

TOWN OF PLYMOUTH
ORDINANCE NO. 2017-03

AN ORDINANCE AFFIRMING AND AMENDING IN PART TOWN OF PLYMOUTH
ORDINANCE NO. 1993-1, REFERRED TO AS THE TOWN'S NUISANCE ORDINANCE.

The Town Board of Plymouth, Rock County, Wisconsin, ordains as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to affirm the intent, policy and purpose of Town of Plymouth Ordinance No. 1993-1, Health, Sanitation and Property Maintenance Ordinance (the "Nuisance Ordinance"), and to restate said Ordinance in its entirety with the following substantive changes:

- a. Add "unlicensed vehicles" to the definition of "junk;"
- b. Increase the maximum daily fine accrual from \$300 to \$500;
- c. Lessen the cure time from 60 days to 30 days.

SECTION 2. RESTATEMENT AND AMENDMENT OF THE NUISANCE ORDINANCE

The Nuisance Ordinance is hereby restated and amended in full as fully set forth on **Exhibit A**, which is attached hereto and incorporated herein.

SECTION 3. EFFECTIVE DATE

This Ordinance is effective upon publication as required by law.



Sean Snyder



Bill Redmer



Kim Dooley

ORDINANCE NO. 1993-1

HEALTH, SANITATION AND PROPERTY MAINTENANCE

ORDINANCE FOR THE TOWN OF PLYMOUTH

The Town Board of the Town of Plymouth (“Town”) do ordain as follows:

SECTION 1. POLICY AND PURPOSE. It is hereby found and declared that there exists 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 threat 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 properties within the Town. Further, this section authorizes and establishes procedures for the inspection of residential and non-residential properties and establishes penalties for violation of this Ordinance.

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.

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 is deteriorated, however slightly, by the condition of the subject property.

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.

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, and unlicensed motor vehicles, boats, automobiles, recreational vehicles, ATV’s etc.

Non-combustible Material - Material that cannot be burned.

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.

Refuse - Debris as heretofore defined.

- (g) Property - Property 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 property, 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 Town 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 Town 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 property, 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 property 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 property shall also be kept free 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 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's Ordinance Officer. The Ordinance Officer 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 Ordinance Officer, 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 free access to any part property upon the request of said Ordinance Officer, he/she may apply for and obtain an inspection warrant pursuant to Sections 66.0019, Wis. Stats. Prior to the commencement of legal proceedings to enforce the provisions of this Ordinance, the Ordinance Officer 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 30 days from the date of the letter, the Town may pursue any and all legal remedies available to it under this Ordinance, other Town ordinances or Wisconsin law.

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 Three Hundred and 00/100 Dollars (\$300.00) nor more than Five Hundred and 00/100 Dollars (\$500.00), 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 until said forfeiture and costs are paid, but not exceeding ninety (90) days.