CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
Repealing and Recreating Sections 10-311 through 10-319 of the Stoughton Municipal Code Chapter 10 Relating to Minimum Maintenance Standards and Outdoor Storage Committee Action: Fiscal Impact: None			
File Number:	O -1- 2022	**Date Introduced:**	January 25, 2022 February 8, 2022

The Common Council of the City of Stoughton do ordain as follows:

1. Chapter 10 of the Stoughton Municipal Code is repealed and recreated to provide as follows:

ARTICLE VII. MINIMUM MAINTENANCE STANDARDS AND OUTDOOR STORAGE

~~Sec. 10-311. Penalty.~~

~~Any person who shall violate any provision of this article or any order, rule or regulation made under this article shall be subject to a penalty as provided in section 1-3.~~

~~(Code 1986, § 14.20)~~

~~Sec. 10-312. Purpose.~~

~~(a) The city council finds that there are or may be in the future pieces of real property and buildings in the city which are so dilapidated, unsightly, dangerous, unsanitary, overcrowded or inadequately maintained as to constitute a menace to the persons residing on such property and to be deleterious to the general aesthetics and property values of persons residing in the vicinity of such property. The city council further finds that widespread concern exists regarding the allocation of responsibilities for such maintenance between owners of such property and tenants residing therein.~~

~~(b) It is the purpose of this article to preserve and promote the public health, safety, convenience, prosperity and general welfare of the people of the city by regulating in a manner which corrects the problems in subsection (a) of this section with only minimal infringement on each affected person's property.~~

~~(Code 1986, § 14.17(1))~~

~~Sec. 10-313. Definitions.~~

~~The definitions listed in section 10-241 shall apply to this article wherever the words so defined appear.~~

~~(Code 1986, § 14.17(2))~~

~~Cross reference(s)—Definitions generally, § 1-2.~~

~~Sec. 10-314. Applicability.~~

~~This article shall apply to all dwellings, dwelling units, roominghouses and premises including single-family owner-occupied dwellings.~~

~~(Code 1986, § 14.17(3))~~

~~Sec. 10-315. Inspections.~~

~~Upon written complaint to the mayor, city councilmember, police department or building inspector, the building inspector may seek issuance of a search warrant from the municipal judge to make an inspection to determine the condition of the dwelling, dwelling unit, rooming unit or premises complained about so that he may prefer in the duty of eliminating the problem consistent with the findings of section 10-312. For the purpose of making such inspection, every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent, access to any part of such dwelling or dwelling unit or its premises at any reasonable time for making such repairs or alterations which are necessary to comply with this article or any lawful order issued by the building inspector.~~

~~(Code 1986, § 14.17(4))~~

~~Sec. 10-316. Enforcement and appeals.~~

~~(a) *Notice of violation.* Whenever the building inspector determines that reasonable grounds exist to believe that a violation has occurred of any provision of this article affecting the health of the occupant of a dwelling, dwelling unit or rooming unit or the health of the general public, or whenever the building inspector determines that reasonable grounds exist to believe that a violation has occurred of any provision of this article affecting the safety of such occupant or the safety or aesthetic values of the general public, the building inspector shall notify the person responsible for such violation.~~

~~(b) *Information on notice.* Such notice shall:~~

~~(1) Be in writing;~~

~~(2) State the reason for its issuance;~~

~~(3) Allow 15 days for the performance of any act it requires;~~

~~(4) Be served on the person responsible for such violation;~~

~~(5) Contain an outline of remedial action which, if taken, will comply with this article.~~

~~(c) *Service of notice.* Service of such notice upon the person responsible for the violation shall be deemed proper if served personally, or by registered mail to his last known address, or by posting it in a conspicuous place in the premises affected by such notice or by serving the notice by any other method authorized by statute.~~

~~(d) *Hearing.* Any person affected by such notice may petition for a hearing before the board of appeals. Such petition must be filed with the department of planning and development within ten days after service of the notice. Such petition shall contain a written statement of the grounds for appeal. Upon receipt of such petition, the department of planning and development shall give written notice to the petitioner of the time and place of the hearing, which shall be held as soon as practicable after receipt of the petition. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why he should not comply with such notice.~~

~~(e) *Determination of board of appeals.* After the hearing, the board of appeals shall sustain, modify or withdraw the petition based upon whether or not there has been compliance with this article. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served shall automatically~~

~~become an order if no petition is filed with the department of planning and development within ten days after service of the notice. After a hearing in a case when the board of appeals sustains a notice suspending a permit required by this article, the permit is deemed to have been revoked. Any permit suspended by notice shall be automatically revoked if no petition is filed with the department of planning and development within ten days after service of the notice.~~

~~(f) *Record of proceedings; appeal.* The hearing proceedings shall be summarized and reduced to writing. The public record of each case shall contain the written summary, the board of appeals' written findings and decision and any notice or order issued in connection therewith. Any person aggrieved by the board of appeals' decision may seek judicial review thereof as provided by law.~~

~~(g) *Emergency work and orders.* Whenever the building inspector finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the facts constituting the emergency and requiring that such action be taken as he deems necessary to meet the emergency. Such emergency order shall be effective immediately notwithstanding the other provisions of this article. Upon petition by the affected person, a hearing shall be held as soon as possible. After such hearing, the board of appeals shall sustain, modify or revoke the emergency order depending upon whether or not the building inspector has complied with this article.~~

~~(Code 1986, § 14.17(5))~~

Sec. 10-317. Property maintenance requirements.

