

Exhibit “A”

ORDINANCE SERIES OF 05-2010

AN ORDINANCE CREATING CHAPTER 32 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN WHICH PROVIDES FOR REGULATIONS RELATED TO PROPERTY MAINTENANCE.

Section 1. Title. This section shall be known as “The Property Maintenance Code.”

Section 2. Purpose. Pursuant to its authority granted by the broad powers under section 60.10(2)(c), 60.22, and village powers under 61.34, Wis. Stats., which confers the power to act for the government and good order of the town, for its commercial benefit and for the health, safety, welfare and convenience of the public, the Town Board has found that maintenance of buildings, structures and premises in the Town of Grand Chute affects the health, safety, and general welfare of the residents of the community. The general purpose of this chapter is to establish minimum standards governing the maintenance, appearance and condition of residential and non-residential premises; to set certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants. The Town recognizes that there may presently be or in the future be structures, yards and vacant lots, or unimproved areas or any combination thereof, in the Town which are dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a threat to the health, safety, and general welfare of the residents of the Town. The establishment and enforcement of minimum property maintenance standards is necessary to preserve both private and public interests with the overall purpose being to benefit the health, safety, welfare and convenience of the public.

Section 3. Applicability. The provisions of this section shall apply uniformly to all land, buildings and structures and surrounding areas within the Town, without regard to its class, date of construction, alteration or repair.

Section 4. Definitions. The following words, terms and phrases, when referred to in this code, shall have the respective meanings assigned to them, except where the context clearly indicates a different meaning.

- (a) Blight. Blight is an impaired condition leading to deterioration.
- (b) Debris. Debris includes, but is not limited to, boxes, wood pallets, bottles, broken concrete, bricks, blocks, porcelain and other glass, lumber, posts, brush, tree branches, cardboard, rubber, discarded goods and appliances, junk lawn mowers, residues from burning, or any similar materials which constitute health, fire or safety hazards or serious blighting influence upon the neighborhood or the Town in general.
- (c) Deterioration. Deterioration is the condition or appearance of a building or structure or part thereof, characterized by breaks, holes, rot, crumbling,

- cracking, peeling, rusting, chipping, inadequate paint or other evidence of decay, neglect, lack of maintenance or excessive use.
- (d) Garbage. Garbage is all waste, animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption.
 - (e) Junk. Junk includes, without limitation, old or scrap metal, metal alloy, synthetic or organic material or waste; junked, ruined, dismantled or wrecked motor vehicles or machinery, or any part thereof, whether salvageable or not. An unlicensed motor vehicle, at the discretion of local law enforcement officers, may be construed to be a junk motor vehicle.
 - (f) Officers. Officers include code enforcement officers, the police chief and all police officers of the Town.
 - (g) Rubbish. Rubbish includes all waste materials except garbage, including but not limited to solid waste consisting of both combustible and non-combustible waste, such as paper, wrappings, cigarettes, cardboard, tin, cans, yard clippings, leaves, wood, glass, bedding, crockery as well as other similar materials.

Section 5. Responsibilities. The owner of the premises shall maintain the structures and exterior property in compliance with the requirements provided for in this code. A person should not occupy as owner-occupant or permit another person to occupy a premise which is not in a sanitary and safe condition and which does not comply with the requirements of this chapter.

Section 6. Vacant structures and land. All vacant structures and premises thereof and vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 7. Exterior Property

7.01 General – The exterior of all structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

7.02 Sanitation – All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupants shall maintain the exterior property areas in a clean manner, free from rubbish and garbage.

7.03 Exterior Surfaces – All exterior surfaces of any structure on a premises, including, but not limited to, doors, door and window frames, porches, trim, balconies, decks, roofs, stairways and fences shall be maintained in good condition. Exterior wood surfaces shall be protected by paint, stain or other water and weather resistant treatment. Peeling, flaking and chipped paint, as well as other deterioration shall be eliminated and surfaces repainted.

7.04 Exterior Walls – All exterior walls shall be free from holes, breaks, and loose or rotting materials and be maintained weatherproof and properly maintained to prevent deterioration.

