



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
REGULAR MEETING AGENDA OF THE COMMUNITY LIFE AND PUBLIC SAFETY (CLPS) COMMITTEE
Weston Municipal Center - Board Room
4747 Camp Phillips Road, Weston, WI 54476

Monday, January 5, 2026, at 5:00 p.m.

Some or all of the members of the Committee, applicants, or members of the public, may participate in the meeting remotely by teleconference or videoconference via the Zoom links listed below.

Join Zoom Meeting by Computer:

<https://zoom.us/j/5445915099>

Join Zoom Meeting by Phone:

+1 312 626 6799 US (Chicago)

Meeting ID: 544 591 5099

CALL TO ORDER/ROLL CALL

1. Meeting called to order by CLPS Chair & Village Trustee Lopes-Serrao
2. Pledge of Allegiance to the Flag
3. Roll Call and declaration of quorum by Secretary – Luis Lopes-Serrao{c}, Barb Ermeling{vc}, Lisa Beck, Katrina Clark, John Czerwonka, Kirk Kamke, and Brent Olson

Mission Statement: *The Community Life and Public Safety Committee evaluates and makes recommendations to the Village Board on matters related to safety, welfare, and livability within the Village and their impact upon Village of Weston residents.*

PUBLIC COMMENT

(Please be advised per State Statute Section 19.84(2), the information will be received from the public. It is the policy of the Village that there be a five-minute time-period, per person, with time extension, per the Chair's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comment.)

MINUTES FROM PREVIOUS MEETINGS

4. [Minutes from November 3, 2025, Regular Meeting](#)

WRITTEN COMMUNICATIONS RECEIVED

ACKNOWLEDGE REPORTS FROM DEPARTMENTS

5. [Code Enforcement Update](#)
 - a. [Update on Raze or Repair Order for Aspen Street Apartments located at 4911, 5003, 5007, 5011, 5103 & 5107 Aspen Street](#)
 - b. [Update on 3020 Mount View Avenue's property maintenance issues and County's tax delinquent property acquisition progress](#)

UNFINISHED BUSINESS

6. [Discussion and/or action on results of continued traffic enforcement on Mallard Court from Alderson Street to end of court](#)
7. [Discussion and/or action on proposed amendments to Chapter 42 Law Enforcement](#)
8. [Discussion and/or action on proposed amendments to Chapter 50 Nuisances](#)



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
OFFICIAL MEETING AGENDA OF THE REGULAR MEETING AGENDA OF THE
COMMUNITY LIFE AND PUBLIC SAFETY (CLPS) COMMITTEE

9. Discussion and/or action on proposed E-bike and E-Moto Ordinance

NEW BUSINESS

10. Discussion and/or action on New Class "A" Fermented Malt Beverage & "Class A" Intoxicating Liquor Application – Asees Petroleum LLC dba BP Weston, 4101 Schofield Avenue
11. Discussion and/or action on neighbor request for a speed limit increase (from 35 mph to 45 mph) on Weston Avenue from Von Kanel Street to Ryan Street

ANNOUNCEMENTS

REMARKS FROM COMMITTEE MEMBERS

ITEMS FOR NEXT AGENDA

- a. Next Regular Meeting Date – Monday, March 2, 2026, at 5:00 pm

ADJOURNMENT

A quorum of members from other Village governmental bodies (boards, commissions, and committees) may/might attend the above-noticed meeting to gather information. Should a quorum of other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993). No official actions other than those of the Community Life & Public Safety Committee shall take place.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Village will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the Village Clerk at 715-359-6114 or clerks@westonwi.gov to discuss your accessibility needs. We ask your request to be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the Village will make a good faith effort to accommodate your request.

This Agenda was posted at the Village Municipal Center, on www.westonwi.gov and transmitted to media partners on 12/29/25. Questions can be directed to the Administrator at 715-359-6114

**Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE
VILLAGE COMMUNITY LIFE AND PUBLIC SAFETY (CLPS) COMMITTEE MEETING**
held on Monday, November 3, 2025, at 5:00 p.m., in the Board Room, at 4747 Camp Phillips Road

AGENDA ITEMS.

1. Meeting called to order by CLPS Chair and Village Trustee, Luis Lopes-Serrao, at approximately 5:00 p.m.

2. Pledge of Allegiance to the Flag.

3. Roll Call and Declaration of Quorum by Secretary Parker.

Roll call indicated seven (6) CLPS members present.

<u>Member</u>	<u>Present</u>
Lopes-Serrao, Luis {Chair}	YES
Ermeling, Barbara {Vice Chair}	YES
Clark, Katrina	YES
Czerwonka, John	YES
Kamke, Kirk	YES
Vacant	-----
Olson, Brent	YES

Village Staff in attendance, in-person: Higgins, Wodalski, Hunt, Meverden, and Parker.

Village Staff in attendance, via Zoom: Maguire, Gebert

Board of Trustees Members Present in the audience, in-person: None

Board of Trustees Members Present in the audience, via Zoom: None

Audience Members in attendance, in-person: There were 2 audience members present, in-person.

Audience Members in attendance, via Zoom: There was 1 audience member present, via Zoom.

PUBLIC COMMENT [0:01:11 Zoom Meeting Recording]

Jim Pinsonneault, 5002 Arrow Street, was present on Zoom and gave public comments regarding meeting attendance and code enforcement reports.

MINUTES FROM PREVIOUS MEETINGS [0:3:40 Zoom Meeting Recording]

4. Approve Minutes from September 2, 2025, CLPS Meeting.

Motion by Ermeling, second by Czerwonka: to approve the September 2, 2025, CLPS meeting minutes.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Lopes-Serrao, Luis {Chair}	YES

Ermeling, Barbara {Vice Chair}	YES
Clark, Katrina	YES
Czerwonka, John	YES
Kamke, Kirk	YES
Vacant	-----
Olson, Brent	YES

WRITTEN COMMUNICATIONS RECEIVED

None.

ACKNOWLEDGE REPORTS FROM DEPARTMENTS [0:04:02 Zoom Meeting Recording]

5. Code Enforcement Update

Higgins referred to her report in the packet and that there is an update of the code cases, as they stand now, in the packet. She commented on the Manufactured Home Parks, and how they have been improving since the time this committee was created. She stated that we generally would only note these on the meeting agendas if there was an issue. She stated how Meverden does an annual routine inspection of the Manufactured Home Parks. She commented on the Aspen Street Apartments, and how we have been working with the owners on taking care of the issues there.

a. Update on Raze or Repair Order for Aspen Street Apartments, located at 4911, 5003, 5007, 5011, 5103, & 5107 Aspen Street [0:05:50 Zoom Meeting Recording]

Maguire commented that he and SAFER Fire Marshal, Christiansen, met with the manager on this site last Friday, and did a walk-through of all six buildings. He stated since the walk-through occurred on Friday, he was not able to update a report to reflect this, but will work on that this week.

Maguire stated that the ownership is investing quite a bit of money into the apartments, as there has been years and years of neglect by the previous owner. He stated there has been a vast improvement to the mold remediation in the basements, all brand new fire alarms systems have been installed. He stated there are plans for exterior repairs on the buildings as well. He feels they are now trending in the right direction, and he is pleased with all that has been done to this point.

Czerwonka questioned if there were any major outstanding violations. Maguire stated there are still some drywall/ceiling issues in the basement from leaking water pipes, which they are still working through. He stated that they are also chemically treating the remaining wood that is in the basement.

Lopes-Serrao advised staff to just stay on top of this until all issues are remediated, and continue to report back.

b. Update on 3020 Mount View Avenue’s property maintenance issues and County’s tax delinquent property acquisition progress. [0:09:05 Zoom Meeting Recording]

Higgins stated the tax deed transferring ownership to the County should be completed today. She is still waiting to hear what the next steps will be. Maguire would like to go into the building to see if it is habitable, prior to the Sheriff’s Sale, as this will determine whether the structure needs to be raised (through a raise order) or not.

Motion by Czerwonka, second by Clark: to acknowledge the Code Enforcement Update Report.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Lopes-Serrao, Luis {Chair}	YES
Ermeling, Barbara {Vice Chair}	YES
Clark, Katrina	YES
Czerwonka, John	YES
Kamke, Kirk	YES
Vacant	-----
Olson, Brent	YES

UNFINISHED BUSINESS

6. Discussion and/or action on draft “Please Slow Down of Children Playing” door hanger for neighborhoods [0:10:15 Zoom Meeting Recording]

Gebert referred to her report in the packet. She also referred to the draft door hanger provided in the packet. She stated that the neighbor who requested signage has seen and is supportive of the draft door hanger. She stated if the Committee is in support of the draft design, we would then order a quantity of them and then advertise to the public that they are available at the Municipal Center, where they can pick them up and distribute within their neighborhood, or that we could assist with distributing, if needed.

Gebert mentioned that the neighbor who attended the last meeting, did purchase one of those kid-friendly safety signs.

Motion by Clark, second by Ermeling: to approve the design and for staff to place an order for door hangers to be available for the public at the Municipal Center.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Lopes-Serrao, Luis {Chair}	YES
Ermeling, Barbara {Vice Chair}	YES
Clark, Katrina	YES
Czerwonka, John	YES
Kamke, Kirk	YES
Vacant	-----
Olson, Brent	YES

NEW BUSINESS

7. Discussion and/or action on neighbor request for reduction in speed (from 35mph to 25 mph), and/or change(s) to permanent signage on Mallard Court from Alderson Street to end of Court [0:13:08 Zoom Meeting Recording]

Wodalski stated a resident had raised concerns about speeding on Mallard Court, and made this request. He pointed out that Mallard Court is one of those roadways where you would only be travelling on it if you lived in the area or were visiting someone.

Hunt stated that an officer went and parked along that street and noted a majority of the traffic was travelling at about 35 – 40 mph. He stated there was one individual who was found speeding, travelling at an excess of 68 mph. It was agreed that we may be just dealing with one individual and not necessarily a problem with the general speed limit. Hunt stated this is outside of their normal patrol area, and perhaps they can hit that area from time to time.

Wodalski stated that typically when a municipality is considering changing a speed limit, they are supposed to perform a speed study prior to changing it. He stated that one of the contributing factors of determining a speed limit is based on what speed a driver feels comfortable at, if you lower it too much, it can create an uncomfortable feeling to a driver. Another factor is the number of turning movements expected.

It was discussed that if we were to consider changing something, we would have to bring Schofield into the conversation, as a portion of Mallard Court is in Schofield.

After some discussion, it was agreed by the Committee that a reduction in the speed limit here is not really warranted. However, Hunt can have this area patrolled more frequently for another month or two and can report back to this committee in January.

Motion by Olson, second by Clark: to patrol this area for another month or two and report back at the next meeting.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Lopes-Serrao, Luis {Chair}	YES
Ermeling, Barbara {Vice Chair}	YES
Clark, Katrina	YES
Czerwonka, John	YES
Kamke, Kirk	YES
Vacant	-----
Olson, Brent	YES

8. Discussion and/or action on request for potential change in ordinance regarding roadside fence height [0:20:50 Zoom Meeting Recording]

Maguire referred to his report and explained the situation in Hinner Springs (8505 Hinner Springs Drive). He stated that some of the residents there do not feel it is a safe corner with the 6-foot fence that runs parallel to the road (the allowable 2-feet from the sidewalk/property line), just before the curve. The request from the residents is to change the ordinance on the allowable height for roadside fences.

Clark asked if vision triangle applies here, and Maguire stated it does not (this is a curve, not an intersection). He stated this is a 25-mph road.

Wodalski explained this subdivision has a reduced right-of-way, being only 60 feet (typical is 66 ft). He stated the sidewalks are about 5-feet wide, the boulevard is 10.5+ feet, then a 2-foot mountable curb, with 24 feet of pavement.

Olson questioned if we approved a change, if we would then actually make the owner lower the fence. Higgins stated it met the requirements at that time the fence was constructed, so we would not make them change the fence. If we changed the ordinance, their fence would be classified then as legal non-conforming, where if they want to modify the fence in the future, they would have to bring up to code then. Czerwonka brought up vehicles parking on the roadway. Higgins stated this is still an active construction site, but as they get close to completing the homes in this subdivision, contractors parked on the roadway will be less going forward. It was stated that the idea of the curves is to calm the traffic.

Maguire stated the truck in the picture is routinely parked there, if someone is coming around curve at a high speed, it could be an issue. He stated the resident, five houses down to the east from this area, claimed there was an almost head-on collision, due to not being able to see the full curve around the fence.

Lopes-Serrao stated we could look at some restrictions to parking on the roads, but as far as the fence, we would be acting after the fact, where it would not solve anything. Ermeling stated that if we make a change, it would at least prevent future ones. It was stated we could have a future discussion on if we want to restrict the roadway parking in that area.

Wodalski commented in cases like these (properties on corners with multiple street sides), we would require driveways to be placed as far away from the curve.

Olson asked if we could ask the construction crew if they can park further away from curve.

Lopes-Serrao stated he was there and did not observe any parking or any issues with corner.

Ermeling questioned if this should be forwarded to PC for their input.

Clark did not feel this is an issue and does not feel we need to have this for discussion any further.

No motion was made.

9. Discussion and/or action on neighbor request for alternate side of the street parking year-round for high density neighborhoods. [0:35:44 Zoom Meeting Recording]

Wodalski stated this came along with Agenda #8. He explained how in the winter, we have alternating parking. Wodalski commented on typical street width (22 - 24 feet). Wodalski stated this is the first time, in his 15 years here, he is hearing a request for this.

Czerwonka does not feel an issue.

Lopes-Serrao stated how Wausau has year-round odd-even parking and it can be confusing, trying to track what day it is, as to what side of the street you are parked on. Plus, then having to know which neighborhoods are classified as high density and not, and we also have the snow removal parking restrictions.

Ermeling stated that she hates coming onto streets with parking on both sides, but she does not feel this change can be done.

No motion was made.

10. Discussion and/or action regarding electric bikes: trends in popularity, safety concerns, and potential interest in municipal ordinance. [0:39:58 Zoom Meeting Recording]

Higgins stated this item is in here to start the discussion. She stated there will be an open house this Thursday on the Bike-Ped Plan, at Dale's Weston Lanes. She stated many communities are starting to talk about this, as well, not just us. She stated there was a question about this in the survey that went out to the community, on the Bike-Ped Plan. She stated how we are starting to see more and more of these electric bikes. Tonight we are looking for feedback on whether we should start a potential ordinance.

Lopes-Serrao questioned if we have an ordinance that allows bicycles on sidewalks. Higgins did not think that people are supposed to ride their bicycles on sidewalks. Lopes-Serrao stated that some municipalities (like Wausau) have ordinances that permit them on sidewalks in certain areas.

Hunt stated in Rothschild bicycles can ride on sidewalks, and he was thinking our rules were similar. He stated he would like to see some action for e-bikes, where the rider removes the pedals all together, essentially creating an e-motorcycle. He stated we also see e-skateboards, and e-single wheelers. He stated that he is not a big proponent of licensing these, as the MBMPD will not enforce it. He stated he feels we should be targeting motorcycles and anything that does not have pedals.

Lopes-Serrao stated he would have to review the Statutes, but from his memory, he thought it stated that e-bicycles are afforded the same rights as regular bicycles, but they have to follow the same laws. He agrees that once the pedals come off, it is no longer a bicycle, as it is being modified into something else, and then you get into varieties of scooters, one-wheels, and all the other things capable of going pretty fast.

Higgins stated we could add another definition in our code to cover those. It was stated that it should be defined as what an e-bicycle is and what it isn't. She pointed out in our code (82.402) self-propelled devices right now need to be licensed.

Ermeling commented on a disabled friend of hers who uses an older model e-bicycle (with pedal assist), and how in order to ride it in a State park, he needed a sticker for it.

Clark does not think e-bikes or anything that can go over 50 mph should not be allowed on sidewalks.

Hunt commented on e-bikes he looked up. Wausau allows these on some sidewalks, where bicycles are allowed.

Hunt stated we should start someplace with an ordinance. He commented on the road being a transportation way, not the sidewalk. Definition should talk about Class 1, 2, 3 e-bicycles.

Lopes-Serrao stated some of this comes out of State law, as far as sidewalks, pedestrian/bike paths, etc. He does not want anything we do to trump State law. He feels we need to send this back to staff with some guidance on what our desires are. Hunt stated he would rather write Village ordinance violations, not State ordinance violations.

Hunt brought up that through a quick Google search, he found language that states in Weston e-bicycles are not permitted on sidewalks. Hunt stated he would like us to continue to explore an ordinance and continue to only make changes as discussions take place.

Wodalski brought up speed limits and how even bicycles are required to obey the speed limits.

Jim King, Town of Weston, commented on a little mini bike that recently passed his wife who was driving on Gusman Road, at about 52 mph, where the mini bike was going well over 50 mph, and commented how this particular person is out there doing stunts and driving recklessly, and thinks he lives somewhere by Machmueller Park.

Ermeling commented on a motorized bike should not be on trails. Olson commented it may help to get some public input on this. Higgins brought up again the bike ped survey that is out there, and read the two questions related to e-bikes that were on there.

Lopes-Serrao stated he wants to make sure we are basing our decisions on this from facts and not personal opinions.

