse, rubbish, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass,

metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, or dead animal carcass.

- (j) Mixed Occupancy: Any building containing one or more dwelling units or rooming units and also having a portion thereof used for non-dwelling purposes or as a hotel.
- (k) Nuisance: Any public nuisance as defined by statute, common law, or this code. Additionally, physical conditions dangerous to human life or detrimental to health and safety of persons on or near the premises where the conditions exist.
- (l) Occupant. Any person occupying or having use of a building, structure or premise or any part thereof.
- (m) 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, including a tenant or lessee. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be co-operator with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.
- (n) Owner: Any person who, alone or jointly and severally with others, has legal or equitable title to any premises, with or without actual possession thereof. For purposes of providing notice under this code, the Village may rely on the presumption that the owner is the person or persons designated on the tax roll with respect to the premises.
- (o) 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.
- (p) Premises: A lot, plot or parcel of land, including the buildings or structures thereon.
- (q) Private Premises: Any dwelling house, building or other structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant. This includes any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox or other structure belonging or appurtenant to such dwelling house, building or other structure.
- (r) Public Place: All streets, boulevards, avenues, lanes, alleys or other public ways, in addition to all parks, squares, plazas, grounds and buildings, and other areas open and frequented by the general public, whether publicly or privately owned.
- (s) Refuse: All decayed and decomposed solid waste, including but not limited to, garbage, rubbish, ashes, dead animals, animal feces, abandoned automobiles and solid wastes. (See also "Garbage" and "Rubbish").

- (t) Rubbish: Solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials. (See also "Garbage" and "Refuse").
- (u) Workman-like: Accomplished in a reasonably skillful manner.

(5) Chronic Nuisance Premises.

- (a) Findings. The Village Board finds that any premises that is the subject of three (3) or more enforcement actions by police for nuisance activities within 12 months has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the Village. For purposes of this section, "enforcement action" means the issuance by a Code Enforcement Officer of a notice under section 6.04(8)(c)1. For purposes of this section, a "nuisance activity" means a violation of this code that is separate and distinct from any previous violation of this code within the previous 12 months. The Village Board therefore directs the Code Enforcement Officers, as provided in this section, to charge the owner or operator of such premises the costs associated with police response and enforcement of this code for the fourth and subsequent nuisance activities at premises within 12 months of the first nuisance activity.
- (b) Notice. Whenever the Code Enforcement Officer involved determines that three (3) or more nuisance activities resulting in enforcement action have occurred at a premise on separate days during a 12-month period, the Code Enforcement Officer shall notify the premises owner and operator, if applicable, in writing. In reaching this determination, the Code Enforcement Officer may or may not count nuisance activities that were reported by the owner of the premises. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the three nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises. At the discretion of the Code Enforcement Officer, a citation may be issued to the owner or operator for the chronic violation of this code. Lack of knowledge regarding activities on the premises is not a defense for violation of the code.
- (c) Any owner or operator receiving notice pursuant to section 6.04(5)(b) shall meet with a Code Enforcement Officer, or his/her designee, within 5 days of receipt of such notice. The parties shall review the problems occurring at the property. Within 10 days of this meeting, the owner or operator shall submit to the responsible Officer, or his/her designee, an abatement plan to end the nuisance activity on the property. The plan shall specify a name, address, and telephone number of a person living within 20 miles of the property in the event of further police action or inspection.

(d) Whenever a Code Enforcement Officer determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to Section 6.04(5)(b), that this nuisance activity has occurred not less than 15 days after notice under section 6.04(5)(b) was issued, and that reasonable efforts have not been made to abate the nuisance activity, the officer shall calculate the cost of police response and enforcement for the third and any subsequent nuisance activities within 12 months of the first nuisance activity, and cause such enforcement charges and administrative costs to be assessed and collected as a special charge against the property.

(6) Responsibilities of Owners & Operators.

(a) Compliance is Responsibility of Owners and Operators.

1. Each owner of a premises has an independent responsibility for compliance. All owners shall be jointly and severally responsible for performance of the duties and obligations prescribed in this code. No owner shall be relieved from any such duty or obligation because another person is also responsible for performance of such duty or obligation. No owner shall be relieved from liability under this code because said person has contracted said responsibility to an operator or other person.
2. Operator(s) of a premises in the Village shall also have responsibility for compliance. Operator(s) shall be jointly and severally responsible with owner(s) for performance of the duties and obligations prescribed in this code.

(b) Maintenance of Property and Exterior of Premises: Every property owner and/or operator, shall either be responsible for maintaining all premises within the scope of this code to comply with the following requirements.

1. Every premises shall be maintained in a clean, sanitary, and safe condition and shall comply with all applicable legal requirements of the State of Wisconsin, Columbia County, and the Village of Poynette.
2. Premises shall be kept clear of litter, refuse, rubbish, and garbage. Animal feces must be removed within a reasonable amount of time.
3. 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 shall be removed. Trees shall be kept pruned and trimmed to prevent such conditions.
4. Overhangs, such as loose and overhanging objects, which by reason of location above ground level, constitute a danger of falling on persons in the vicinity shall be repaired or removed.

