

TOWN OF GRAND CHUTE
ORDINANCE O-05-2018, SERIES OF 2018

AN ORDINANCE AMENDING CHAPTER 423, SECTION 423-8, OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH GOVERNS THE MAINTENANCE OF BUILDINGS, STRUCTURES, AND PREMISES IN THE TOWN OF GRAND CHUTE.

WHEREAS, Chapter 423 of the Town of Grand Chute Municipal Code relating to property maintenance establishes 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; and,

WHEREAS, Chapter 423 requires the owner of the premises to maintain the structures and exterior property in compliance with the requirements of the chapter; and,

WHEREAS, Chapter 423 specifically grants a 30-day period of time to make corrections for an individual violation of the property maintenance code, with a provision for enforcement action for failure to comply after 30 days, but provides no enhanced enforcement option for property owners who repeatedly violate the property maintenance code; and

WHEREAS, it is reasonable to conclude such repeat or chronic violations would substantially annoy, injure or endanger the comfort, health, repose or safety of the public, thereby constituting a public nuisance, as defined in Chapter 398 of the Town of Grand Chute Municipal Code governing public nuisances; and

WHEREAS, Chapter 423 currently does not invoke Chapter 398 under such circumstances;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 423 of the Grand Chute Municipal Code is hereby amended and adopted as follows:

§ 423-8 **Enforcement; violations and penalties.**

- A. Inspection by officers. All officers are authorized to administer and enforce the provisions of this chapter. Said officers shall enforce the provisions of this chapter and are authorized and directed to make inspections in response to a complaint or when they have good reason to believe a violation is being committed.
- B. 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.
- C. Notice of violation.

[Amended 4-23-2015 by Ord. No. 2015-06]

- (1) In the event that an officer determines that a building, structure and/or exterior area, excluding rank growth of vegetation and noxious weeds, violates or fails to meet the requirements of this chapter, 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 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 his or her 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 30 days.
- (2) In the event that an officer determines that rank growth of vegetation or noxious weeds violates or fails to meet the requirements of this chapter, he or she shall request that the Weed Commissioner or his designee issue a written notice to the property owner via first-class United States Mail. The property owner or current occupant shall have three days to comply with this chapter. Failure to comply will result in the Town performing the necessary services to bring the property within compliance. The cost of property maintenance services and equipment shall be in accordance with the Town's current fee schedule and equipment charge out rates. All costs of such service and equipment used will be borne by the property owner and may be placed as a lien on the property for a lack of payment.

(3) Chronic violations of this chapter shall constitute a public nuisance and be subject to enforcement as outlined in Chapter 398, Public Nuisances.

- D. Penalty. A violation, pursuant to Subsection **C** above, not corrected within 30 days, or three days in the case of rank growth of vegetation and noxious weeds, 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 bond and forfeiture 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 24 hours instead of 30 days, or three days in the case of rank growth of vegetation and noxious weeds.

[Amended 4-23-2015 by Ord. No. 2015-06]

- E. Each day separate violation.

- (1) Each day a violation exists and fails to be corrected within 30 days, or three days in the case of rank growth of vegetation and noxious weeds, of the written notice of violation, or within a written time extension granted by the officer if granted, shall constitute a separate violation of this chapter punishable pursuant to Subsection **D** above.
- (2) 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.
- (3) 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 chapter, the Property Maintenance Code.

END OF AMENDMENT

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 20 day of March, 2018

VOTED FOR: 5

VOTED AGAINST: 0

New Language in bold

Approved as to Form

Ch Koehler

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TOWN OF GRAND CHUTE

David Schowalter
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