Clark asked about getting the Wausau Wheelers involved. Higgins commented on the groups that are involved in the plan and will be at public event on Thursday night (Wausau Wheelers and Cycling Without Age trishaws). Olson questioned if we could get someone from DNR to comment on how they enforce this on State properties. Olson stated to make sure we have something that is manageable to enforce.

Lopes-Serrao stated there is some desire to limit modified e-bikes, and limit places to use (like trails), and investigate the legality to restrict how they are managed on Village sidewalks and multi-use paths.

Hunt stated that he is not opposed to a young student riding on the sidewalks, but as far as speed limits, if a squad catches someone speeding with their e-bike on radar, there is some teeth in the game as far as stopping them.

Olson suggested Hunt to work with staff to draft something to give the Committee a place to start from.

It was stated with all these mini Tesla-like things coming out, some of these bikes have foot pegs and not pedals. We don't want to punish people who are legitimately going for a bike ride.

Motion by Ermeling, second by Clark: to direct staff to investigate what could legally be done, and to work with the Chief to bring ideas back next meeting.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Lopes-Serrao, Luis {Chair}	YES
Ermeling, Barbara {Vice Chair}	YES
Clark, Katrina	YES
Czerwonka, John	YES
Kamke, Kirk	YES
Vacant	-----
Olson, Brent	YES

11. Discussion and/or action on Village of Rothschild's request for reduction in speed (from 35 mph to 25 mph) on Alderson Street, from Weston Avenue to Edgewood Avenue. [1:07:05 Zoom Meeting Recording]

Hunt stated Rothschild recently changed some of the speed limit signs coming to and from the new roundabout at Weston Avenue and Alderson Street. He explained this was due to a lot of the residents living in that area complaining about traffic speeding and not yielding the roundabout. He explained how in this area Alderson Street, from Weston Avenue going south, the west side of Alderson Street is Rothschild and the east side of Alderson Street is Weston. When they changed the speed limits signs from 35 mph to 25 mph, they inadvertently changed a speed limit sign on the Weston side (travelling north from Edgewood Ave to Weston Ave). Rothschild is requesting that Weston pass an ordinance to legally lower it to the 25 mph to match theirs.

Wodalski stated he is not sure what process Rothschild used to change the speed limit, as you are supposed to have justification via a study done.

Ermeling questioned if it is possible to travel that roundabout at 35 mph, Hunt stated no.

After some discussion, it was agreed to leave our speed limit at 35 mph.

Ermeling and Clark both agreed that unless MBMPD feels there is an issue we should leave this one at the original 35 mph.

Motion by Olson, second by Czerwonka: to have Weston’s speed limit sign placed back at 35 mph to maintain our ordinance.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Lopes-Serrao, Luis {Chair}	YES
Ermeling, Barbara {Vice Chair}	YES
Clark, Katrina	YES
Czerwonka, John	YES
Kamke, Kirk	YES
Vacant	-----
Olson, Brent	YES

ANNOUNCEMENTS [1:19:16 Zoom Meeting Recording]

None.

REMARKS FROM COMMITTEE MEMBERS [1:19:22 Zoom Meeting Recording]

Kamke commented on some people on regular bicycles do not obey the traffic laws, by speeding or traveling right through stop signs.

ITEMS FOR NEXT AGENDA [1:20:10 Zoom Meeting Recording]

- a. **Next Regular Meeting Date – Monday, January 5, 2026, at 5:00 p.m.**
 - i. Proposed Amendments to Chapter 42 Law Enforcement
 - ii. Proposed Amendments to Chapter 50 Nuisances

Ermeling pointed out to bring back discussion on the e-bicycle topic.

ADJOURNMENT

Motion by Ermeling, second by Clark: to adjourn at 6:21 p.m.

Luis Lopes-Serrao, Village Trustee and CLPS Chair
Jami Gebert, Village Administrator
Valerie Parker, Recording Secretary

REQUEST FOR CONSIDERATION

Public Mtg/Date: CLPS, January 5, 2025

Description: Monthly Code Enforcement Report

From: Jennifer Higgins, Planning & Development Director/Zoning Administrator
Roman Maguire, Building Inspector
Travis Meverden, Building Inspector/Property Inspector
Audrey Webster, Assistant Planner
Mountain Bay Metro Police Department

Question: Item is on the agenda for informational purposes only as an update to Code enforcement case progress over the past month.

BACKGROUND

As of 10/29/25

- There were 54 open and active code enforcement cases. (See attached list)
- In November and December 2025, 12 cases were created, 4 cases were closed. 18 of the overall 54 active cases have been referred to Mountain Bay Metro PD and are in various stages of enforcement proceedings (Monitoring/Citations/Municipal Court).
- To date we have received 8 new complaints in December. 2 have been closed.

Attached Docs: Active Enforcement Case List

Committee Action: None

Fiscal Impact: TBD.

Recommendation: Staff recommend the Committee acknowledge the report and place on file.

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

I acknowledge the report as presented and direct staff to place the report on file.

ADDITIONAL ACTION: None

REQUEST FOR CONSIDERATION

ID	Complaint Date	Case Address	Case Number	Type	Status	Assigned To	Created On	Created By
6662	12/19/2025	2114 SCHOFIELD AVE, WESTON	CV-202500232	Nuisances	Monitoring	MBMPD	12/19/2025	Code Enforcement
6661	12/18/2025	2211 RADTKE AVE, WESTON	CV-202500231	Abandoned Vehicles	In Violation	MBMPD	12/18/2025	Code Enforcement
6659	12/16/2025	7302 RYAN AMY DR, WESTON	CV-202500229	Nuisances	In Violation	mloveless	12/16/2025	awebster
6658	12/16/2025	2806 SCHOFIELD AVE, WESTON	CV-202500228	Nuisances	In Violation	CodeEnforcement	12/16/2025	awebster
6657	12/12/2025	5203 COROZALLA DR, WESTON	CV-202500227	Refuse and Recycling	In Violation	mloveless	12/12/2025	vparker
6655	12/9/2025	4406 DEER ST, WESTON	CV-202500225	Nuisances	In Violation	CodeEnforcement	12/9/2025	Code Enforcement
6650	11/19/2025	1612 HIGHLAND AVE, WESTON	CV-202500220	Health and Sanitation	Monitoring	rmaguire	11/19/2025	Code Enforcement
6648	11/7/2025	5107 ASPEN ST, WESTON	CV-202500218	Zoning-Accessory Buildings	In Violation	CodeEnforcement	11/7/2025	vparker
6647	10/31/2025	4903 MESKER ST, WESTON	CV-202500217	Building Code	In Violation	CodeEnforcement	10/31/2025	rmaguire
6646	10/23/2025	5909 MARY LN, WESTON	CV-202500216	Zoning-Permits/Approvals	In Violation	CodeEnforcement	10/30/2025	awebster
6644	10/28/2025	5203 COROZALLA DR, WESTON	CV-202500214	Animals	In Violation	MBMPD	10/28/2025	Code Enforcement
6643	10/27/2025	3902 BAYINGTON AVE, WESTON	CV-202500213	Health and Sanitation	In Violation	CodeEnforcement	10/27/2025	vparker
6641	10/20/2025	1412 KECK AVE, WESTON	CV-202500211	Health and Sanitation	In Violation	rmaguire	10/20/2025	vparker
6629	9/22/2025	2105 JELINEK AVE, WESTON	CV-202500199	Nuisances	In Violation	CodeEnforcement	9/22/2025	vparker
6598	8/11/2025	1803 ROSSENBACH AVE, WESTON	CV-202500168	Building Code	In Violation	mloveless	8/11/2025	Code Enforcement
6597	8/6/2025	4206 AUGUSTINE AVE, WESTON	CV-202500167	Junked Motor Vehicles	In Violation	mloveless	8/6/2025	tmeverden
6580	7/15/2025	5308 S TIMBER ST, WESTON	CV-202500150	Nuisances	In Violation	tmeverden	7/15/2025	Code Enforcement
6558	6/28/2025	4020 SCHOFIELD AVE, WESTON	CV-202500128	Refuse and Recycling	Monitoring	vparker	6/28/2025	Code Enforcement
6544	6/24/2025	1726 LAGUNA AVE, WESTON	CV-202500114	Zoning-Driveways	Enforcement Suspended	tmeverden	6/24/2025	statro
6539	6/20/2025	5007 LEE AVE, WESTON	CV-202500109	Zoning-Permits/Approvals	In Violation	rmaguire	6/20/2025	dgerssert
6524	6/12/2025	4602 FULLER ST, WESTON	CV-202500094	Nuisances	In Violation	jzwicky	6/12/2025	dgerssert
6514	6/9/2025	5707 MOYER AVE, WESTON	CV-202500084	Parking	Monitoring	jzwicky	6/9/2025	Code Enforcement
6477	4/8/2025	5011 PINE ST, WESTON	CV-202500047	Nuisances	Enforcement Suspended	mloveless	4/8/2025	Code Enforcement
6470	3/28/2025	2215 SCHOFIELD AVE, WESTON	CV-202500040	Zoning-Land Use	Monitoring	mloveless	3/28/2025	vparker
6450	2/17/2025	1818 HIGHLAND AVE, WESTON	CV-202500020	Nuisances	In Violation	mloveless	2/17/2025	Code Enforcement
6435	1/22/2025	5107 ASPEN ST, WESTON	CV-202500005	Zoning-Motorized Vehicle Storage	Monitoring	jzwicky	1/22/2025	jhiggins
6434	1/22/2025	3020 MOUNT VIEW AVE, WESTON	CV-202500004	Building Code	Enforcement Suspended	rmaguire	1/22/2025	rmaguire
6433	1/16/2025	3613 SCHOFIELD AVE, WESTON	CV-202500003	Zoning-Permits/Approvals	In Violation	rmaguire	1/20/2025	jhiggins
6430	12/31/2024	4717 MESKER ST, WESTON	CV-202400208	Nuisances	In Violation	mloveless	12/31/2024	vparker
6426	12/18/2024	4002 SCHOFIELD AVE, WESTON	CV-202400204	Refuse and Recycling	Monitoring	vparker	12/18/2024	vparker
6425	12/18/2024	3806 SCHOFIELD AVE, WESTON	CV-202400203	Refuse and Recycling	Monitoring	vparker	12/18/2024	vparker
6424	12/18/2024	3910 SCHOFIELD AVE, WESTON	CV-202400202	Refuse and Recycling	Monitoring	vparker	12/18/2024	vparker
6422	12/13/2024	6406 HUBERT AVE, WESTON	CV-202400200	Nuisances	In Violation	tmeverden	12/13/2024	Code Enforcement
6415	11/18/2024	4911 ASPEN ST, WESTON	CV-202400193	Building Code	In Violation	rmaguire	12/11/2024	rmaguire
6414	12/11/2024	5003 ASPEN ST, WESTON	CV-202400192	Building Code	In Violation	rmaguire	12/11/2024	rmaguire
6413	11/18/2024	5007 ASPEN ST, WESTON	CV-202400191	Building Code	In Violation	rmaguire	12/11/2024	rmaguire
6412	11/18/2024	5011 ASPEN ST, WESTON	CV-202400190	Building Code	In Violation	rmaguire	12/11/2024	rmaguire
6411	11/18/2024	5103 ASPEN ST, WESTON	CV-202400189	Building Code	In Violation	rmaguire	12/10/2024	rmaguire
6410	11/18/2024	5107 ASPEN ST, WESTON	CV-202400188	Building Code	In Violation	rmaguire	12/10/2024	rmaguire
6405	11/15/2024	4020 SCHOFIELD AVE, WESTON	CV-202400183	Refuse and Recycling	Monitoring	vparker	11/15/2024	Code Enforcement
6400	11/11/2024	3404 STERNBERG AVE, WESTON	CV-202400178	Zoning-Accessory Buildings	In Violation	mloveless	11/11/2024	tmeverden
6397	11/1/2024	5912 BUSINESS HIGHWAY 51, WESTON	CV-202400175	Building Code	In Violation	rmaguire	11/6/2024	rmaguire
6350	8/16/2024	1310 POST AVE, WESTON	CV-202400128	Nuisances	Monitoring	jzwicky	8/16/2024	Code Enforcement
6313	7/16/2024	4501 RIVER BEND RD, WESTON	CV-202400091	Right-of-Way	Enforcement Suspended	tmeverden	7/16/2024	tmeverden
6287	6/20/2024	3913 ROSS AVE, WESTON	CV-202400065	Building Code	Enforcement Suspended	tmeverden	6/20/2024	jhiggins
6286	6/20/2024	7804 SERVICE LN, WESTON	CV-202400064	Zoning-Parking Lot	Enforcement Suspended	tmeverden	6/20/2024	cedmondson
6284	6/18/2024	5707 MOYER AVE, WESTON	CV-202400062	Parking	Monitoring	jzwicky	6/18/2024	Code Enforcement
6264	6/4/2024	4506 HOLLY AVE, WESTON	CV-202400042	Zoning-Driveways	Enforcement Suspended	tmeverden	6/4/2024	tmeverden
6223	1/4/2024	4104 SHOREY AVE, WESTON	CV-202400001	Building Code	Raze Order	rmaguire	1/4/2024	aanklam
6217	12/5/2023	3609 WESTON AVE, WESTON	CV-202300157	Zoning-Motorized Vehicle Storage	In Violation	mloveless	12/5/2023	aanklam
6123	6/27/2023	5902 STELLA AVE, WESTON	CV-202300063	Zoning-Permits/Approvals	Enforcement Suspended	jhiggins	6/27/2023	aanklam
6118	6/16/2023	5810 BUSINESS HIGHWAY 51, WESTON	CV-202300058	Building Code	In Violation	tmeverden	6/16/2023	aanklam
6067	2/14/2023	1710 ROSSENBACH AVE, WESTON	CV-202300007	Nuisances	In Violation	tmeverden	2/14/2023	aanklam
5971	9/8/2021	6202 ROSS AVE, WESTON	CV-202100084	Nuisances	Enforcement Suspended	tmeverden	9/8/2021	Code Enforcement

VILLAGE OF WESTON, WISCONSIN
ROMAN MAGUIRE, VILLAGE BUILDING INSPECTOR
PROPERTY REPORT TO COMMUNITY LIFE & PUBLIC SAFETY
COMMITTEE #2026-1 FOR JANUARY 5TH, 2026

1. ITEMS OF NOTE

- There are 6 different abutting parcels that are owned by ATLAS II, LLC. 5107, 5103, 5011, 5007, 5003 and 4911 Aspen St. As of December 30, 2025, there are no delinquent taxes due for the 6 properties, only the 2025 taxes due.
- In April 2025, all six properties were bought from NASV LLC by ATLAS II, LLC. The Property Manager Jessica S. works for Schultz Property Management. There is now an onsite maintenance individual as well.

2. RECENT PROPERTY ACTIVITY

- Valerie has been in contact with Jessica S. a few times over the last quarter for garbage or recycling items that were not compliant. Those issues have been taken care of in a timely manner.
- Officer Zwicky of MBMPD has this parking lot as a routine check for expired registrations and/or abandoned vehicles.
- There is an open violation for an accessory structure that will be coming through Plan Commission in January.
- Inspections staff's last visit was October 31, 2025. That visit was conducted with Fire Marshal Christianson and the onsite maintenance person for Schultz Property Management. I have reached out to Jessica S. recently regarding follow up inspections, however those attempts have not resulted in scheduled inspections yet.