5. Sources of infestation shall be removed.
6. Every foundation, roof, exterior wall, window, and floor shall be weather-tight and rodent-proof and shall be kept in proper repair and be capable of affording privacy. All inside and outside stairways, floors, roofs, foundations, load-bearing walls, and every porch and every appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be maintained in sound condition and good repair.
7. Every window, exterior door, and hatchway or similar device shall be so constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies, and other insects.
8. All exterior surfaces of buildings and fences made of materials not inherently resistant to or chemically treated to prevent deterioration shall be periodically coated with paint or other suitable preservative in a workmanlike manner which provides adequate resistance to weathering.
9. The exterior of every structure or accessory structure, including fences shall be maintained in good repair and shall be maintained free of broken glass, loose shingles or boards, crumbling stone, brick or concrete, excessive peeling paint, or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved and fire and safety hazards eliminated and adjoining properties protected from blighting influences.
10. Exterior building walls shall not have any holes, loose boards, or any broken, cracked or damaged finish, which may admit rain, cold air, dampness, rodents, or insects.
11. Parking lots shall be properly maintained. If a parking lot is gravel, it must be periodically graded to prevent the accumulation of standing water in low spots. If paved, parking lots must be kept reasonably free of large cracks or potholes.
12. Yards shall be kept free of noxious weeds and trimmed in accordance with the Village of Poynette Municipal Code of Ordinances and Wis. Stats. 66.0407.

(7) Litter and Refuse Control.

- (a) Litter Collection and Storage Area. Every owner, operator, or occupant of a building used for residential, business, or commercial purposes shall maintain litter and refuse collection and storage areas in a clean condition and insure that all litter and refuse is properly containerized and covered.

- (b) Duty to Collect Litter before it is Carried from the Premises. All litter and refuse that is subject to movement by the elements shall be secured by the owner or operator 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 the owner or operator of any premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner to avoid deterioration and the accumulation of litter and refuse.
- (d) Areas around Business Premises. The owner or operator of a public place, including but not limited to restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, hospitals, and clinics, shall at all times keep the premises clean of all litter and refuse, and shall take measures, including regular cleanup of the premises, to prevent litter and refuse from being carried by the elements to adjoining premises.
- (e) Loading and Unloading Docks. The owner or operator of a loading or unloading dock shall at all times maintain the dock area free of litter and refuse in such a manner that litter and refuse will be prevented from being carried from the premises by the elements.
- (f) Construction Sites. The owner and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter and refuse will be prevented from being carried from the premises by the elements. All litter and refuse from construction activities or any related activities shall be picked up at the end of each work day and placed in containers which will prevent it from being carried from the premises by the elements.

(8) Enforcement.

- (a) This section of the municipal code shall be administered and enforced by a Code Enforcement Officer. The Village Board designates each of the following as Code Enforcement Officers: Village Administrator, Building Inspector, Zoning Administrator, and any Officer of the Poynette Police Department. A Code Enforcement Officer has the authority, with respect to this code, to issue orders, warnings, make inspections, and issue citations in accordance with the Village's general ordinances.
- (b) Access to Buildings and Structures
 - 1. Entry. For the purpose of making inspections, with permission from the owner, operator or occupant, a Code Enforcement Officer may enter, examine, and survey the exterior portions of all buildings, structures or premises. If a Code

Enforcement Officer is denied access to a building, structure or premises, he/she may apply to the Circuit Court for a special inspection warrant.

2. Access by Owner or Property Manager. Every occupant of a dwelling, dwelling unit or rooming unit shall give the owner or operator thereof, or an agent or employee of the owner or property manager, access at reasonable times to any part of such structure or premises for the purpose of making an inspection or maintenance, repair, or alterations as necessary to comply with this code or with any lawful notice or order issued pursuant to this code. The owner, property manager, or agent thereof shall give advance notice of intended entry in accordance with Wis. Stats. 704.05 or a lease or rental agreement if one is in force.
3. Re-Inspection: When violations of this code are found to exist and are subsequently corrected, the Building Inspector may determine, upon re-inspection, whether all installations, alterations, repairs, or enlargements resulting from said corrections are permanent, substantial, and have been performed in a workman-like manner in accordance with the Village Code.

(c) Enforcement steps shall include the following

1. Written notice to owner of record or operator of the property via certified mail to comply with this code within fourteen days of letter being mailed.
2. A second written notice to owner of record or operator of the property via certified mail to comply with this code within seven days of the letter being mailed.
3. If the violation has not been rectified within seven days of the second certified letter being mailed, the owner of record or operator shall be issued a citation as provided in Title VI, Chapter 1 of the Village of Poynette Municipal Code of Ordinances.
4. A Code Enforcement Officer may withhold the issuance of a citation if action to rectify the violation has commenced and is proceeding in a timely manner.