7.05 Defacement of property – No person shall damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner of the premises to restore any surface to an approved state of maintenance and repair.

7.06 Foundations – Every foundation and exterior wall shall be reasonably weather tight, rodent proof and insect proof, and the foundation elements shall adequately support the building at all points.

7.07 Windows, doors and hatchways – Every window, door and hatchway shall be kept in sound condition, good repair and weather tight. Every window shall be fully supplied with transparent or translucent windowpanes, without cracks or holes, weather tight and kept in good condition and repair. Every window, exterior door and doorframe shall be kept in good condition and shall exclude rain and exclude wind from entering the building or structure.

7.08 Exterior areas – All exterior property and premises, including all yard areas and dumpster areas shall be free from any accumulation of rubbish, garbage, debris, graffiti, pet fecal matter and/or refuse.

7.09 Weeds and Shrubbery – All premises and exterior property shall be maintained free from weeds, shrubbery and/or plant growth in excess of eight (8) inches in height. Weeds and shrubbery shall include without limitation all grasses, annual plants and vegetation; however, this section shall not include cultivated flowers and gardens.

7.10 Emergency Access Road – Each property owner shall maintain a driveway/private road clear and unobstructed for a width of twenty (20) feet as a Fire Apparatus/Emergency Vehicle access road.

7.11 Vandalism and dilapidation – If it is found upon inspection of any vacated building within the Town that the building is in danger of vandalism and/or dilapidation by the weather or any other reason, the Town shall order the owner to make the building secure against vandalism and/or dilapidation in a workmanlike manner. Any damaged or vacant buildings shall be restored to comply with this code within a time set by an enforcement officer of the Town of Grand Chute.

7.12 Boarded up windows – Boarded up windows shall not be permitted except in the case of fire, natural disaster, or act of God.

Section 8. Enforcement

8.01 Inspection by Officers – All officers are authorized to administer and enforce the provisions of this ordinance. Said officers shall enforce the provisions of this ordinance and are authorized and directed to make inspections in response to a complaint or when he or she has good reason to believe a violation is being committed.

8.02 Entrance into property – For the purpose of making an inspection, officers are authorized to enter, examine and survey at all reasonable times the exterior portions of all buildings, structures and/or premises. If an officer is denied access to a building, structure or premises he or she may apply to the courts for a special inspection warrant.

8.03 Notice of Violation – In the event that an officer determines that a building, structure and/or exterior area violates or fails to meet the requirements of this ordinance, he or she shall issue a notice in writing setting forth the alleged failures or violations and advising the owner, occupant or agent that such failures or violations must be corrected within thirty (30) days of the date of the written notice of violation, unless a written extension is granted by the officer. In determining whether or not to grant an extension, the officer may consider the health of the owner/occupant as it relates to their ability to correct the violation in a timely manner, the length of time required to correct the violation, the weather conditions and any other factors which relate to the ability of the owner/occupant to correct the violation within thirty (30) days.

8.04 Penalty – A violation, pursuant to 8.03 above, not corrected within thirty (30) days from the date of the written notice of violation, or within the written time extension granted by the officer if granted, shall be punishable by a fine or forfeiture for each violation committed hereunder, plus reasonable costs of inspection and prosecution. The amount of such fine and forfeiture shall be in accordance with established fee schedules in effect for the Town of Grand Chute. Under emergency circumstances, determined by and at the discretion of an officer, whereby a violation puts the public health, safety and/or welfare at an imminent risk of harm, the officer may provide notice and order the violation to be corrected within twenty-four (24) hours instead of thirty (30) days.

8.05 Each Day Separate Violation. Each day a violation exists and fails to be corrected within thirty (30) days of the written notice of violation, or within a written time extension granted by the police officer if granted, shall constitute a separate violation of this chapter punishable pursuant to 8.04 above.

Enforcement and penalties set forth in this section shall be in addition to all remedies of injunction, abatement and/or costs whether existing under this chapter or otherwise.

In addition to the penalties set forth herein the Town of Grand Chute may commence a nuisance action in the Outagamie County Circuit Court to abate a violation under this Section, the Property Maintenance Code.