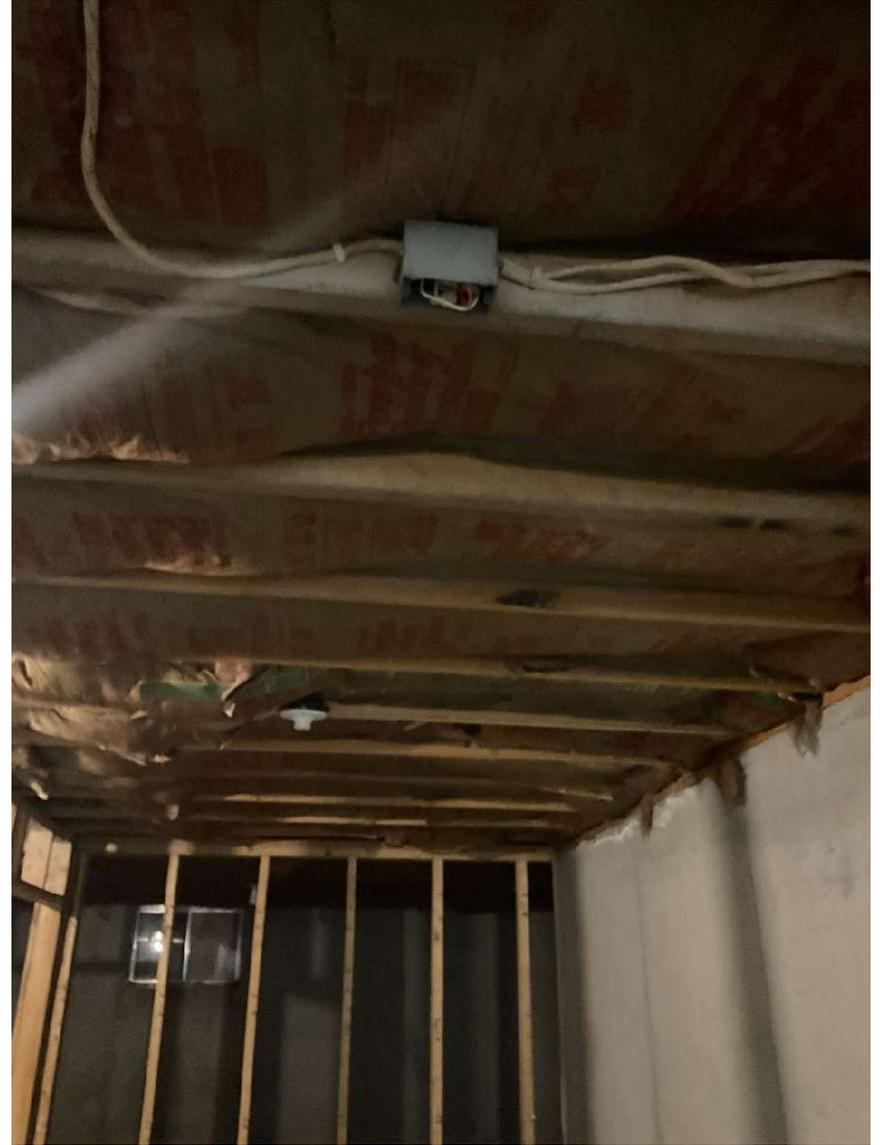
3. CONDITIONS

- On the last inspections it was documented that the conditions have improved drastically particularly in the basements of the buildings. Notably all six buildings have had updated Fire Alarm monitoring equipment installed by Per-Mar. The majority of wallboard that had mold growing on it has been removed and the mold areas were treated with a chemical agent to prohibit mold in those areas.
- There are still issues to be taken care of with replacing sheetrock on ceilings in corridors and replacing leaking water heaters and bringing the mechanicals up to code as the systems are replaced. You will see pictures taken at the last inspection on the following pages.

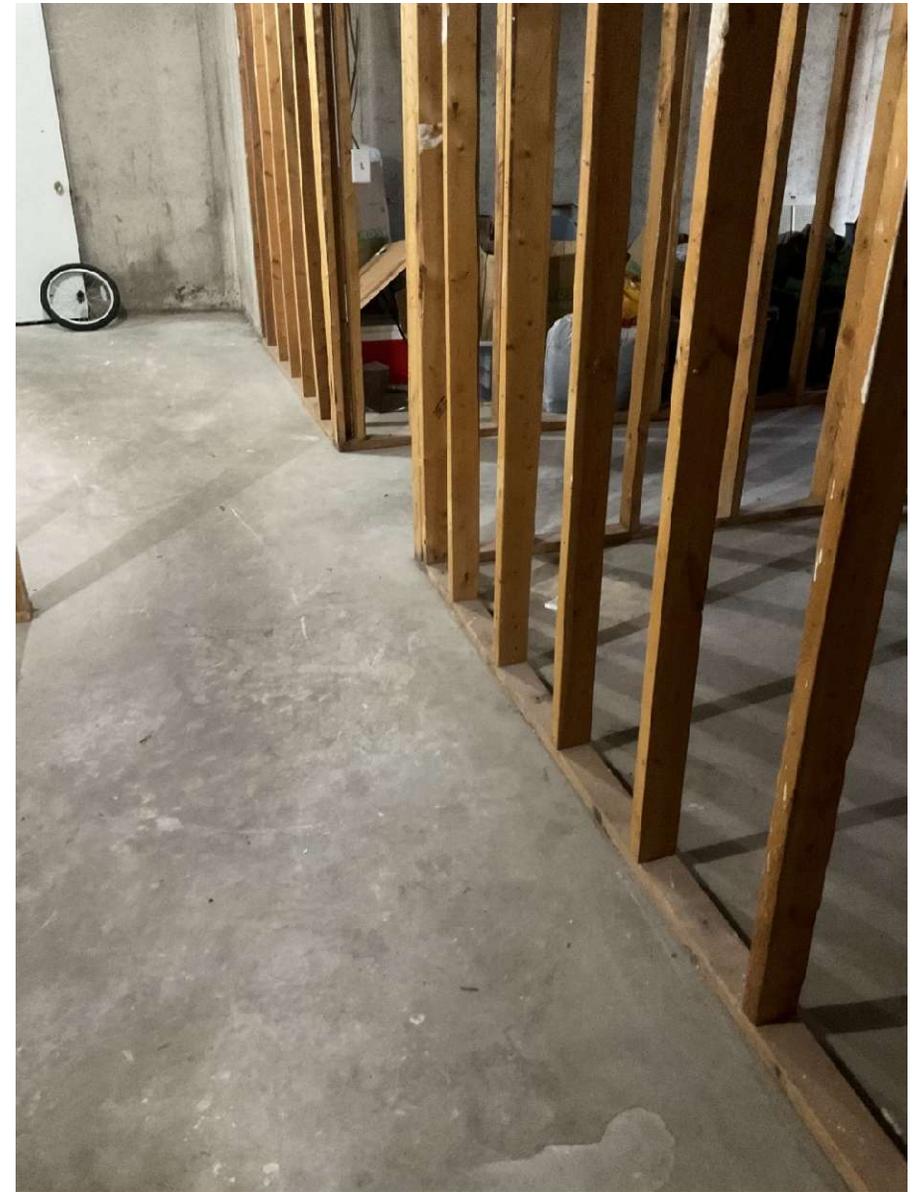
4. PATH FOR COMPLIANCE

- Interior conditions still need to be repaired but the onsite maintenance person was instructed on what corrections were needed. Namely when water heaters were being replaced permits were required so inspections for code compliance can be conducted after installation.
- Based on staff's involvement with the management company, staff feels there is enough progress conducted that this item should not need to be viewed by the CLPS Committee.











VILLAGE OF WESTON, WISCONSIN
ROMAN MAGUIRE, VILLAGE BUILDING INSPECTOR
PROPERTY REPORT TO COMMUNITY LIFE & PUBLIC SAFETY
COMMITTEE #2026-1 FOR JANUARY 5TH, 2026

1. ITEMS OF NOTE

- As of December 30, 2025, the delinquent amount of taxes on the property was \$39,889.29.
- Marathon County took possession of the property in early November and will be listing the property for sale on Wisconsin Surplus. This will not be done until the window for the heir to repurchase has passed. As of December 30, 2025, the property was not listed on the site as a past, current or future auction yet. But staff will monitor the site to know when the expected ownership change will be.

2. PROPERTY ACTIVITY

- Valerie has been in contact with Marathon County staff as new refuse & recycling carts were delivered during the distribution process. Harter's will be retrieving them as the Village won't be able to be reimbursed by the County for the garbage fee. The new owners will have to contact the Village for service.
- Dept staff requested of the DPW that the sidewalk in front of the property be cleared of snow during regular snow removal activities. Much like the lawn maintenance activities during the summer this will not be charged to the county.

3. FORECAST

- Once ownership has changed the Building Inspector shall conduct an inspection of interior conditions and at that time determine the reasonableness of repairs. If the assumed cost of repairs exceeds 50% of the value, then a Raze Order shall be issued. If the cost of repairs does not exceed 50% of the value, then a Raze or Repair order shall be issued. The latter, allowing the owner to repair or demolish the structure at their choice.
- The target is to have order issuance completed Q1 or Q2 of 2026. However, much of that is dependent on the auction timeline.

4. PATH FOR COMPLIANCE

- Based on staff's involvement with the family members and the County, staff feels that there is an established starting point and progress in place that this item should not need to be viewed by the CLPS Committee going forward unless the situation has significant changes.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	CLPS, January 5, 2026
Description:	Discussion and/or action on results of continued traffic enforcement on Mallard Court from Alderson Street to end of court
From:	Jami Gebert, Administrator
Question:	What are the results of the continued traffic enforcement efforts in the area?

Background

Below is an excerpt from the draft November 3, 2025, CLPS meeting minutes.

Discussion and/or action on neighbor request for reduction in speed (from 35mph to 25 mph), and/or change(s) to permanent signage on Mallard Court from Alderson Street to end of Court

Wodalski stated a resident had raised concerns about speeding on Mallard Court, and made this request. He pointed out that Mallard Court is one of those roadways where you would only be travelling on it if you lived in the area or were visiting someone.

Hunt stated that an officer went and parked along that street and noted a majority of the traffic was travelling at about 35 – 40 mph. He stated there was one individual who was found speeding, travelling at an excess of 68 mph. It was agreed that we may be just dealing with one individual and not necessarily a problem with the general speed limit. Hunt stated this is outside of their normal patrol area, and perhaps they can hit that area from time to time.

Wodalski stated that typically when a municipality is considering changings a speed limit, they are supposed to perform a speed study prior to changing it. He stated that one of the contributing factors of determining a speed limit is based on what speed a driver feels comfortable at, if you lower it too much, it can create an uncomfortable feeling to a driver. Another factor is the number of turning movements expected.

It was discussed that if we were to consider changing something, we would have to bring Schofield into the conversation, as a portion of Mallard Court is in Schofield.

After some discussion, it was agreed by the Committee that a reduction in the speed limit here is not really warranted. However, Hunt can have this area patrolled more frequently for another month or two and can report back to this committee in January.

Motion by Olson, second by Clark: to patrol this area for another month or two and report back at the next meeting.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Additional patrols were completed in the area through early October; please find attached a follow-up memo from Mountain Bay Metro Sergeant Klieforth.

REQUEST FOR CONSIDERATION

Attached Docs: Mountain Bay Metro Police Department Memo from Sgt. Klieforth

Committee Action: Noted in RFC.

Fiscal Impact: None.

Recommendation: No further action at this time, continue to monitor area during regular patrol schedule.

Recommended Language for Official Action

I move no further action is required, Mountain Bay Metro Police Department will monitor the Mallard Court area according to the department's regular patrol schedule.

Or, something else . . .

During the end of September into Early October 2025 officers completed numerous extra patrols on Mallard Court in the Village of Weston. Other than 1 citation that was issued for speeding, it doesn't appear that there is an issue with vehicles driving excessively over the speed limit.

Since the extra patrol requests, I have not been made aware of any other traffic related issues or speeding vehicle complaints on Mallard Court.

Sergeant Mitchell Klieforth

Mountain Bay Metropolitan Police Department

211 Grand Avenue

Rothschild, WI 54474

Office: 715-359-3879

Fax: 715-359-8522

Email: mitchell.klieforth@mountainbaypd.gov



REQUEST FOR CONSIDERATION

Public Mtg/Date:	CLPS, January 5, 2026
Description:	Discussion and/or action on proposed amendments to Chapter 42 Law Enforcement
From:	Jami Gebert, Administrator
Question:	Review of any necessary amendments to Chapter 42 Law Enforcement?

Background

Circling back to discussions on the ordinances that the CLPS committee has some oversight and responsibility with, attached are amendments to **Chapter 42 Law Enforcement** for your review.

Attached Docs:	Draft resolution of amendments to Chapter 42 Law Enforcement
Committee Action:	TBD.
FISCAL IMPACT:	None.
Recommendation:	None.

Recommended Language for Official Action

I move to recommend [approval/denial] of the ordinance amendments to Chapter 42 Law Enforcement to the Board of Trustees.

VILLAGE OF WESTON
ORDINANCE NO. 26 –

AN ORDINANCE AMENDING CHAPTER 42 LAW ENFORCEMENT OF THE MUNICIPAL
CODE FOR THE VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

NOW THEREFORE, be it ordained by the Board of Trustees of the Village of Weston, in the State of Wisconsin, as follows:

SECTION 1: AMENDMENT “Chapter 42 Law Enforcement” of the Village of Weston Municipal Code is hereby amended as follows:

AMENDMENT

ARTICLE 42-I IN GENERAL

Sec 42.100 Establishment of Joint Police Department

There shall be a joint police department operated by the Village ~~of Weston, the Town of Weston~~ and the ~~City of Schofield Village of Rothschild~~. It shall be organized in accordance with joint agreements made from time to time between the ~~two~~three municipalities, or as set forth by mutual resolution by the ~~two~~three municipalities in accordance with state law and the ordinances of the municipalities.

(Police Protective Services and Municipal Court Services Agreement, March 2024)

(Ord. of 11-1-1993, § 1)

HISTORY

Amended by Ord. 15-026 on 11/7/2015

Amended by Ord. 26-xx on xx/xx/xxxx

ARTICLE 42-II COMMENCEMENT OF ACTION AND FORM OF CITATION IN MUNICIPAL
ORDINANCE VIOLATION CASES

Sec 42.101 Commencement of Action

1. In Village of Weston municipal ordinance violation cases personal jurisdiction is obtained when the Defendant is served with a Citation, and the Citation is filed with or transmitted to the Municipal Court, or when the Defendant is arrested and brought before the Court personally, or voluntarily appears before a Municipal Judge.
2. Service of the Citation shall be as provided in Wis. Stats. §§ 801.11 or 968.04(3)(b)2. Or by personal service by an adult who is a resident of the state where the service is made, but who is not a party to the action. If the Citation is personally served, the law enforcement officer or municipal employee serving the Citation shall sign a statement of personal service on the Citation. The signature required herein does not apply to a traffic citation issued under Wis. Stat. § 345.11.
3. Upon the commencement of an action by a Citation, a deposit may be taken from the Defendant. The Defendant may be released on his or her own recognizance. A nonresident Defendant who does not make a deposit may be detained in jail to be brought before the Court at the earliest opportunity.

(Ord. of 11-1-1993, and 01-16-06 § 1)

HISTORY

Adopted by Ord. Chapter 42 Art II Action and Form of Cit in Municipal Court on 1/21/2006

Amended by Ord. Chapter 42 Art II Action and Form of Cit in Municipal Court on 8/6/2010

Amended by Ord. 15-026 on 11/7/2015

Sec 42.102 Form of Citation

1. **Action.** An action in Municipal Court for violation of a municipal ordinance is a civil action and the forfeiture or penalty imposed by any ordinance of the Village of Weston may be collected ~~in an action in the name of the VILLAGE OF WESTON~~ through the ROTHSCHILD AREA MUNICIPAL COURT.
2. **Citation Form.** The Citation shall be signed by a peace officer or endorsed by the municipal attorney, or by the Village Administrator, Director of Public Works, Zoning Administrator, Building Inspector, Parks Superintendent, Humane Officer, S.A.F.E.R Fire Chief, S.A.F.E.R. Deputy Fire Chief, S.A.F.E.R. Captain of Inspections, or by the Planning and Development Director. Officials granted the authority to issue citations may delegate, with the approval of the Village Board, the authority to employees. The Citation shall contain substantially the following information:
 - a. The name, address and date of birth of the Defendant.
 - b. The name and department of the issuing officer.
 - c. The violation alleged, the time and place of occurrence, a statement that the Defendant committed the violation, the ordinance violated, and a designation of the violation in language, which can be readily understood.
 - d. A date and place for the Court appearance, and a notice to appear.
 - e. Provisions for amount of deposit and stipulation in lieu of Court appearances, if applicable.
 - f. Notice that the Defendant may make a deposit and thereby obtain release if an arrest has been made.
 - g. Notice that the Defendant may by mail, prior to the Court appearance, enter a plea of Not Guilty and may within 10 days after entry of the plea request a jury trial.
 - h. Notice that, if the Defendant makes a deposit and fails to appear in Court at the time fixed in the citation, the Defendant is deemed to have tendered a plea of No Contest and submits to a forfeiture plus costs, fees, and surcharges imposed under Wis. Stats. Chapter 814, not to exceed the amount of the deposit. The notice shall also state that the Court may decide to summon the Defendant rather than accept the deposit and plea.
 - i. Notice that if the Court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the Defendant, the Court may summon the Defendant into Court to determine if restitution shall be ordered under Wis. Stat. § 800.093.
 - j. Notice that if the Defendant does not make a deposit and fails to appear in Court at the time fixed in the Citation, the Court may issue a summons or a warrant for the Defendant's arrest or may enter a default judgment against the Defendant.
 - k. Any other pertinent information.

3. Except for parking violations, in traffic regulation actions, in Municipal Court, the Uniform Traffic Citation specified in Wis. Stat. § 345.11, shall be used in lieu of the Citation form specified in subparagraph hereinabove. In actions for violations of local ordinances enacted in accordance with Wis. Stats. § 23.33 (11)(am) or Wis. Stat. § 30.77, the Citation form specified in Wis. Stat. § 23.54 shall be used in lieu of the Citation form specified in subparagraph (b) hereinabove.