(d) Assistance of Other Officials. A Code Enforcement Officer in the performance of his or her duties shall receive the assistance of the Chief of the Police and of all other Village officials, including the Village Attorney, in prosecuting violations hereof.

(e) Relief from Personal Liability. Any Code Enforcement Officer, or designated employee who acts in good faith and without malice in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. Further, a Code Enforcement Officer shall not be held liable for any costs in any action, suit or

proceeding that is instituted by a Code Enforcement Officer in the enforcement of this code. In any of these actions, a Code Enforcement Officer, or other Village officer or employee shall be defended or represented by the Village Attorney until the final termination of the proceedings.

(9) Variances.

- (a) A variance granted from any regulation or order of the Department of Safety and Professional Services, under Wisconsin Statutes § 101.02 as amended, shall apply to an identical or similar regulation of this code.
- (b) An application for a variance from the regulations in this code shall follow the procedures and requirements contained in the Village of Poynette Zoning Ordinance for obtaining a variance. (NEED TO EXPAND ON THIS!)

(10) Violations and Penalties.

- (a) Any person who violates, disobeys, neglects or refuses to comply with any provisions of this section shall be subject to a penalty as provided in Title VI, Chapter 1, Schedule of Deposits, of the Village of Poynette Municipal Code of Ordinances.
- (b) It shall be unlawful for any person to willfully obstruct, hinder or delay the enforcement of any order, rule, regulation or plan issued pursuant to this code, or to do any act forbidden by any order, rule regulation or plan issued pursuant to the authority contained in this section.

(11) Appeals.

- (a) Any person aggrieved by a decision or order of a Code Enforcement Officer to issue an enforcement notice or demand or to commence other enforcement activities has a right of administrative appeal to the Village Board of Appeals under Wis. Stat. 62.23(7), (8), and (9).
- (b) Such appeal shall be submitted to the Village Clerk within 14 days of receiving first written notification from the village.

6.05 Moving of Buildings.

- (1) Permit Required. No building shall be moved in, along or upon any street or alley in the Village until a permit therefore shall have been obtained from the Village Administrator.
- (2) Application. Application for a moving permit shall be made upon a form furnished by the Village Clerk requiring the applicant to provide the name and address of the owner of the building proposed to be moved, the street address of the building, the name and address of the mover of the building, the legal description of the lot on which the building is to be

located, the proposed route to be taken, the exterior dimensions of the building, the proposed date of moving, and such other information as may be required.

- (3) Permit Fee. A permit fee as specified on the Administrative Fees, Charges and Deposits Schedule in Title VI, Chapter 2 Administrative Fees, Charges and Deposits shall be paid by the applicant to the Village Treasurer at the time the permit application is filed.
- (4) Hearing. Prior to the issuance of any moving permit, a public hearing shall be conducted by the Village Board. Notice of the hearing shall be given by publication of a Class 1 Notice under Chapter 985 of the Wisconsin Statutes. Notice of the time, place and purpose of such hearing shall also be sent by the Village Clerk to the applicant and the owners of record as listed in the office of the Village Clerk who are owners of property in whole or in part situated within 500 feet of the boundaries of the lot on which the building is to be located, said notice to be sent at least 14 days prior to the date of the public hearing.
- (5) Standards. A moving permit shall be issued unless the Village Board makes one or more of the following findings:
 - (a) that the building to be moved does not conform with the existing buildings in the area in which it is to be moved;
 - (b) that the building to be moved is structurally unsafe or unfit; or
 - (c) that 50% or more of the owners of property in whole or in part situated within 500 feet of the boundaries of the lot on which the building is to be located have filed written objections at or prior to the hearing.
- (6) Other Requirements.
 - (a) Before a permit is issued by the Village Clerk, the applicant shall file a performance bond or letter of credit in an amount determined by the Village Board, with conditions that unless the exterior of the building shall be finished in a workmanlike manner, including painting and final grading, within six months from the date of the permit, the bond or letter of credit shall be used to cause completion of the building and grading. Applicant shall also file a certificate of general public liability insurance in the minimum of \$500,000 combined single limits per occurrence. The certificate of insurance shall provide for 30 days' written notice to the Village of cancellation or material change in the policy.
 - (b) The Village Administrator, in consultation with the Chief of Police and any utility company having above ground lines over or along the proposed route, shall determine the route to be taken and limit the time for removal.

- (c) No building shall be allowed to remain over night upon any street or alley. No trees or shrubs shall be trimmed without approval from the Village Administrator.
- (d) The designated route to be taken and the time limit for removal shall be specified on the moving permit.
- (e) Upon completion of the move, the Village Administrator shall inspect the streets over which the building was moved. Any damage noted shall be reported to applicant and the general public liability insurance carrier.

6.06 **Penalties.** The penalty for violation of any provision of Section 6.05 shall be a forfeiture of not less than \$500.00 nor more than \$1000.00, together with the costs of prosecution. The penalty for violation of any other section of Chapter 6 shall be a forfeiture of not less than \$25.00 nor more than \$350.00, together with the costs of prosecution.