CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL		
Repealing and Recreating Sections~~Section~~ 10-317 and 10-318 of the Stoughton Municipal Code Relating to Property Maintenance and Outdoor Storage		
Committee Action:	Public Works Committee recommends approval - 0	
Fiscal Impact:	None	
File Number:	O - - 2020	**Date Introduced:**

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

1. Section 10-317 of the Stoughton Municipal Code is repealed and recreated to provide as follows:

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~~Chapter~~ applies to all public and private lands and structures located in the City. Nothing in this Section~~Chapter~~ 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)~~ (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)~~ (2) *Grasses & 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 1-foot in accordance with~~according to~~ subsection 58-8(6).

~~3)~~ (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) (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) (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) (6) *Yard Areas.* *Yard Areas*. Outdoor areas shall be kept in a clean and sanitary condition, free from any accumulation of materials that are not used as an integral part of the landscaping or authorized business carried out on the property. Outdoor areas shall not be used to store appliances, furnaces, hot water heaters, water softeners, landscaping or building materials not used within five days, or any unsightly bulk items, other than materials used in the business carried out on the premises so long as such materials are kept in accordance with zoning and other regulations applicable to the property. 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. or landscaping plan.

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

~~16)~~ (16) *Rodent or Insect Infestation~~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)~~(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)~~(e) ENFORCEMENT AND PENALTIES.

(1) *Enforcement Authority*. This section may be enforced by the Department of Planning & 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 & 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 10 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 & 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 & 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.

2. Section 10-318 is repealed and recreated to provide as follows:

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.

3. 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:_____ _____
Holly Licht, City Clerk