(Ord. of 11-1-1993, Ord. of 01-16-06 § 1, Ord. of 8-6-10, Ord. of 3-6-14)

HISTORY

Amended by Ord. Chapter 42 Art II Law Enforcement Form Of Citation Sec 42.102 on 3/6/2014

Amended by Ord. 15-026 on 11/7/2015

Sec 42.103 Amended Citation

The Citation may be amended once as a matter of course prior to the initial appearance of the Defendant. Otherwise the Citation may be amended only by leave of the Court or by written consent of the Defendant. (Ord. of 11-1-1993, and 01-16-06 § 1)

HISTORY

Amended by Ord. 15-026 on 11/7/2015

Sec 42.104 Plea of No Contest Prior To Initial Appearance

1. If a person is issued a Citation, the person may make a plea of No Contest and deposit as follows:
 1. traffic regulation cases, as provided in Wis. Stat. § 345.26.
 2. In boating violations, as provided in sec. Wis. Stat. § 23.67.
 3. In other violations, the person may make such a plea and deposit ~~only if the Village Board has approved a~~ in accordance with the ROTHSCILD MUNICIPAL COURT deposit schedule. The person may make the plea of No Contest and deposit to the Municipal Court at any time prior to the initial appearance.
2. The person who has made a plea and deposit under sub. (1) may appear in Court, in such case, the Court shall allow the person to withdraw his or her plea of No Contest. The person need not appear in Court.
3. The amount of the deposit shall be set by the Municipal Judge, ~~but shall not be effective until approved by the Village Board~~. The amount shall not exceed the maximum penalty for the offence, plus costs, fees, and surcharges imposed under ch. Wis. Stat. § 814.
4. Notwithstanding the provisions of subsection (1) hereinabove, a Court appearance may be required by a representative of the Village for a violation of a local ordinance in conformity with Wis. Stat. § 346.63(1). If a person fails to make a required appearance under this subsection and the Judge issues an arrest warrant, the law enforcement agency, which filed or transmitted the Uniform Citation shall file a detailed description of the warrant with the Department of Justice.
5. Notwithstanding subsection (1) hereinabove, a Court appearance may be required if the Court finds that the violation involves an ordinance that prohibits conduct that is the same or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to property of or physical injury to a person other than the alleged violator.

(Ord. of 11-1-1993, and 01-16-06 § 1)

HISTORY

Amended by Ord. 15-026 on 11/7/2015

Sec 42.105 State Statutes Adopted By Reference

All of the provisions of Chapter 800 of the Wisconsin Statutes entitled "Municipal Court Procedure," including any subsequent amendments thereto, are hereby adopted by reference as if fully set forth herein at length, including sections 800.01 (Commencement of Action), 800.02 (Form of Citation, Complaint, Summons and Warrant in Municipal Ordinance Violation Cases), 800.025 (Amended Citation and Complaint), 800.035(2)(d) (Plea of No Contest Prior to Initial Appearance), 800.035(2)(d) (Initial Appearance; Stipulation of Guilt; Deposit), 800.05 (Substitution of Municipal Judge), 800.06 (Illness, Absence or Vacancy; Pending Actions Triable by Court which Received Papers; Continuance on Vacancy and Notice of Trial), 800.065 (Temporary Reserve Judges; Service), 800.07 (Discovery in Municipal Court), 800.08 (Procedure at Trial), 800.09 (Judgment; Failure to Appear; Plea of Guilty), 800.095 (Nonpayment of Judgment or Noncompliance with Work Order; Further Proceedings), 800.10 (Fees and Costs in Municipal Court), 800.11 (Municipal Court Record and Transcript Entries), 800.115 (Relief From Judgment), 800.12 (Municipal Court Contempt Procedure), 800.13 (Recording in Municipal Court), and 800.14 (Appeal From Municipal Court Decision). (Ord. of 11-1-1993, and 01-16-06 § 1)

HISTORY

Amended by Ord. 15-026 on 11/7/2015

SECTION 2: REPEALER CLAUSE. All ordinance or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE. Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its date of passage and publication as required by law.

Dated the ___ day of _____ 2026.

VILLAGE OF WESTON

By:

Mark F. Maloney, President

ATTEST:

By: _____
Pamela S. Brehm, Clerk

Adopted: _____

Published: _____

REQUEST FOR CONSIDERATION

Public Mtg/Date: CLPS, January 5, 2026

Description: Discussion and/or action on proposed amendments to Chapter 50 Nuisances

From: Audrey Webster, Assistant Planner
Roman Maguire, Building Inspector/Building Manager
Jami Gebert, Administrator

Question: Review potential draft amendments to Chapter 50 Nuisances.

Background

Attached is a first draft of revisions to the entire Chapter 50 Nuisances. The committee saw Sections 100-102 in July 2025. The attached draft is first presented with track changes, to demonstrate where changes occurred, and then without track changes for ease in reading. Given the number of changes that occurred, there may be formatting items that still need to be corrected. Staff wanted to review the wording with the committee, and we can adjust any formatting issues if needed prior to Board adoption.

Attached Docs: First draft amendments to Chapter 50 Nuisances with track changes.
First draft amendments to Chapter 50 Nuisances without track changes.

Committee Action: TBD.

FISCAL IMPACT: None.

Recommendation: None.

Recommended Language for Official Action

I move to recommend approval of the ordinance amendments to Chapter 50 Nuisances to the Board of Trustees.

I move to bring back Chapter 50 Nuisances to the next CLPS meeting for additional review.

Or something else . . .

VILLAGE OF WESTON
ORDINANCE NO. 26 –

AN ORDINANCE AMENDING CHAPTER 50 NUISANCE OF THE MUNICIPAL CODE FOR
THE VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

NOW THEREFORE, be it ordained by the Board of Trustees of the Village of Weston, in the State of Wisconsin, as follows:

SECTION 1: AMENDMENT “Chapter 50 Nuisance” of the Village of Weston Municipal Code is hereby amended as follows:

AMENDMENT

Sec 50.100 ~~Things Prohibited~~Public Nuisances Prohibited.

No person, shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Village.

~~The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety; but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within other provisions of this Code:~~

- ~~1. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public's safety.~~
- ~~2. All buildings erected, repaired or altered within the fire limits in violation of the provisions of ordinances relating to materials and manner of construction of buildings and structures within that district.~~
- ~~3. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, signal or sign.~~
- ~~4. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.~~
- ~~5. All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street or less than ten feet above any other public place.~~
- ~~6. All buildings or structures so old, dilapidated or out of repair as to be dangerous and unsafe, unsanitary or otherwise unfit for human use.~~
- ~~7. All abandoned and wrecked or dilapidated motor vehicles, buses, railroad cars and house trailers.~~
- ~~8. All wires over streets, alleys or public grounds which are strung less than 13 feet above the surface.~~
- ~~9. All loud, discordant and unnecessary noises or vibrations of any kind which tend to cause or create a disturbance.~~
- ~~10. All obstructions of and excavations in or under streets, alleys, sidewalks or crosswalks, except as permitted by ordinance or which, although being in accordance with ordinance, are kept or maintained for an unreasonable or illegal length of time after their purpose has been accomplished.~~

~~11. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.~~

~~12. All piles of dirt, wood rubble, rocks or yard waste located upon any property within the Village of Weston with the following exceptions:~~

- ~~a. Dirt, wood or lumber which is being actively used in connection with an ongoing construction project.~~
- ~~b. The storage of topsoil, fill material or lumber on the premises of a lumberyard, contract or storage yard or similar type establishment providing such business is a permitted use under the village zoning code.~~
- ~~c. The temporary storage of dirt, wood or lumber for a period not exceeding 90 days following the completion of a private subdivision development or construction project. In the event such material is not completely removed from the premises within 90 days by the owner of the property or the contractor responsible for the construction, the village shall cause the material to be removed with all costs associated with said removal to be assessed against the owner's property as a special charge pursuant to Wis. Stats. § 66.0701.~~

(Code 1982, § 4.156(1); Ord. of 10-16-2000(2), § 1)

HISTORY

Amended by Ord. [Chapter 50 Sec 50.100 \(12\)](#) on 10/28/2000

Amended by Ord. [16-030](#) on 6/8/2016

Sec 50.101 Other Prohibited Nuisances Public Nuisances Defined

A public nuisance is a thing, act, occupation, condition, or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public.
2. In any way render the public insecure in life or in the use of property.
- 4-3. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

~~In addition to the acts, omissions, places, conditions and things declared to be public nuisances affecting peace and safety in Sec. 50.100, the following are declared to be a public nuisance:~~

- ~~1. All abandoned refrigerators, iceboxes and other containers having airtight doors or covers from which the doors or other covers have not been removed or which are not equipped with a device for opening from the inside.~~
- ~~2. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather obstructing traffic and free use of the streets or sidewalks.~~
- ~~3. Repeated or continuous violations of the ordinances of the village or the laws of the state relating to the storage of flammable liquids.~~

(Code 1982, § 4.156(3))

HISTORY

Amended by Ord. [16-030](#) on 6/8/2016

Sec 50.102 Public Nuisances Affecting Peace and Safety

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude

other nuisances affecting public peace or safety coming within other provisions of this code the definition of Sec 50.101 of this chapter:

1. **Signs, Billboards, etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
2. **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the Village.
3. **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any device, sign or signal.
4. **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
5. **Tree Limbs.** All limbs of trees which project over and less than 1440 feet above any public sidewalk or less than 1043½ feet above a street or other public place.
6. **Dangerous Trees.** All trees which are injurious to public health or safety because of a diseased or damaged condition; and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.
7. **Fireworks.** All use or display of fireworks except as provided by the laws of the State and this Code.
8. **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
9. **Wires and Cables Over Streets.** All wires and cables over streets, alleys or public grounds which are strung less than 1348 feet above the surface thereof.
10. **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
11. **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this Code or which, although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
12. **Unlawful Assembly.** Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
~~Snow, Ice and Debris Removal. All debris not removed, and all snow and ice not removed or sprinkled with salt, ashes, sawdust or sand, as provided in section 8.05 of this Code.~~
13. **Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
14. **Open Pits, Basements, etc.** All open and unguarded pits, wells, excavations and basements.
15. **Flammable Liquids Violations.** Repeated or continuous violations of this Code or the laws of the State relating to the storage of flammable liquids.

Sec 50.10~~32~~ Property Maintenance Code

4. **Title.** This section shall be known as "The Property Maintenance Code," and may be referred to in this section as "this code."

1.

2. **Findings and declaration of Policy.** It is hereby found and declared that there exist, in the Village, structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance or further, that such conditions, including, but not limited to, structural deterioration, lack of maintenance and appearance of exterior of premises, infestation and existence of fire hazards constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of the Village. It is further found and declared that, by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, these conditions will grow and spread and will necessitate the expenditure of large amounts of public funds to correct and eliminate such conditions, that by reason of timely regulations and restrictions contained in this code, the desirability and amenities of residential and nonresidential uses and neighborhoods may be enhanced and the public health, safety and welfare protected and fostered.

3. **Purpose.** The purpose of this code is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; and to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use.

~~It is recognized that there may now be, or may in the future be, residential and nonresidential buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest of the community.~~

4. **Rules and Definitions.** The following words and terms, wherever used herein or referred to in this code, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context. ~~Words used in the present tense shall include the future. Words used in the singular number shall include the plural number, and the plural the singular. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."~~

a. ~~Adequate. "Adequate" shall mean adequate as determined by the Building Inspector or their designee under the regulations of this chapter or adequate as determined by an authority designated by law or this chapter. "Adequately" shall mean the same as adequate.~~

b. ~~Apartment. "Apartment" means one (1) or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for use by one (1) family.~~

c. ~~Approved. "Approved" shall mean approved by the Building Inspector or their designee under the regulations of this chapter or approved by an authority designated by law or this chapter.~~

d. ~~Attractive Appearance. "Attractive appearance" refers to the exterior appearance of buildings, structures, stairs, porches, and similar appurtenances and the improvement, planting and landscaping of yards and vacant areas. The determination of~~

Formatted: Font: (Default) Arial

Formatted: Font: Bold

Formatted: Font: (Default) Arial

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

"attractive" used herein shall be as determined by the Building Inspector under the regulations of this chapter or as determined by an authority designated by law or this chapter.

e. — Basement. "Basement" means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling.

f. — Blighted Property. "Blighted property" means any property, on which there exists any one or more of the following conditions or activities, is a blighted property for purpose of this chapter:

i. — Abandoned building or structure.

A building or structure which is not occupied, inhabited, used, or secured. For purposes of this Chapter, a building or structure is unsecured when it is unlocked or the public can gain entry without the consent of the owner.

Any partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for six months.

Attractive Nuisance. Property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

A Building or Structure which is in a State of Disrepair.

Any building or other structure which by reason of rot, weakened joints, walls, floors, underpinning, roof, ceilings, or insecure foundation, or other cause has become dilapidated or deteriorated.

Any building or other structure with exterior walls and /or roof coverings which have become so deteriorated as to not provide adequate weather protection and be likely to, or have resulted in, termite infestation or dry rot.

g. — Buildings or structures with broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers. For purposes of this chapter "window" shall include any glazed opening, including glazed doors, which upon a yard, court, or vent shaft open unobstructed to the sky.

Buildings or structures including, but not limited to, walls, windows, fences, signs, retaining walls, driveways, or walkways which are obsolete, broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts on neighboring property or presents a risk to public safety. For purposes of this chapter "defaced" includes, but is not limited to, writings, inscriptions, figures, scratches, or other markings commonly referred to as "graffiti" and peeling, flaking, blistering, or otherwise deteriorated paint.

Property Inadequately Maintained.

Property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or other vegetation, rank growth, dead organic matter, rubbish, junk, garbage, animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material. For the purposes of this section the term "rubbish" shall include combustible and noncombustible waste materials, except garbage; and the term

Formatted: List Paragraph

Formatted: Indent Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: List Paragraph

shall also include the residue from the burning of wood, coal, coke, and other combustible material; and the term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, hay, straw, tin cans, metal, mineral matter, glass, crockery, and dust; and the term shall also include animal feed and the products of and residue from animal quarters.

Property which constitutes a fire hazard or condition considered dangerous to the public health, safety, and general welfare.

~~h. Property which is likely to or does harbor rats or other vectors, vermin, feral pets, or other non-domesticated animal nuisances.~~

- ~~5. Property which substantially detracts from the aesthetic and economic values of neighboring properties including, but not limited to, personal property and wares and foodstuffs, premises garbage and refuse receptacles, and commercial and industrial business activities which are inadequately buffered from any street, sidewalk, or other publicly trafficked area or such buffering which is inadequately maintained.~~

4.

~~— Landscaping which is inadequately maintained or which is not installed as required by village codes or any permit issued in accordance with such codes.~~

~~— Matter including, but not limited to, smoke, odors, dust, dirt, debris, fumes, and sprays which is permitted to be transported by wind, or otherwise upon any street, course, alley, sidewalk, yard, park, or other public or private property and which is determined to be a violation of federal, state, regional, or local air quality regulations.~~

~~— Property including, but not limited to, building façade, window, doorway, driveway, walkway, fence, wall, landscaped planter or area, sidewalk, curb and gutter, and edge of street pavement on which dirt, litter, vegetation, garbage, refuse, debris, flyers, or circulars have accumulated.~~

~~— Property on which a swimming pool, pond, stream or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" is defined for the purpose of this chapter, as water which contains bacterial growth, remains of garbage, refuse, debris, papers and any other foreign matter or material which constitutes an unhealthy or unsafe condition.~~

~~— Parking lots, driveways, paths, and other areas used or intended to be used for commercial and industrial business activities including, but not limited to, dismantling, processing, transferring, handling, transporting, storing, compounding, or assembling which are inadequately maintained and pose a risk of harm to public health or safety including, but not limited to, unpaved surfaces which generate fugitive dust and paved surfaces with cracks, potholes, or other breaks.~~

~~— Property on which recyclable materials are openly stored. For the purposes of this chapter, "open storage" means storage on private property other than in a completely enclosed building. Materials shall be deemed to be held in "open storage" even though screened from public view, or view of residents of adjacent property, by a fence or other such partition.~~

~~— Property which is not securely fenced or adequately lighted to prevent illegal access and activity related to the dumping of garbage, waste, debris and litter. "Recyclable materials" includes any materials, goods, vehicles, machinery, appliances, product or article, new or used, which is suitable for reuse.~~

~~— Property Which Creates a Dangerous Condition.~~

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: List Paragraph, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

- ~~— Property having a topography, geology, or configuration which, as a result of grading operations, erosion control, sedimentation control work, or other improvements to said property, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems as to harm or pose a risk of harm to adjacent properties.~~
- ~~— Property where on any condition or object obscures the visibility of public street intersections to the public so as to constitute a hazard, including but not limited to, landscaping, fencing, signs, posts, or equipment.~~
- ~~— Conditions which due to their accessibility to the public pose a hazard including, but not limited to, unused and broken equipment, abandoned wells, shafts, or basements, hazardous or unprotected pools, ponds, or excavations, structurally unsound fences or structures, machinery which is inadequately secured or protected, lumber, trash, fences or debris that may pose a hazard to the public, storage of chemicals, gas, oil, or toxic or flammable liquids.~~
- ~~— Boarding House: See Lodging House and Lodging Room.~~
- ~~— Building. "Building" means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, education, high hazard, industrial, institutional, mercantile, residential, or storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this CODE each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.~~
- ~~— Compliance Inspection. An inspection performed in conjunction with a lawful order of the Chairperson of the Community Life and Public Safety Committee, Village Administrator, Chief of Police, Village Fire Inspector, Zoning Administrator, Property Inspector or Building Inspector or their designees for the purpose of certifying the fulfillment of an official requirement listed in the order.~~
- ~~— Cooperative Living Arrangement. A "cooperative living arrangement" shall mean a collective number of individuals connected by membership in a cooperative, who equally share ownership, occupancy and control of a dwelling and who live, cook and share expenses as a bona fide single housekeeping unit. For the purposes of determining the applicability of the Village of Weston Municipal Code relating to construction and maintenance of buildings, a building occupied by a cooperative living arrangement shall be construed to be a lodging house and shall meet all the requirements of same, except where an exception is explicitly provided in the ordinances.~~
- ~~i.a. Deterioration. The condition of a building or part thereof characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use. All exterior wood and composition surfaces shall be properly protected from the elements and against decay by paint, stain or other protective coating and applied in a workmanlike manner.~~
- ~~— Dwelling. "Dwelling" is a place of abode, a residence or house for use by one (1) or more persons, excluding hotels or motels.~~
- ~~— Dwelling Unit. "Dwelling unit" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.~~
- ~~a. Elements. Any element, whether created by nature or by man, which, with reasonable foreseeability could carry litter from one place to another. Elements shall include, but not be limited to, air current, rain, water current and animals.~~