(a) *Purpose.* The purpose of this section is to promote the general welfare and economic well-being of the city by establishing minimum standards for the maintenance of outdoor areas within, and exterior and structural components of structures on, lands within the City of Stoughton.

(b) *Applicability.* This section applies to all public and private lands and structures located in the city. Nothing in this section limits the applicability of other sections of Code to lands, buildings and structures in the City of Stoughton.

(c) *Property maintenance requirements.* All lands and structures located in the City of Stoughton shall be maintained in accordance with the following minimum standards and requirements:

(1) *Drainage.* Courts, yards and other outdoor areas shall be graded to divert stormwater away from buildings. Ground surface areas shall be sloped away from buildings at a grade of at least one-half inch per foot for a minimum of five feet where possible, or by alternative means such as eaves, troughs or downspout extensions. Additionally, stormwater shall not be diverted towards neighboring properties.

(2) [Blank]

(3) [Blank]

~~(2) *Grasses and weeds.* Outdoor areas shall be kept free from noxious weeds while grasses and non-noxious weeds must be maintained to a height not to exceed one foot in accordance with subsection 58-8(6).~~

~~(3) *Debris.* Outdoor areas and adjacent rights-of-way shall be maintained in a clean and sanitary condition, free from debris, rubbish, physical hazards, rodent harborage, infestation, and animal feces.~~

(4) *Fences and walks.* All private fences and walks shall be maintained in a safe and sanitary manner and kept in good condition. Additionally, private outdoor walkways serving multiple dwellings shall be kept free from snow, ice and other hazardous conditions.

(5) *Exterior surfaces.* All exterior surfaces of buildings, fences and other structures that are not inherently resistant to deterioration, including but not limited to exterior surfaces of windows and doors, shall be treated with a protective coating of paint or other suitable preservative that will provide protection from weathering and maintain an attractive appearance. Exterior surfaces treated with paint or other

preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance.

(6) *Yard areas.* All excavation and land filling operations shall be leveled off to permit mowing of grass and weeds. Vacant land shall be planted with grass or otherwise landscaped in a manner that will effectively prevent soil erosion, and in compliance with any applicable approved site plan, landscaping plan or zoning requirements. Outdoor storage shall conform to the requirements of section 10-318 and chapter 78.

(7) *Structural requirements.* Every foundation, exterior wall, roof, canopy, overhang and chimney shall be weather tight, watertight, rodent proof and shall be kept in good repair, and free from any condition that could cause structural degradation of the building. Any sagging or bulging portion of a building shall be repaired to a stable condition that is, to the extent practicable, level and plumb. All chimneys and breaching shall be constructed and maintained so that they safely and properly remove the products of combustion from the building.

(8) *Windows and doors.* Windows, doors, and basement hatchways shall be weather tight, watertight, and rodent proof, and kept in good repair. All door and window hardware shall be installed and maintained in proper working condition.

(9) *Outdoor stairs and porches.* Outdoor stairs, porches and appurtenances thereto shall be constructed in accordance with applicable building code requirements, and maintained to be safe, in good repair, and attractive.

(10) *Outdoor displays and furniture.* Street furniture, outdoor display areas and other temporary furnishings and material shall be maintained in an orderly and attractive manner, and in conformance with city approvals and all other required permits and regulations.

(11) *Waste containers and dumpsters.* Waste containers and dumpsters shall be maintained in good repair and must be maintained to prevent overflow of waste. Waste container enclosures shall be kept in good repair and attractive.

(12) *Vegetative buffers and other vegetation.* Vegetative buffers shall be maintained in such a manner as to comply with any applicable screening height, density, opacity or other requirements. Vegetative buffers and other vegetation shall be trimmed, watered and cared for in such a manner as to stay in a healthy and attractive condition.

(13) *Driveway, parking and loading areas.* All driveway, parking, loading and outside storage areas shall be a paved surface and maintained in accordance with city standards, including any site plan or landscaping plan to which the land is subject. Paved surfaces shall be kept in good repair, and shall be repaired or replaced when any deterioration occurs to the extent that the rock or sub-base is visible.

(14) *Signage.* Permitted signs shall be maintained in good repair, and in conformance with city standards. Exterior surfaces of signs treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance.

(15) *Lighting.* Lawful exterior lighting shall be maintained in the permitted and constructed condition and in good working order.

(16) *Rodent or insect infestation.* Where rodent or insect infestation exists in a dwelling unit or in the shared or public parts of any dwelling containing two or more dwelling units, where caused by the owner's failure to maintain the dwelling in a rodent proof or reasonably insect proof condition, the owner shall be responsible for extermination.

(d) *Responsibility for compliance.* Owners of lands in the city shall be responsible for maintaining or causing maintenance of their lands in compliance with this section.

