

ORDINANCE NO. 1993-1

HEALTH, SANITATION AND PROPERTY MAINTENANCE  
ORDINANCE FOR THE TOWN OF PLYMOUTH

The Town Board of the Town of Plymouth do ordain as follows:

SECTION 1. POLICY AND PURPOSE. It is hereby found and declared that there exist 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 menace 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 premises. Further, this section authorizes and establishes procedures for the inspection of residential and non-residential premises and establishes penalties for violations of its contents.

SECTION 2. DEFINITIONS. For the purpose of this Ordinance, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common use.

- (a) 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 are deteriorated, however slightly, by the condition of the subject property.
- (b) 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 Plymouth in general.
- (c) 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.
- (d) Non-combustible Material - Material that cannot be burned.
- (e) 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.

- (f) Refuse - Debris as heretofore defined.
- (g) Premises - Premises is defined as a lot, plot or parcel of real estate or land including all buildings and structures thereon.

SECTION 3. APPLICABILITY.

- (a) Every residential, non-residential or mixed occupancy building, including the land on which it is situated, located in the Town of Plymouth, used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this section, whether or not such buildings were constructed, altered or repaired before or after the enactment of this section, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of this section.
- (b) In any case where the commands of this section create a higher standard than set by any other Township Ordinance or under the laws of the State of Wisconsin, the standards set forth herein shall prevail. If the provisions of this section impose a lower standard than created by any Township Ordinance or by the laws of the State of Wisconsin, the higher standard contained therein shall prevail.
- (c) No license, permit or other certification of compliance with this section shall constitute a defense against violations of any other Town Ordinance applicable to any structure or

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premises, nor shall any provision herein relieve any owner, occupant or lessee from complying with any such other provision, nor any official of the Town from enforcing any such other provision.

SECTION 4. EXTERIOR OF PREMISES. It is the duty of the owner, occupant or lessee of all premises to 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 premises shall also be kept free of 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 of Plymouth shall be maintained in good repair by the owner, occupant 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. The purpose of such required maintenance is to eliminate safety and fire hazards, to preserve the property and its value and to protect adjoining properties from blighting influences and deteriorating values.

SECTION 5. ENFORCEMENT. This Ordinance shall be enforced by the Town of Plymouth Constable. The Town of Plymouth Constable may investigate potential violations of this section upon the order of the

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Plymouth Town Board, a written complaint of a person to him, or upon his own observation. The Constable, upon presentation of proper credentials, may enter at any reasonable time, any premises 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 premises refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part premises upon the request of said Constable, he may apply for and obtain a special warrant pursuant to Sections 66.122 and 66.123, Wis. Stats. Nothing in this section should be read to limit the Town's powers under Section 66.05, Wis. Stats. Prior to the commencement of legal proceedings to enforce the provisions of this Ordinance, the Constable shall, as a condition precedent thereto, issue a warning letter to a person, firm, or corporation in violation of this Ordinance, which warning letter shall state the violation and advise that unless the violating condition is remedied within 60 days from the date of the letter that legal process will issue for the enforcement thereof.

SECTION 6. Each day of violation shall be a separate offense under this Ordinance.

SECTION 7. PENALTY. Any person who fails to comply with any of the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Three Hundred and 00/100 Dollars (\$300.00), together with the costs of prosecution. In default of payment of such forfeiture and costs of prosecution such person shall be imprisoned in the county

line 9

66.122 & 66.123

should be

66.0119 special  
inspection warrant

jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.

TOWN OF PLYMOUTH

By: *Duane C. Van Keuren*  
Duane C. Van Keuren, Chairman

ATTEST:

*Elda Ehrlinger*  
Elda Ehrlinger, Town Clerk

Passed this 4 day of May, 1993.

Published this 5 day of May, 1993.