- b. Exposed to Public View. Any premises, or any part thereof, or any building, or any part thereof, which may be viewed by the public.
- c. Exterior of the Premises. Open space on the premises outside of any building thereon.
- d. Extermination. ~~"Extermination" shall mean t~~The control or elimination of insects, rodents and vermin infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.
- f. Garbage. Decayed and decomposed animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (See also Refuse and Rubbish).
- g. Infestation. The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
- h. Litter. Includes any uncontainerized man-made or man-used waste which, if deposited within the Village otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the citizens of the Village. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings, leaves or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, appliances, oil, carcass of a dead animal or nauseous or offensive matter of any kind or any object likely to injure any person or create a traffic hazard.
- i. Mixed Occupancy. Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses or used as a hotel.
- j. Natural lawns and areas, as used in this section, shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight inches in height from the ground.
- k. Nuisance.
 - i. Any public nuisance, as defined by statute or this Chapter.
 - ii. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exists.
- l. Operator. Any person who has charge, care or control of a dwelling or premises, or part thereof, in which dwelling units or lodging rooms are located or let, whether with or without the knowledge and consent of the owner.
- m. Owner. The term "owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the country, the village, any sewer district, drainage district, the University of Wisconsin and any associated corporation or organization, and any other public or quasi-public corporation having a legal or equitable interest in the property under consideration and shall include the representative, officer, agent or other person having the ownership, control, custody or management of any building. Owner does not include any person whose legal or equitable interest in the building is a security

Formatted: Font: (Default) Arial

Formatted: Space After: 8 pt, Line spacing: Multiple 1.08 li, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: (Default) Arial

Formatted: Space After: 8 pt, Line spacing: Multiple 1.08 li, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: (Default) Arial

Formatted: Space After: 8 pt, Line spacing: Multiple 1.08 li, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: Not Italic

Formatted

interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

- n. Park. A public or private park, reservation, playground, beach, recreation center or any public park private area devoted to active or passive recreation or any other area under the supervision of the Village.
- o. Premises. A lot, plot or parcel of land, including the buildings or structures thereon.
- p. Private Premises. Any dwelling, house, building, or other structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or grounds, walk, driveway, porch, steps, vestibule, mailbox or other structure belonging or appurtenant to such dwelling house, buildings or other structure.
- q. Public Place. All streets, boulevards, avenues, lanes, alleys or other public ways and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.
- r. Refuse. All decayed and decomposed solid waste, except body wastes, including, but not limited to, garbage, rubbish, ashes, dead animals, abandoned automobiles and solid wastes. (See also Garbage and Rubbish)
- s. Turf Grass. Grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue and rye grass blends.

5. Applicability. Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, manufactured home park, commercial, business or industrial occupancy shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code.

6. Duties and Responsibilities of Owners and Operators.

- a. Maintenance of Exterior of Premises. The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of the occupant, pedestrians, or any other person utilizing the premises, and free of unsanitary conditions. Any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards, which include, but are not limited to, the following:
 - i. Refuse, such as brush, weeds, yard waste, broken glass, stumps, obnoxious growths, filth, garbage, trash and debris.
 - ii. Natural growth, such as dead and dying trees and limbs or other natural growth, which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions.
 - iii. Overhangs, such as loose and other hanging objects, which, by reason of location above ground level, constitute a danger of falling on the persons in the vicinity.
- b. The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor.
- c. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed per Weston Municipal Code Sec. 10.129(a) or Sec. 10.130.

Formatted: Font: (Default) Arial

Formatted: Space After: 0 pt, Line spacing: single

Formatted: Font: (Default) Arial

Formatted: Font: Bold

Formatted: Font: Bold

- d. Storage of Commercial and Industrial Material. There shall not be stored or used at any location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial use unless permitted under the Village of Weston Municipal Code, Chapter 94 for the premises.
- e. General Maintenance. The exterior of every commercial structure or accessory structure, except accessory farm structures, including fences or enclosures, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbing stone or brick, excessive peeling paint, loose boards or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blighting influences.

7. Litter Control.

- a. Litter Collections and Storage Area. Every owner, occupant or lessee of a building used for residential, business or commercial purposes shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized. Failure to so maintain clean litter collection and storage areas shall constitute a violation of this subsection.
- b. Duty to Collect Litter Before it is Carried From the premises. All litter that is subject to movement by the elements shall be secured by the owner of the premises where it is found before the litter is allowed to be removed from the premises by the elements.
- c. Neglected Premises Visible to the Public. It shall be the duty of any person owning or controlling any premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonable clean and orderly manner. It shall be a violation of this subsection to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter.
- d. Areas Around Business Premises. The owner or person in control of any public place, including, but not limited to, restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations and hospital and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises. It shall be a violation of this subsection to abandon, neglect or disregard to the condition or appearance of such premises so as to permit it to accumulate litter.
- e. Loading and Unloading Docks. The person owning, operating or in control of loading or unloading docks shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried from the premises by the elements.

- 8. **Construction Sites.** The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried from the premises by the elements. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers, which will prevent litter from being carried from the premises by the elements.

- 9. **Maintaining Sidewalks and Alleys.** Persons owning, occupying or in control of any premises shall keep the sidewalks and alleys adjacent thereto free of litter. Owners or occupants shall sweep or rinse off the sidewalks abutting their premises as often as may be required to keep the walk reasonably free from dirt, paper, waste, snow and ice. This

Formatted: Font: Bold

Formatted: Font: (Default) Arial

Formatted: Font: Bold

paragraph shall not apply to sidewalks maintained by the Village as provided in the Village of Weston Municipal Code, Chapter 70.

Formatted: Font: Bold

10. Abandoned Garbage. It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage, which has been containerized in accordance with a contract for its removal, to allow that refuse, waste or garbage to remain uncollected for longer than 7 days or, in any case, until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place.

Formatted: Font: Bold

11. Animal Excreta.

Formatted: Font: Bold

- a. Allowing Discharge Regulated. It is unlawful for any owner, keeper or walker of any dog or cat to have his dog or cat discharge such animal's excreta upon any public or private property within the Village other than the property of the owner of such dog or cat if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property.
- b. Carrying Feces Scoop Required. No person shall walk a dog beyond the limits of his own property without carrying or having in his possession scoop, bag or other items designed to pick up and remove dog feces; and, further, it is unlawful for any person to dispose of the dog feces on public or private property other than his own.
- c. Exception. This subsection shall not apply to visually impaired persons having control of guide dogs.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

12. Lawn and Yard Maintenance.

- a. General Requirements. The owner or occupant of any developed commercial lot or parcel in the Village and any developed residential lot or parcel in the Village which is less than 2 acres in area shall install and maintain landscaping, plantings and other decorative surface treatments, including turf grass, so as to present an attractive appearance in all court and yard areas in accordance with generally accepted landscaping practices in north central Wisconsin.
 - i. For all new residential construction in the Village, lawns shall be installed within 1 (one) year of the occupancy issuance date.
 - ii. For all new commercial and industrial construction, landscaping and lawn shall be installed 18 (eighteen) months from the issuance of the building permit.
 - iii. Lawns shall be maintained to a length not to exceed 8 (eight) inches and property owners shall be responsible for mowing the lawn all the way to the street.
 - iv. Plantings and established lawns shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and the Village.
 - v. Natural Lawns and Areas, as defined in this Chapter, shall not contain litter or debris and shall not harbor undesirable wildlife. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 90.101.
 - vi. Safety Precautions for Natural Lawns and Areas. When, in the opinion of the fire chief of the department serving the Village, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the fire chief may order the cutting of natural lawns to a safe condition.
- b. Mowing required.

Formatted: Font: (Default) Arial, 11 pt, Not Italic, Font color: Auto

Formatted: Font: (Default) Arial, 11 pt, Font color: Auto

Formatted: Font color: Auto, Not Expanded by / Condensed by

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Bold

i. Lawns which exceed eight (8) inches in length adversely affect the public health and safety, including, but not limited to, producing hay fever, emitting pollen and other discomfoting bits of plants, concealing filthy deposits, providing a place for the accumulation of trash or litter, creating a fire hazard and adversely affecting property values within the Village. For these reasons, any lawn which exceeds eight (8) inches in length is hereby declared to be a public nuisance. In order to prevent such public nuisance, it shall be the duty of every person who owns, occupies or controls land within the Village to mow or cause to be mowed said lawn so that it never exceeds eight (8) inches in length.

Formatted: Font: Bold

ii. Where public sidewalks or multi-use paths are present, the property owner shall mow, or cause to be mowed, the portion of the lawn from the street to four feet beyond the right-of-way boundary and where an on-street multi use path is present, the property owner shall mow or cause to be mowed a strip no less than 4 feet wide from the edge of the street toward the property line.

Formatted: Font: Bold

iii. Mowing requirements do not apply to those portions of a lot or parcel that are located in a designated flood plain, wetland area, natural lawns and areas, or undeveloped lot.

Formatted

c. Mowing by Village.

Formatted: Font: Bold

i. Notice to Owner of Record by Mail. The Weed Commissioner or his/her designee shall provide notice of violation/abatement order by mail to the owner of record or by posting the notice at the property which is in violation of this section. Said notice of violation/abatement order shall order the owner of record, occupier and/or person in control of the land to immediately abate the nuisance or provide written notice to the Village Administrator of the reasons for objecting to the notice of violation/abatement order by a specified date and time, not to exceed seven (7) days. If the nuisance is not abated and no timely objection is received by the Village Administrator, the Weed Commissioner or his/her designee may mow or have mowed said lawn to meet the requirements of this section. The Weed Commissioner or his/her designee are expressly authorized to enter upon the private property for such abatement purposes. All costs associated with mowing shall be placed on the tax roll of said land as a special charge. In addition, any person who is in violation of this section shall be subject to a forfeiture as set forth in sec. 1.111.

Formatted: Font: Bold

ii. Due Process Hearing. If the owner, occupier and/or controller of the land subject to a notice of violation/abatement order contends that his/her lawn is not a nuisance, as defined in this section, he/she may object to the notice of violation/abatement order and request a hearing before the Community Life and Public Safety Committee. The objection and request for hearing must be made in writing to the Village Administrator by the specified date and time identified in the notice of violation/abatement order. The objection and request for hearing shall include payment of a twenty-five-dollar bond (\$25). If a decision is rendered in favor of the owner, occupier and/or controller of the land, the twenty-five dollars (\$25) will be returned. If the owner, occupier and/or controller of the land fails to appear for the hearing, or if the decision is rendered against him/her, the deposit shall be forfeited and applied to the

Formatted: Font: Bold

cost of abating the nuisance. When a hearing is requested to challenge a notice of violation/abatement order, the hearing shall be held within fourteen (14) days from the date of the objection and request for hearing is received by the Village Administrator. At the hearing, the owner, occupier and/or controller of the land may appear in person or by his/her attorney, may present witnesses and may cross-examine witnesses as well as subpoena witnesses for his/her own case. At the close of the hearing, the Community Life and Public Safety Committee shall make its determination in writing specifying its findings of fact and conclusions. If the Community Life and Public Safety Committee determines that a nuisance exists on the land at issue, the Community Life and Public Safety Committee shall order the Weed Commissioner and/or his/her designee to mow the lawn in question unless the owner, occupier and/or controller of the land abates the nuisance within forty-eight (48) hours of the Community Life and Public Safety Committee's decision.

13. Abatement – generally.

a. Responsibility for enforcement; inspections. It shall be the duty of each department head to enforce those provisions of this chapter that come within the jurisdiction of their respective offices, and each department head shall make or cause to be made periodic inspections and inspections upon complaint to ensure such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

b. Summary abatement.

i. Order of abatement. If the inspecting officer determines that a public nuisance exists within the Village and that there is imminent danger to the public health, safety, peace, morals or decency, he/she may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken as he/she deems necessary to abate the nuisance. Notwithstanding any other provisions of this article, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.

ii. Abatement by Village. Whenever the owner or occupant shall refuse or neglect to remove or abate the condition described in the order, the inspecting officer shall, in his/her discretion, enter upon the premises and cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

c. Nonsummary abatement by Village for nuisances other than long grass, noxious weeds, trees and shrubs.

i. Order to abate nuisance. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals or decency, he/she shall issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The inspecting officer shall send a notice of

Formatted: Font: Bold

Formatted

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted

Formatted: Font: Bold

violation/abatement order by mail to the owner of record. Said notice of violation/abatement order shall order the owner of record, occupier and/or person in control of the land to abate the condition described in the order within the time specified therein. If sent by certified mail and the owner of record does not sign for the notice of violation/abatement order that is sent by certified mail, the inspecting officer or his/her designees shall post a notice of violation/abatement order upon the land in violation, in letters not less than one inch (1") height.

Formatted: Font: Bold

ii. Abatement by the Village. If the owner or occupant fails or refuses to comply within the time period prescribed, the inspecting officer shall enter upon the premises and cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

Formatted: Font: Bold

iii. Remedy from order. Any person affected by such order shall, within fourteen (14) days of notice of violation/abatement order or posting of the notice of violation/abatement order upon the land in violation, apply to the Circuit Court for an order restraining the Village and the inspecting officer from entering upon the premises and abating or removing the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.

Formatted: Font: Bold

d. Authority to assess costs. The cost of the abatement or removal of a nuisance under this section shall be collected from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost shall be assessed against the real estate as a special charge.

Formatted: Font: Bold

e. Abatement in accordance with state law. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State.

Formatted: Font: Bold

f. Same – collection of costs. In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuous or maintenance of a public nuisance, the cost of abatement of a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.

Formatted: Font: Bold

j.—Penalty. Any person who violates, disobeys, neglects or refuses to comply with any of the provisions of this section shall be subject to a forfeiture as provided in Sec. 1.111 of this Code.

Formatted: Space After: 8 pt, Line spacing: Multiple 1.08 li, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

~~Family. A "family" is an individual, or two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than four (4) roomers, except that the term family shall not, in SF-S, SF-L, 2F, MF, and MH residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence district, a family may consist of two unrelated adults and the minor children of each. Such family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of~~

Formatted: Font: (Default) Arial

Formatted: List Paragraph, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

~~advanced age or a physical or mental disability, need assistance with activities of daily living shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.~~

~~Friable Material. "Friable material" shall mean any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.~~

~~k. — Garbage. Decayed and decomposed animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (See also Refuse and Rubbish)~~

~~Good Working Condition. "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this code.~~

~~Habitable Space. "Habitable space" is one (1) or more rooms in a dwelling used primarily for sleeping, living or dining purposes.~~

~~Impervious to Water. "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight fitting joints, and not having more than four and one-half percent (4 1/2%) absorption by test.~~

~~t. — Infestation. "Infestation" means the sustained presence of household pests, insects, rodents, vermin or other pests on the premises, which constitute a health hazard.~~

~~m. — Litter. Includes any uncontainerized man-made or man-used waste which, if deposited within the Village otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the citizens of the Village. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings, leaves or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, appliances, oil, carcass of a dead animal or nauseous or offensive matter of any kind or any object likely to injure any person or create a traffic hazard.~~

~~Living Room. "Living room" shall mean a room used primarily for living, dining or cooking purposes.~~

~~Lodging House. "Lodging house" is a dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.~~

~~Lodging Room. "Lodging room" is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.~~

~~n. — Mixed Occupancy. Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses or used as a hotel.~~

~~o. — Nuisance.~~

~~p. — Any public nuisance, as defined by statute or this Chapter.~~

~~q. — Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exists.~~

~~r. — Operator. Any person who has charge, care or control of a dwelling or premises, or part thereof, in which dwelling units or lodging rooms are located or let, whether with or without the knowledge and consent of the owner.~~

~~s. — Owner. The term "owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the~~

Formatted: List Paragraph

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: List Paragraph

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: List Paragraph

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

country, the village, any sewer district, drainage district, the University of Wisconsin and any associated corporation or organization, and any other public or quasi-public corporation having a legal or equitable interest in the property under consideration and shall include the representative, officer, agent or other person having the ownership, control, custody or management of any building. Owner does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

t. — Park. A public or private park, reservation, playground, beach, recreation center or any public park private area devoted to active or passive recreation or any other area under the supervision of the Village.