(e) *Enforcement and penalties.*

(1) *Enforcement authority.* This section may be enforced by the department of planning and development staff or other person(s) authorized by the common council.

(2) *Opportunity to correct violations.* Before initiating legal action to recover forfeitures or obtain injunctive or other relief for violations of this section, the department of planning and development staff, or other person authorized by the common council, shall notify the owner of the violation or violations, and order the owner to correct the violation or violations within such time as the applicable city official deems appropriate under the circumstances. The applicable city official may enter into an agreement with the owner, providing for correction of the violation or violations. An order to correct violations may be appealed to the common council by filing a notice of appeal with the city clerk within ten days after the order is issued. An appeal shall stay the order. If the owner corrects the violation or violations in accordance with an order or agreement under this section, the owner shall not be subject to forfeitures for such violation or violations. If the owner fails to correct the violation or violations in accordance an order or agreement under this section, the city may recover forfeitures for each day of noncompliance, beginning with the first day of noncompliance. Notwithstanding any of the foregoing, if the applicable city official determines that the violation or violations presents an imminent risk of harm or damage to any historic structure, historic site, or the public health or safety, the applicable city official may take immediate legal action to enforce this section, and there shall be no right to appeal such action to the common council.

(3) *Forfeitures.* Violations of this section shall be subject to a forfeiture of not less than $50.00 nor more than $1,000.00, together with the costs of prosecution and applicable penalty assessments, fees and surcharges. Each day of violation or noncompliance shall constitute a separate offense.

(4) *Injunctions.* As a substitute for or in addition to forfeiture actions, the city may institute a court action seeking injunctive relief to enforce the provisions of this section. It shall not be necessary for the city to take corrective action or prosecute for forfeiture before seeking injunctive relief.

(5) *Corrective action.* If maintenance or other work is done to a structure in the City of Stoughton in violation of this section, chapter 78, or Title 36 Code of Federal Regulations 67.7, the department of planning and development staff may order the owner of the subject land to take such corrective action as the staff person deems appropriate to restore the building to the condition it would have been in if the work had been done in compliance with this section, chapter 78, and Title 36 Code of Federal Regulations 67.7. An order by the department of planning and development staff to take corrective action may be appealed to the common council, within 30 days after the order is issued, for a de novo review. On appeal, the common council may order the owner of the subject property to take such corrective action as the common council deems appropriate to restore the building to the condition it would have been in if the work had been done in compliance with this section, chapter 78 and Title 36 Code of Federal Regulations 67.7.

(Code 1986, § 14.17(6); Ord. No. 0-23-10, § 1, 11-9-2010; Ord. No. 0-6-2020, § 1, 5-12-2020)

Editor's note(s)—Ord. No. 0-6-2020, § 1, adopted May 12, 2020, changed the title of § 10-317 from maintenance responsibilities of owners and occupants to property maintenance requirements.

Sec. 10-318. Outdoor storage.

(a) *Applicability.* This section applies to all private lands located in the City of Stoughton. Nothing in this section limits the applicability of other sections of this Code to lands, buildings and structures in the City of Stoughton.

(b) *Restrictions on outdoor storage.* No person may store or keep any of the following items outside of a fully enclosed structure on any private land in the city, unless outdoor storage of such item is expressly authorized by the zoning regulations applicable to such land use:

(1) Inoperative or unlicensed vehicles, boats or aircraft.

(2) Junk or machinery.

(3) Building or construction materials not being used in an active, ongoing and lawful building or construction project.

(4) Landscaping materials, unless those materials are incorporated as an integral part of the landscaping on the property, or unless those materials are in the process of being incorporated in an active, ongoing and lawful landscaping project.

(5) Commercial trucks, tractors or trailers.

(6) Appliances, including but not limited to furnaces, hot water heaters, or water softeners, stoves, refrigerators, dishwashers, washers, dryers, except that an operable gas or charcoal grills may be kept outside.

(Code 1986, § 14.17(7); Ord. No. 0-6-2020, § 2, 5-12-2020)

Editor's note(s)—Ord. No. 0-6-2020, § 2, adopted May 12, 2020, changed the title of § 10-318 from outdoor storage of unsightly items to outdoor storage.

Sec. 10-319. Abatement of nonconforming uses.

All dwellings, dwelling units, premises and uses existing on January 23, 1979, which are in violation of any provisions of this article are nonconforming uses which shall be abated by February 23, 1979.

(Code 1986, § 14.17(8))

2. This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted:_____

Mayor Approved: _____ _____

Tim Swadley, Mayor

Published:_____

Attest:_____ _____

Candee Christen, City Clerk

CITY OF STOUGHTON
DEPARTMENT OF
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RODNEY J. SCHEEL
DIRECTOR

Date: January 7, 2022

To: Public Safety Committee

From: Rodney J. Scheel
Director of Planning & Development

Subject: Outdoor Storage Ordinance Revisions

We have been working with the City Attorney to evaluate our outdoor storage ordinances and the tools for compliance. As proposed, Outdoor Storage violations will be classified as Public Nuisances. The Public Nuisance regulations offer abatement procedures not found in Chapter 10.

These ordinance revisions are proposed for your consideration.

If you have any questions, please contact me.

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