Parking lot. Any private or public property with provisions for parking vehicles to which the public is invited or which the public is permitted to use or which is visible from any public place or private premises.

Person. A "person" shall mean and include any individual, firm, corporation, association or partnership.

tr. — Premises. A lot, plot or parcel of land, including the buildings or structures thereon.

v. — Private Premises. Any dwelling, house, building, or other structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox or other structure belonging or appurtenant to such dwelling house, building or other structure.

Property. "Property" shall mean as deemed proper by the Zoning Administrator, Building Inspector or their designee under the regulations of this chapter or deemed proper by an authority designated by law of this chapter.

Provided. "Provided" shall mean furnished, supplied, paid for or under control of the owner.

w. — Public Place. All streets, boulevards, avenues, lanes, alleys or other public ways and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

x. — Refuse. All decayed and decomposed solid waste, except body wastes, including, but not limited to, garbage, rubbish, ashes, dead animals, abandoned automobiles and solid wastes. (See also Garbage and Rubbish)

Residential Building. A "residential building" is a building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:

Single-family detached dwellings:

Two-family detached dwellings:

Multiple-family dwellings (including apartment hotels.)

Lodging houses:

Fraternity and sorority houses:

For the purpose of this chapter, any building containing any of the above uses together with other uses shall be considered a residential building.

Room. A "room" is a partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior

Formatted: List Paragraph

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: List Paragraph

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: List Paragraph

dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

Rooming House. See Lodging House and Lodging Room.

Rubbish. Solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. (See also Garbage and Refuse)

Sleeping Room. A "sleeping room" shall mean a room used for sleeping purposes.

Structure. "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Supplied. "Supplied" shall mean paid for, furnished, provided by or under control of the owner or operator

6. — Applicability. Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, Mobile manufactured Home Park, commercial, business or industrial occupancy shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code.

7. — Minimum standards for basic equipment, lighting, ventilation, heating and electrical service:

a. — The purpose of this subsection is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage and disposal of garbage, recyclables, and other refuse, safe means of egress, provision of light, air, heat and electrical service.

b. — No person shall occupy as an owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

i. — Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Wis. Admin. Code sec. SPS 382.40.

ii. Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working conditions, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: List Paragraph, Indent: Left: 0"

iii. The owner of every residential building shall be responsible for supplying such building with garbage, recycling and refuse storage as required in Chapter 66, "Village of Weston Solid Waste Ordinance," Village of Weston Municipal Code.

iv. Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits provided the platform or stairways terminate at a point not more than fifteen (15) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet within a minimum dimension of three (3) feet.

All stairways and platforms shall be protected with handrails and guardrails as specified in Wis. Admin. Code secs. SPS 321.04(3) or Wisconsin Commercial Building Code SPS 361 through SPS 366 as dictated by the type of occupancy in the building. Existing variances to the height limitations specified above may be approved by the Weston Community Life and Public Safety Committee and the Village Board provided platforms or stairs are maintained in a sound structural condition.

v. Each lodging house shall provide at least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein including members of the operator's family wherever they share use of said facilities, except that the required number of bathtubs or showers may be reduced by the Weston Community Life and Public Safety Committee and the Village Board for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

vi. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with SPS 321.05 or Wisconsin Commercial Building Code as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with Comm. Codes may remain in use with the granting of a variance by the Zoning Board of Appeals.

Exhaust ventilation shall be installed in all toilet rooms except those having only one (1) fixture (water closet or one urinal) and the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.

All openable windows shall be protected with insect screens equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, annually during May, before June 1, and maintained until October 1.

All exterior uninsulated doors and non-thermo-glazed windows shall have storm windows or

Formatted: List Paragraph

storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15, but no later than November 15 annually. All common area exterior doors shall have door closers, and all installed hardware shall be properly maintained.

Electrical. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electric Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purpose of this section "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served." The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses or circuit breaker, not to exceed the amp/capacity of the smallest wire size in the circuit.

Every dwelling unit or room shall have electric service capable of providing at least three (3) watts per square foot of total floor area (air conditioners, ranges, space heaters and motor drive equipment 1/8 hp. or over excluded):

Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room, furnace room shall contain at least one (1) approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five (5) foot candles at floor level at center of room. Where more than one (1) fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for ceiling or wall fixture in dining room.)

Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves.)

Living Room - 1 per 75 sq. ft. or major fraction (minimum of 2)

Dining Room - 1 per 75 sq. ft. or major fraction (minimum of 2)

Kitchen - 1 per 8 ft. or fraction of counter top and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height.) Island type work areas require one for each 8 ft. or less of length. Separate outlets shall be provided for refrigerators:

Dining Areas in Kitchen - 1 per 75 sq. ft. or major fraction:

Bedroom - 1 per 75 sq. ft. or major fraction (minimum of 2):

Laundry - 1 (when laundry equipment is present.)

Bathrooms and Lavatories - 1 (may be part of wall fixture if 72.0 inches or less from floor):

Other Habitable Rooms - minimum of 2:

Fixed appliances exceeding 1/8 hp. or 300 watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to prevent use of extension cords (NEC 400-8). All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring shall be removed immediately upon the direction of the Building Inspector, S.A.F.E.R. Fire Chief, or S.A.F.E.R. Fire Department.

Switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to conveniently control the area to be lighted:

Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof at least two and one-half (2 1/2) foot candles of light at the tread or floor level. Halls and stairways in structures containing not more than three (3) dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full-time or automatic time-switched lighting. When dwelling unit doors open to the outside a minimum of two and one-half (2 1/2) foot candles of illumination at the locks are required. Required parking areas for more than three (3) cars shall be lighted to a minimum of one (1) foot candle on all surfaces.

When the service in existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be:

100 amp for first two (2) dwelling units in a building.

50 amp for each additional unit.

Where electric heat and air conditioner over 20 amps are added or in place, additional capacity to cover this demand is required. All electrical work shall be done in accordance with the National Electric Code and Wisconsin SPS 316.

Heating. All habitable rooms, kitchens and bathrooms shall be provided with permanently connected heating system. This heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms, kitchens and bathrooms. The only exception to this provision is that the occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

Illumination. Illumination shall be provided at all intersections of passageways, at all exits, exit discharges, and at the head, foot and landings of every stairway in all buildings having three (3) or more apartments and/or lodging houses. The illumination shall be provided during the period commencing one (1) hour before sunset and ending one (1) hour after sunrise.

Every residential building that will accommodate three (3) or more families, twenty (20) persons, or contains more than (4) lodging rooms, shall have signs at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The signs shall be red illuminated translucent exit signs bearing the word EXIT in plain letters not less than five (5") inches in height.

The owner or operator of every residential building shall not provide, use, or permit to be used, and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meats.

Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the

occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

Duties and Responsibilities of Owners and Operators:

Maintenance of Exterior of Premises. The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of the occupant, pedestrians, or any other person utilizing the premises, and free of unsanitary conditions.

Any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards, which include, but are not limited to, the following:

8:— Refuse, such as brush, weeds, yard waste, broken glass, stumps, obnoxious growths, filth, garbage, trash and debris.

9:— Natural growth, such as dead and dying trees and limbs or other natural growth, which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions.

10:— Overhangs, such as loose and other hanging objects, which, by reason of location above ground level, constitute a danger of falling on the persons in the vicinity.

11:— The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor.

All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.

12:— All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed per Weston Municipal Code Sec. 10.129(a) or Sec. 10.130.

Fences, other minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all weather access to buildings.

Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface 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. All paint or other preservative shall be applied in a workman like fashion. Roofs shall be maintained to prevent leaking of water in to the building.

13:— Storage of Commercial and Industrial Material. There shall not be stored or used at any location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial use unless permitted under the Village of Weston Municipal Code, Chapter 94 for the premises.

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: List Paragraph

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: List Paragraph

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

14. —General Maintenance. The exterior of every commercial structure or accessory structure, except accessory farm structures, including fences or enclosures, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, loose boards or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blighting influences:

Safe and sanitary maintenance of property:

The purpose of this subsection is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and nonresidential buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village, and provide a suitable environment for increasing physical and monetary values:

Every owner or operator shall improve and maintain all property under his/her control to comply with the following minimum requirements:

All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions:

All exterior property areas shall be kept free from noxious weeds, as defined in Wisconsin Statutes and the Village of Weston Municipal Code:

All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed per Sec. 10.129(a) or Sec. 10.130 of the Weston Municipal Code:

Fences, other minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all weather access to buildings:

Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface 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. All paint or other preservative shall be applied in a workman like fashion. Roofs shall be maintained to prevent leaking of water in to the building:

Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Lawns shall be maintained to a height not to exceed eight inches (8") in length. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and Village. The Village, after

Formatted: List Paragraph

due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special assessment/charge due against the property.

Every interior floor, wall and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof, hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.

Every foundation, exterior wall, floor and roof shall be reasonably weather tight, watertight and rodent proof and shall be kept in proper repair and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.

Every window, exterior door, interior door and basement hatchway shall be reasonably weather tight, watertight and rodent proof and kept in proper repair. All common area exterior doors of two or more dwelling units are required to have self-closing hardware. All door and window hardware shall be installed and maintained in proper working condition. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs, steps, porches and every appurtenance thereto shall comply with the requirements specified in Wis. Admin. Code Sections. SPS 321.04 or SPS 362, and IBC 2009 as dictated by the type of occupancy in the building.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions.

Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in clean and sanitary condition.

Every supplied facility, piece of equipment, or utility shall be so constructed, installed and maintained so that it will function in a proper working condition.

The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement, shall keep such cooking stove and/or refrigerator in good mechanical condition.

It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.

Smoke and CO alarms shall be installed and maintained per Wisconsin Uniform Dwelling Codes SPS 321.09, SPS 321.097, Wisconsin Commercial Building Codes SPS 362.1200, SPS 362.0907, and/or Wis. Stat. § 101.645 as dictated by the type of occupancy in the building.

No owner, operator or occupant shall cause any service, facility, equipment, or utility which is required under this chapter to be removed from, shut off from, or discontinued for any occupied dwelling, dwelling unit, or lodging room, let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.

Abandoned Fuel Oil Tanks. Abandoned fuel oil tanks shall be removed from the building. The S.A.F.E.R. Fire Prevention Officer / Inspector or the S.A.F.E.R. Fire Chief shall have the authority under this chapter to enter and commence a structural fire inspection. Any violations found should be remedied by the owner of the property. If the owner does not comply, penalties may be assessed under this chapter. This is to be considered a separate offense and in addition to any State Code violations.

All unpaved driveways and parking areas shall be maintained in a dust-free condition and shall be graded so that no potholes exist. No stone or other materials may be deposited in the street.

Removal of Debris.

No person shall dispose of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities, upon the surface of any land in the Village of Weston except at approved disposal sites.

No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.

All developed or formally developed vacant lands within the Village shall be leveled off to permit the mowing of tall grass and weeds as outlined within the Weston Municipal Code. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

Fixing the responsibility of Owners, Operators and Occupants.

The purpose of this subsection is to fix the responsibility of owners, operators and occupants of residential buildings.

The responsibility of owners, operators, and occupants of residential buildings is as follows:

Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper and sanitary condition the shared or public areas of the residential building and premises thereof.

Every occupant of a residential building shall keep in a clean, proper and sanitary condition that part of the residential building and premises thereof which he/she occupies and controls. Every occupant of a residential building shall dispose of all his/her refuse, recycling and garbage in the containers required by the Weston Municipal Code.

Every owner of a residential building shall be responsible for hanging, installing, and maintaining all screens, double or storm doors, and windows whenever the same are required under the provisions of the Weston Municipal Code.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such

extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing, by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Every occupant of a dwelling unit shall keep the dwelling unit clean and clear of clutter, trash, and debris for their own safety and the safety of others.

The owner or operator shall not occupy, or let to another for occupancy, any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of the Weston Municipal Codes, the Village of Weston Building Inspector and/or the S.A.F.E.R. Fire Prevention Officer / Inspector.

Every owner of a rental unit shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

Designation of unfit buildings or structures and legal procedures of repair or razing.

The purpose of this section is to provide for the designation and repair or razing of those buildings or structures which are so dilapidated, unsafe, dangerous, unhygienic, inadequately maintained or lacking in basic equipment, facilities, light, ventilation, and heating so as to constitute a menace to the occupants or to the public:

Any building or structure which shall be found to have any of the following defects may be designated as unfit for human habitation and in need of repairs or razing and so placarded by the Building Inspector. Legal notice shall be served upon the owner and on the operator of any building:

Which is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

Which lacks illumination, ventilation, heating, basic equipment or sanitary facilities adequate to protect the health, safety, or general welfare of the occupants or of the public.

Which, because of its general condition, location, or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood:

Any building or structure or part thereof designated and placarded by the Building Inspector as unfit for human habitation and in need of repairs or razing shall be vacated within a reasonable time as ordered by the Building Inspector.

No building or structure, or part thereof, which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect,

or defects, upon which the designation and placarding action were based have been eliminated.

No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such:

Any building or structure, or part thereof, designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector, would be unreasonable to repair shall be razed or removed upon legal written service of the order of the Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such violation to the Village Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this chapter.

Any building which has been vacant for more than thirty (30) days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage.

The building utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.

When any building has been damaged by fire or other cause, and when hazardous or dangerous conditions exist, and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three (3) days of the damage by fire or other cause.

15:— Litter Control.

16:— Litter Collections and Storage Area. Every owner, occupant or lessee of a building used for residential, business or commercial purposes shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized. Failure to so maintain clean litter collection and storage areas shall constitute a violation of this subsection.

Duty to Collect Litter Before it is Carried From the premises. All litter that is subject to movement by the elements shall be secured by the owner of the premises where it is found before the litter is allowed to be removed from the premises by the elements.

17:— Neglected Premises Visible to the Public. It shall be the duty of any person owning or controlling any premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonable clean and orderly manner. It shall be a violation of this subsection to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter.

18:— Areas Around Business Premises. The owner or person in control of any public place, including, but not limited to, restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations and hospital and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: Indent: First line: 0", Space After: 8 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

from being carried by the elements to adjoining premises. It shall be a violation of this subsection to abandon, neglect or disregard to the condition or appearance of such premises so as to permit it to accumulate litter:

19.— Loading and Unloading Docks. The person owning, operating or in control of loading or unloading docks shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried from the premises by the elements.

20.— Construction Sites. The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried from the premises by the elements. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers, which will prevent litter from being carried from the premises by the elements.

21.— Maintaining Sidewalks and Alleys. Persons owning, occupying or in control of any premises shall keep the sidewalks and alleys adjacent thereto free of litter. Owners or occupants shall sweep or rinse off the sidewalks abutting their premises as often as may be required to keep the walk reasonably free from dirt, paper, waste, snow and ice. This paragraph shall not apply to sidewalks maintained by the Village as provided in the Village of Weston Municipal Code, Chapter 70.

22.— Abandoned Garbage. It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage, which has been containerized in accordance with a contract for its removal, to allow that refuse, waste or garbage to remain uncollected for longer than 7 days or, in any case, until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place.

23.— Animal Excreta:

24.— Allowing Discharge Regulated. It is unlawful for any owner, keeper or walker of any dog or cat to have his dog or cat discharge such animal's excreta upon any public or private property within the Village other than the property of the owner of such dog or cat if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property.

25.— Carrying Feces Scoop Required. No person shall walk a dog beyond the limits of his own property without carrying or having in his possession scoop, bag or other items designed to pick up and remove dog feces; and, further, it is unlawful for any person to dispose of the dog feces on public or private property other than his own.

26.— Exception. This subsection shall not apply to visually impaired persons having control of guide dogs.

27.— Lawn and Yard Maintenance:

28.— Definitions. The terms used herein are defined as follows:

Turf Grass. Grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue and rye grass blends.

29.— General Requirements. The owner or occupant of any developed commercial lot or parcel in the Village and any developed residential lot or parcel in the Village which is less than 2 acres in area shall install and maintain landscaping, plantings and other decorative surface treatments, including turf grass, so as to present an attractive appearance in all

Formatted: List Paragraph

Formatted: Indent Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

court and yard areas in accordance with generally accepted landscaping practices in north central Wisconsin. For all new residential construction in the Village, lawns shall be installed within 1 (one) year of the occupancy issuance date. For all new commercial and industrial construction, landscaping and lawn shall be installed 18 (eighteen) months from the issuance of the building permit. Lawns shall be maintained to a length not to exceed 8 (eight) inches and property owners shall be responsible for mowing the lawn all the way to the street. Plantings and established lawns shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and the Village.

30. — Mowing required. Lawns which exceed eight (8) inches in length adversely affect the public health and safety, including, but not limited to, producing hay fever, emitting pollen and other discomforting bits of plants, concealing filthy deposits, providing a place for the accumulation of trash or litter, creating a fire hazard and adversely affecting property values within the Village. For these reasons, any lawn which exceeds eight (8) inches in length is hereby declared to be a public nuisance. In order to prevent such public nuisance, it shall be the duty of every person who owns, occupies or controls land within the Village to mow or cause to be mowed said lawn so that it never exceeds eight (8) inches in length. This mowing requirement does not apply to those portions of a lot or parcel that are located in a designated flood plain, wetland area, or undeveloped lot; however, where public sidewalks or multi-use paths are present, the property owner shall mow, or cause to be mowed, the portion of the lawn from the street to four feet beyond the right-of-way boundary and where an on-street multi-use path is present, the property owner shall mow or cause to be mowed a strip no less than 4 feet wide from the edge of the street toward the property line.

31. — Mowing by Village.

32. — Notice to Owner of Record by Mail. The Weed Commissioner or his/her designee shall send a provide notice of violation/abatement order by mail to the owner of record or by posting the notice at the property of any land which is in violation of this section. Said notice of violation/abatement order shall order the owner of record, occupier and/or person in control of the land to immediately abate the nuisance or provide written notice to the Village Administrator of the reasons for objecting to the notice of violation/abatement order by a specified date and time, not to exceed seven (7) days. If the nuisance is not abated and no timely objection is received by the Village Administrator, the Weed Commissioner or his/her designee may mow or have mowed said lawn to meet the requirements of this section. The Weed Commissioner or his/her designee are expressly authorized to enter upon the private property for such abatement purposes. All costs associated with mowing shall be placed on the tax roll of said land as a special charge. In addition, any person who is in violation of this section shall be subject to a forfeiture as set forth in sec. 1.111.

33. — Due Process Hearing. If the owner, occupier and/or controller of the land subject to a notice of violation/abatement order contends that his/her lawn is not a nuisance, as defined in this section, he/she may object to the notice of violation/abatement order and request a hearing before the Community Life and Public Safety Committee. The objection and request for hearing must be made in writing to the Village Administrator by the specified date and time identified in the notice of violation/abatement order. The objection and

request for hearing shall include payment of a one hundred dollar bond (\$100) ~~a twenty-five-dollar bond (\$25)~~. If a decision is rendered in favor of the owner, occupier and/or controller of the land, the one hundred dollars (\$100) will be returned ~~the twenty-five dollars (\$25) will be returned~~. If the owner, occupier and/or controller of the land fails to appear for the hearing, or if the decision is rendered against him/her, the deposit shall be forfeited and applied to the cost of abating the nuisance. When a hearing is requested to challenge a notice of violation/abatement order, the hearing shall be held within fourteen (14) days from the date of the objection and request for hearing is received by the Village Administrator. At the hearing, the owner, occupier and/or controller of the land may appear in person or by his/her attorney, may present witnesses and may cross-examine witnesses as well as subpoena witnesses for his/her own case. At the close of the hearing, the Community Life and Public Safety Committee shall make its determination in writing specifying its findings of fact and conclusions. If the Community Life and Public Safety Committee determines that a nuisance exists on the land at issue, the Community Life and Public Safety Committee shall order the Weed Commissioner and/or his/her designee to mow the lawn in question unless the owner, occupier and/or controller of the land abates the nuisance within forty-eight (48) hours of the Community Life and Public Safety Committee's decision. Public nuisances prohibited. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

34. — Abatement — generally:

35. — Responsibility for enforcement; inspections. It shall be the duty of each department head to enforce those provisions of this chapter that come within the jurisdiction of their respective offices, and each department head shall make or cause to be made periodic inspections and inspections upon complaint to ensure such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist:

36. — Summary abatement:

37. — Order of abatement. If the inspecting officer determines that a public nuisance exists within the Village and that there is imminent danger to the public health, safety, peace, morals or decency, he/she may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken as he/she deems necessary to abate the nuisance. Notwithstanding any other provisions of this article, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately:

38. — Abatement by Village. Whenever the owner or occupant shall refuse or neglect to remove or abate the condition described in the order, the inspecting officer shall, in his/her discretion, enter upon the premises and cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance:

39. — Nonsummary abatement by Village for nuisances other than long grass, noxious weeds, trees and shrubs:

Formatted: List Paragraph

Formatted: Indent: Left: 0.5", Space After: 8 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

40.—Order to abate nuisance. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals or decency, he/she shall issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The inspecting officer shall send a notice of violation/abatement order by mail to the owner of record. Said notice of violation/abatement order shall order the owner of record, occupier and/or person in control of the land to abate the condition described in the order within the time specified therein. If sent by certified mail and the owner of record does not sign for the notice of violation/abatement order that is sent by certified mail, the inspecting officer or his/her designees shall post a notice of violation/abatement order upon the land in violation, in letters not less than one inch (1") height:

41.—Abatement by the Village. If the owner or occupant fails or refuses to comply within the time period prescribed, the inspecting officer shall enter upon the premises and cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

42.—Remedy from order. Any person affected by such order shall, within fourteen (14) days of notice of violation/abatement order or posting of the notice of violation/abatement order upon the land in violation, apply to the Circuit Court for an order restraining the Village and the inspecting officer from entering upon the premises and abating or removing the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.

43.—Authority to assess costs. The cost of the abatement or removal of a nuisance under this section shall be collected from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost shall be assessed against the real estate as a special charge.

44.—Abatement in accordance with state law. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State.

45.—Same — collection of costs. In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuous or maintenance of a public nuisance, the cost of abatement of a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.

46.—Penalty. Any person who violates, disobeys, neglects or refuses to comply with any of the provisions of this section shall be subject to a forfeiture as provided in Sec. 1.111 of this Code.

[Ord. of 1-13-2005; Ord. of 5-24-2007; Ord. of 9-19-2008; Ord. of 5-24-2013]

g. —

HISTORY

Adopted by Ord. [Chapter 50 Property Maintenance Sec 50.102](#) on 1/13/2005

Formatted: List Paragraph

Formatted: List Paragraph, Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:
Left + Aligned at: 0.5" + Indent at: 0.75"

Amended by Ord. [Chapter 50 Lawn and Yard Maintenance Sec 50.102](#) on 5/24/2007
Amended by Ord. [Chapter 50 Property Maintenance Code Definitions Sec 50.102\(d\)](#) on 9/19/2008
Amended by Ord. [Chapter 50 Public Nuisances Prohibited 50.102\(i\)\(j\) 50.102\(k\)\(l\)](#) on 5/24/2013
Amended by Ord. [16-030](#) on 6/8/2016
Amended by Ord. [18-001](#) on 1/20/2018
Amended by Ord. [19-013](#) on 8/21/2019
Amended by Ord. [24-009](#) on 9/16/2024

Sec 50.104 Loud, Disturbing Noises Prohibited

1. **Loud, disturbing noises prohibited generally.** It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the Village of Weston (see also Sec. 50.100 Things prohibited).

~~2. **Measurement.** For the purpose of determining db.(A)'s as referred to in this Ordinance, the noise shall be measured on the A-weighting scales on a sound level meter of standard design and quality having characteristics established by the American Standards Institute and shall be measured at the complainants property line.~~

~~3-2.~~ **Residential Zones.**

- a. It shall be unlawful to carry on the following activities in any residentially zoned area of the Village:
- i. The operation of construction machinery between the hours of 8:00 p.m. and 6:00 a.m.
 - ii. The operation of household power tools between the hours of 10:00 p.m. and 6:00 a.m.
 - iii. The operation of lawn mowers, chain saws, powered garden equipment and other domestic tools out-of-doors between the hours of 10:00 p.m. and 6:00 a.m.
 - iv. Working on vehicles or revving vehicle motors between the hours of 10:00 p.m. and 6:00 a.m.
 - v. Musical bands practicing in residential areas between the hours of 8 p.m. and 7 a.m.
 - vi. Any mechanical noise which ~~disturbs the peace, registers more than 85 db.(A) for 4 consecutive hours at the nearest complainant's property line will be probable cause for a violation.~~
 - vii. This section shall not apply to emergency operations designed to protect the public health and safety.

In residential zones, it shall be unlawful for any person to make or engage in any unreasonably loud and raucous noise, yelling, screaming, shouting, hooting, whistling, or singing between the hours of 10:00 p.m. and 6:00 a.m. A noise shall be presumed to be unreasonably loud and raucous, ~~if it is considered disturbing the peace, if it is plainly audible within a residence and measures 85 db.(A) or more at the complainant's property line.~~ There shall be excepted from this provision any organized sporting events, fairs, carnivals, or similar activities. The person(s) in violation of this ordinance shall be ordered to reduce the noise to acceptable levels immediately by the monitoring officer.

~~4-3.~~ **Construction Noise.** Construction equipment in all zones may be operated between the hours of 6:00 a.m. and 8:00 p.m.

~~5-4.~~ **Business Deliveries Adjacent to Residential Zoning Prior to 6 a.m.**

- a. Any business deliveries received prior to 6 a.m. to a business adjacent to a residentially zoned area of the Village must follow the subsequent guidelines:
- i. Staging of trucks for early delivery must be silent. No engine idling and refers must be turned off until delivery time if waiting in the parking lot.

- ii. Horns cannot be used to signal arrival.
- iii. All off loading ~~must take place below 60 db.(A), at point source, and~~ vehicles must be silent during delivery (no idling).
- iv. Outside off loading cannot include any dumping action that causes loud or sudden noises.
- v. Back-up alarms must be used at the reduced sound level if equipped.
- vi. When possible, deliveries should take place on the side of the building away from the residentially zoned district.

~~6-5.~~ **Non-residential zoning districts adjacent to Residential zoning districts.** It shall be unlawful for any non-residentially zoned property adjacent to a residentially zoned property to operate their business ~~if noise is considered disturbing the peace at or over 85 db.(A) for four consecutive hours measured at the complainants property line~~ between the hours of 10:00 p.m. and 6:00 a.m. ~~Enforcing officer shall be given discretion when noise level is subject to automatic citation. Decibel readings over 110 db.(A) at the complainants property line will be subject to automatic citation.~~

~~7-6.~~ **Schools, churches, hospitals.** The creation of any excessive noise on any street or property adjacent to any school, institution of learning, or church while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, is prohibited.

~~8-7.~~ **Enforcement.** Enforcement of this ordinance shall be at the discretion of the Police Department or Village of Weston staff on the basis of complaints filed with the Village of Weston or the Department. In all non- residential zones, the violator shall be given 30 days from written notice of his violation to reduce the sound pressure levels to acceptable levels. ~~Enforcing officer shall be given discretion when noise level is subject to automatic citation. Decibel readings over 110 db.(A) at the complainants property line will be subject to automatic citation.~~

~~9-8.~~ **Exceptions.** Operation of emergency equipment and equipment used to comply with state mandates for a safe environment shall be exempt from this ordinance. Snowblowers ~~and snow removal equipment~~ not operated on a commercial basis shall be exempt from this ordinance when used to gain access to a village street. Garbage and recycling trucks shall be exempt. (Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village of Weston.)

~~10-9.~~ **Appeals.** The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this ordinance for existing businesses and industries.

~~11-10.~~ **Penalties.** Failure to comply with the provisions of this ordinance shall be punished by a minimum fine of \$75.00, not to exceed \$500.00. Each day the condition exists shall constitute a new and separate offense.

(Ord. of 5-18-2006)

HISTORY

Adopted by Ord. [Chapter 50 Loud Disturbing Noises Sec 50.103](#) on 5/18/2005

Amended by Ord. [16-030](#) on 6/8/2016

Amended by Ord. [24-009](#) on 9/16/2024

Sec 50.10~~54~~ Chronic Nuisance Premises

1. **Declaration.** The Board of Trustees finds that from time to time certain premises in the Village of Weston require a disproportionate amount of Village resources (including

public safety services provided by the Police Department) to be devoted to addressing various nuisances, criminal activities and other incidents that occur thereon. Often this disproportionate devotion of Village resources is due to property owner's own actions or failure of the property owners to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside or frequent that premises. Such premises, as further described in subsection (2) below, are deemed chronic nuisance premises and are hereby recognized as a public nuisance due to the resource drain it causes the community as a whole. This section is enacted to encourage property owners and/or managers to engage in their responsibility to ensure that activities occurring on their property conform to the law and do not unduly burden the Village's resources and to provide a mechanism for the Village to take action against property owners who fail to ensure premises they own do not require a disproportionate devotion of resources to the premises. This section of the Municipal code is not intended to discourage crime victims or any person in legitimate need of police services from requesting them.

2. Determination of Chronic Nuisance Premises.

- a. Any residential unit premise to which a Village Department (including the Police Department) responds to complaints of any nuisance activity, that results in a municipal citation or Village enforcement action, three ~~or more~~ separate times within any ~~sixty-one hundred twenty~~ (120~~60~~) day period is deemed to have received and required more than the general acceptable level of municipal services and places an undue burden upon the taxpayers of the Village. A residential unit shall be defined as a delineated, single family residence that is housed in a home, duplex unit, apartment complex, condominium or other residential dwelling.
For the purposes of this subsection, a nuisance activity shall be any offense(s) under Village of Weston Municipal Code, Chapters 10, 14, 38, 50, 54, 66, 82 and 94, or their statutory counterparts, or any offense under state law for which a penalty under state law for which a penalty of forfeiture, fine or imprisonment is provided.
- b. Any non-resident owner of a residential unit(s) available for lease or rent within the Village of Weston that has had 3 units or 10% of their available units for lease or rent – whichever is the greater number of units, designated as a chronic nuisance premise, shall be deemed a chronic nuisance landlord and shall be subject to the notice, abatement, hearing and penalties and remedies provisions found herein this ordinance. Further, the designation of a chronic nuisance landlord shall be posted in the Village's official newspaper, website, and newsletter for the purpose of public awareness.
For the purposes of this subsection, a determination of chronic nuisance premises or the designation of a chronic nuisance landlord of a mobile home park shall be a reviewable item in consideration of renewal of the mobile home park's annual operating license under Wis. Stat. 66.0435(2).
- c. Any business or commercial venture to which a department responds to complaints of nuisance activity, that results in a municipal citation or Village enforcement action, five (5) or more separate times within any ~~sixty-one hundred twenty~~ (120~~60~~) day period is deemed to have received and required more than the general, acceptable level of municipal services, and places an undue burden upon the taxpayers of the Village. For the purposes of this subsection, a nuisance activity is defined under Section (2) (a) of this ordinance. For the purposes of this subsection, a determination of a chronic nuisance premise that carries any class of Village liquor license, shall be a reviewable item in

- consideration of the revocation of the premise's liquor license per Wis. Stat. 125.12 (2) and shall be assigned the appropriate violation points as determined by the Village of Weston's alcohol beverage demerit point system.
- d. For the purpose of this ordinance, a residential unit or business venture shall automatically be designated as a chronic nuisance premise if any single nuisance is affiliated with illegal drug distribution or gang activity Wis. Stat. § 823.113(1m)(a).
 - e. An offense shall not be considered a nuisance if it is committed by a person having no association with the premises by acquaintance with, relation to or expressed or implied invitation from the owner, occupant, operator, or agent of the premises.
 - f. An offense shall not be considered a nuisance if it is:
 - i. An offense that results from the property owner/landlord's self-notification to a Village official or the Police Department as a means of mitigating the nuisance or a crime;
 - ii. A report of domestic violence per Wis. State Statutes.
 - g. Whenever any such premises exist, the appropriate Village department head or the Police Department Chief shall determine from the facts of each incident and considering the purpose of this subsection as set forth in Section (1) above, whether the premises is a chronic nuisance premises. A chronic nuisance premises shall be defined as a public nuisance.
3. **Notice.** Whenever a Village department head or the Police Chief finds a premise constitutes a chronic nuisance premises under section (1) (a), the department head or Police Chief shall provide written notice of his determination to the owner of the premises as identified by the records of the Village Assessor and Marathon County Land Records. Such notice shall be delivered by certified mail, return receipt requested or by personal service. If the owner cannot be located, the notice shall be published as a Class 2 notice under Wis. Stats. Chapter 985. The notice shall contain the following information:
- a. The street address and number, if applicable, otherwise the parcel number of legal description sufficient to identify the premises.
 - b. A brief statement, including a description of the relevant activities, supporting the determination that the premise is a chronic nuisance premises.
 - c. A statement that the owner shall, within 10 (ten) days of receipt of the notice, or last day of publication if published, respond to the appropriate department head or Police Chief requesting a hearing before the Village Board of Trustees or proposing in writing a course of action that will be taken to abate the nuisance activities.
 - d. A statement that owner shall immediately notify the appropriate department head of any change in address to ensure receipt of future notices.
4. **Owner Abatement.** If the owner responds to the notice in section (3) within 10 (ten) days of receipt of notice or the last day of publication if published with a nuisance abatement proposal, the department head or Police Chief may accept, reject, or work with the owner to modify the proposal in his or her discretion. If the department head or Police Chief rejects the abatement proposal, determines that an agreement on an appropriate abatement proposal cannot be reached or determines that owner abatement is for any reason unsuccessful, the matter shall be referred to the Village Board of Trustees for hearing.
5. **Chronic Nuisance Landlord Abatement.** If the non-resident owner of residential units available for lease or rent responds to the notice in section (3) within 10 (ten) days of the receipt of notice or the last day of publication with a nuisance abatement proposal for all

units (3 units or more than 10% of the units available for lease or rent, whatever is greater), the department head or Police Chief may accept, reject, or work with the owner to modify the proposal in his or her discretion and remove the designation of Chronic Nuisance Landlord. The designated Chronic Nuisance Landlord nuisance abatement proposal shall include remedies that shall be undertaken to mitigate chronic nuisances, which may include, but is not limited to, landlord – tenant screening, tenant education, tenant eviction procedures, and other preventative practices to improve the residential unit(s). If a non-resident owner of residential units for lease or rent abatement of a nuisance causes the number of nuisance premises to be reduced below the Chronic Nuisance Landlord threshold of (3) units or more than 10% of the units available for lease or rent, whatever is greater, the Village shall drop the designation of Chronic Nuisance Landlord.

6. **Hearing.** If a hearing is requested by the owner or if the department head or Police Chief determines that a satisfactory abatement plan cannot be agreed upon or if the department head or Police Chief determines that abatement actions taken by the owner are unsuccessful, a hearing shall be held before the Village Board of Trustees. The owner shall receive ten (10) days written notice of the hearing sent by regular mail or, if the owner cannot be located, by publication of a Class 2 notice under Wis. Stat. Chapter 985. The Village Board shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the department head or Police Chief.

7. Penalties and Remedies.

- a. If the department head's or Police Chief's determination is affirmed, the Village Board of Trustees may order the owner to pay the actual cost of Village services to respond to any nuisance activities occurring after the three (3) responses that led to the determination that the premises was a chronic nuisance premises. Such costs shall be presented to the Village Board of Trustees and may include costs incurred prior to the Village Board of Trustee's determination. The Village Board of Trustee's may order costs of all such calls to the chronic nuisance premises be paid until the public nuisance is abated under section (7). Such costs, plus a reasonable administrative charge, shall be billed to the owner by invoice sent by regular mail and if not paid within thirty (30) days of the date on the invoice shall be charged to the property as a special charge pursuant to Wis. Stat §. 66.0701.

- b. The Village Board of Trustees may authorize any other penalty or remedy authorized by law.

8. **When Nuisance is Deemed Abated.** The public nuisance created by a chronic nuisance premises shall be deemed abated when no Village resources have responded to the premises to address nuisance activities occurs for a period of six (6) consecutive months. The Village or Police Department may also deem a chronic nuisance premise to be abated, if the occupant, which may include a tenant or resident-owner, vacates the premise.

9. Abatement of Public Nuisances.

- a. **Inspection of Premises.** Whenever a complaint is made to any Village official or employee that a public nuisance exists within the Village, said complaint shall be directed to the appropriate department head or Police Chief who shall in his or her reasonable discretion inspect or cause to be inspected the premises complained of and shall make a written report of his or her findings to the Village Administrator. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises.

10. Summary Abatement.

- a. **Notice to Owner.** If the inspecting officer shall determine that a public nuisance exists within the Village, the department head or Police Chief may serve notice personally or by certified mail on the persons causing, permitting, or maintaining such nuisance and/or upon the owner or occupant of the premises where such nuisance is caused, permitted, or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within a specified, reasonable period of time after consideration of all relevant circumstances and shall state that unless the same is done will cause the nuisance to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be and that said costs may be collected as a special charge pursuant to Wis. Stat. § 66.0701.
 - b. **Abatement by the Village.** If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, the department head or Police Chief shall cause the abatement or removal of such public nuisance. Wherever possible, costs of abatement shall be billed to the owner, occupant, or person causing the nuisance. If said costs are not paid within thirty (30) days of billing such costs, or if the owner, occupant or person causing the nuisance cannot be found, said costs may be collected pursuant to Wis. Stat. § 66.0701
 - c. **Other Methods Not Excluded.** Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin including, but not limited to an action under Wis. Stat. Chapter 823.
11. **Cost of Abatement.** In addition to any other penalty imposed by this Chapter for the erection, contrivance, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.
12. **Penalty Provisions.**
- a. **General Penalty.** Whenever so provided in this Code, any person who shall violate any provision of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - b. **First Offense – Penalty.** Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not more than \$2,500 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.
 - c. Any person found guilty of violating any provision of this Code who shall previously have been convicted of a violation of the same provision shall upon conviction thereof, forfeit not less than \$50.00 nor more than \$2,500 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.
 - d. **What Constitutes a Separate Offense.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision contained in this Code.

13. **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village the Court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

(Ord. of 12-5-2008; Ord. of 4-22-2010)

HISTORY

Adopted by Ord. [Chapter 50 Chronic Nuisance Premises Sec 50.104](#) on 12/5/2008
Repealed & Reenacted by Ord. [Chapter 50 Chronic Nuisance Premises Sec 50.104](#) on 7/23/2010
Amended by Ord. [16-030](#) on 6/8/2016
Amended by Ord. [24-009](#) on 9/16/2024

[Sec 50.105 Accumulation of Used Motor Vehicles – cross reference Sec 82.114 Vehicles, Abandoned and Junked.](#)

~~No person, except a person licensed under Sec. 18.131(1) or a licensee of a motor vehicle dealer's license issued under statute, shall accumulate or store or allow to remain outside of any building on real estate located within the Village for a period of more than ten days, or dump, deposit or otherwise abandon upon any property or upon any highway, street, road, alley or way within the Village, any used motor vehicle, as defined by statute, or any detached part thereof, for which no current registration fee has been paid under statute or which, if paid, does not have properly attached thereto under statute a current license plate, if required, and which is in a condition which would mechanically prevent the immediate operation thereof upon any public highway or its operation thereon would be in violation of the law. Each day that any used motor vehicle, as defined in this section, or any detached part thereof, shall be accumulated or stored or allowed to remain contrary to this section shall constitute a separate and distinct offense.~~

(Ord. of 7-23-2010)

HISTORY

Adopted by Ord. [Chapter 50 Accumulation of Used Motor Vehicles Sec 50.105](#) on 7/23/2010
Amended by Ord. [16-030](#) on 6/8/2016

SECTION 2: REPEALER CLAUSE. All ordinance or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE. Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its date of passage and publication as required by law.

Dated the ___ day of _____ 2026.

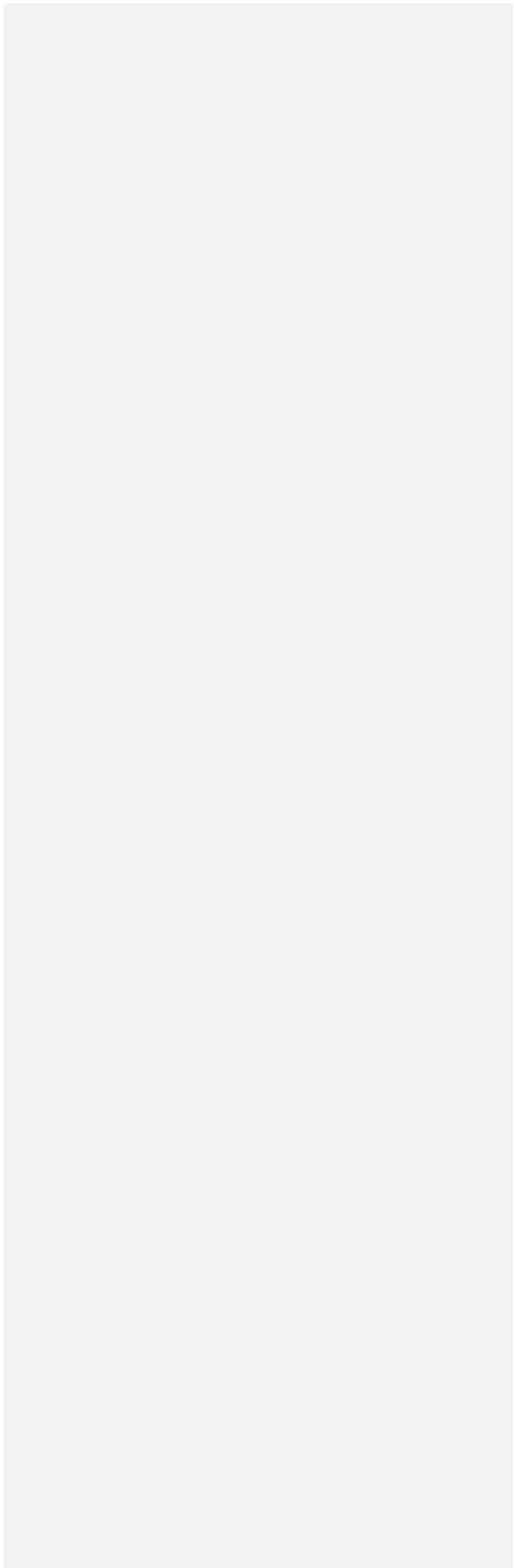
VILLAGE OF WESTON
By: _____
Mark F. Maloney, President

ATTEST:

By: _____
Pamela S. Brehm, Clerk

Adopted: _____
Published: _____

DRAFT



**VILLAGE OF WESTON
ORDINANCE NO. 26 –**

**AN ORDINANCE AMENDING CHAPTER 50 NUISANCE OF THE MUNICIPAL CODE FOR
THE VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

NOW THEREFORE, be it ordained by the Board of Trustees of the Village of Weston, in the State of Wisconsin, as follows:

SECTION 1: AMENDMENT “Chapter 50 Nuisance” of the Village of Weston Municipal Code is hereby amended as follows:

AMENDMENT

Sec 50.100 Public Nuisances Prohibited.

No person, shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Village.

(Code 1982, § 4.156(1); Ord. of 10-16-2000(2), § 1)

HISTORY

Amended by Ord. [Chapter 50 Sec 50.100 \(12\)](#) on 10/28/2000

Amended by Ord. [16-030](#) on 6/8/2016

Sec 50.101 Public Nuisances Defined

A public nuisance is a thing, act, occupation, condition, or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public.
2. In any way render the public insecure in life or in the use of property.
3. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

(Code 1982, § 4.156(3))

HISTORY

Amended by Ord. [16-030](#) on 6/8/2016

Sec 50.102 Public Nuisances Affecting Peace and Safety

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within other provisions of this code:

1. **Signs, Billboards, etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
2. **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the Village.
3. **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which

purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any device, sign or signal.

4. **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
5. **Tree Limbs.** All limbs of trees which project over and less than 14 feet above any public sidewalk or less than 10 feet above a street or other public place.
6. **Dangerous Trees.** All trees which are injurious to public health or safety because of a diseased or damaged condition; and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.
7. **Fireworks.** All use or display of fireworks except as provided by the laws of the State and this Code.
8. **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
9. **Wires and Cables Over Streets.** All wires and cables over streets, alleys or public grounds which are strung less than 13 feet above the surface thereof.
10. **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
11. **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this Code or which, although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
12. **Unlawful Assembly.** Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
13. **Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
14. **Open Pits, Basements, etc.** All open and unguarded pits, wells, excavations and basements.
15. **Flammable Liquids Violations.** Repeated or continuous violations of this Code or the laws of the State relating to the storage of flammable liquids.

Sec 50.103 Property Maintenance Code

1. **Title.** This section shall be known as "The Property Maintenance Code," and may be referred to in this section as "this code."
2. **Findings and declaration of Policy.** It is hereby found and declared that there exist, in the Village, structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance or further, that such conditions, including, but not limited to, structural deterioration, lack of maintenance and appearance of exterior of premises, infestation and existence of fire hazards constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of the Village. It is further found and declared that, by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, these conditions will grow and spread and will necessitate the expenditure of large amounts of public funds to correct and eliminate such conditions, that by reason of timely regulations and restrictions contained in this code, the desirability and amenities of residential and

nonresidential uses and neighborhoods may be enhanced and the public health, safety and welfare protected and fostered.

3. **Purpose.** The purpose of this code is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; and to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use.
4. **Definitions.** The following words and terms, wherever used herein or referred to in this code, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context.
 - a. **Deterioration.** The condition of a building or part thereof characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use. All exterior wood and composition surfaces shall be properly protected from the elements and against decay by paint, stain or other protective coating and applied in a workmanlike manner.
 - b. **Elements.** Any element, whether created by nature or by man, which, with reasonable foreseeability could carry litter from one place to another. Elements shall include, but not be limited to, air current, rain, water current and animals.
 - c. **Exposed to Public View.** Any premises, or any part thereof, or any building, or any part thereof, which may be viewed by the public.
 - d. **Exterior of the Premises.** Open space on the premises outside of any building thereon.
 - e. **Extermination.** The control or elimination of insects, rodents and vermin.
 - f. **Garbage.** Decayed and decomposed animal and vegetable waste resulting from the handling, preemption, cooking and consumption of food. (See also Refuse and Rubbish).
 - g. **Infestation.** The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.
 - h. **Litter.** Includes any uncontainerized man-made or man-used waste which, if deposited within the Village otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the citizens of the Village. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings, leaves or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, appliances, oil, carcass of a dead animal or nauseous or offensive matter of any kind or any object likely to injure any person or create a traffic hazard.
 - i. **Mixed Occupancy.** Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses or used as a hotel.
 - j. **Natural lawns and areas,** as used in this section, shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight inches in height from the ground.
 - k. **Nuisance.**
 - i. Any public nuisance, as defined by statute or this Chapter.

- ii. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exists.
 - l. Operator. Any person who has charge, care or control of a dwelling or premises, or part thereof, in which dwelling units or lodging rooms are located or let, whether with or without the knowledge and consent of the owner.
 - m. Owner. The term "owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the country, the village, any sewer district, drainage district, the University of Wisconsin and any associated corporation or organization, and any other public or quasi-public corporation having a legal or equitable interest in the property under consideration and shall include the representative, officer, agent or other person having the ownership, control, custody or management of any building. Owner does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.
 - n. Park. A public or private park, reservation, playground, beach, recreation center or any public park private area devoted to active or passive recreation or any other area under the supervision of the Village.
 - o. Premises. A lot, plot or parcel of land, including the buildings or structures thereon.
 - p. Private Premises. Any dwelling, house, building, or other structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or grounds, walk, driveway, porch, steps, vestibule, mailbox or other structure belonging or appurtenant to such dwelling house, buildings or other structure.
 - q. Public Place. All streets, boulevards, avenues, lanes, alleys or other public ways and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.
 - r. Refuse. All decayed and decomposed solid waste, except body wastes, including, but not limited to, garbage, rubbish, ashes, dead animals, abandoned automobiles and solid wastes. (See also Garbage and Rubbish)
 - s. Turf Grass. Grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue and rye grass blends.
5. **Applicability.** Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, manufactured home park, commercial, business or industrial occupancy shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code.
6. **Duties and Responsibilities of Owners and Operators.**
- a. Maintenance of Exterior of Premises. The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of the occupant, pedestrians, or any other person utilizing the premises, and free of unsanitary conditions. Any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards, which include, but are not limited to, the following:
 - i. Refuse, such as brush, weeds, yard waste, broken glass, stumps, obnoxious growths, filth, garbage, trash and debris.
 - ii. Natural growth, such as dead and dying trees and limbs or other natural growth, which, by reason of rotting or deteriorating conditions or storm

damage, constitute a hazard to persons in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions.

- iii. Overhangs, such as loose and other hanging objects, which, by reason of location above ground level, constitute a danger of falling on the persons in the vicinity.
- b. The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor.
- c. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed per Weston Municipal Code Sec. 10.129(a) or Sec. 10.130.
- d. Storage of Commercial and Industrial Material. There shall not be stored or used at any location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial use unless permitted under the Village of Weston Municipal Code, Chapter 94 for the premises.
- e. General Maintenance. The exterior of every commercial structure or accessory structure, except accessory farm structures, including fences or enclosures, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, loose boards or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blighting influences.

7. Litter Control.

- a. Litter Collections and Storage Area. Every owner, occupant or lessee of a building used for residential, business or commercial purposes shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized. Failure to so maintain clean litter collection and storage areas shall constitute a violation of this subsection.
- b. Duty to Collect Litter Before it is Carried From the premises. All litter that is subject to movement by the elements shall be secured by the owner of the premises where it is found before the litter is allowed to be removed from the premises by the elements.
- c. Neglected Premises Visible to the Public. It shall be the duty of any person owning or controlling any premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonable clean and orderly manner. It shall be a violation of this subsection to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter.
- d. Areas Around Business Premises. The owner or person in control of any public place, including, but not limited to, restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations and hospital and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises. It shall be a violation of this subsection to abandon, neglect or disregard to the condition or appearance of such premises so as to permit it to accumulate litter.
- e. Loading and Unloading Docks. The person owning, operating or in control of loading or unloading docks shall at all times maintain the dock area free of litter in such a

manner that litter will be prevented from being carried from the premises by the elements.

8. **Construction Sites.** The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried from the premises by the elements. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers, which will prevent litter from being carried from the premises by the elements.
9. **Maintaining Sidewalks and Alleys.** Persons owning, occupying or in control of any premises shall keep the sidewalks and alleys adjacent thereto free of litter. Owners or occupants shall sweep or rinse off the sidewalks abutting their premises as often as may be required to keep the walk reasonably free from dirt, paper, waste, snow and ice. This paragraph shall not apply to sidewalks maintained by the Village as provided in the Village of Weston Municipal Code, Chapter 70.
10. **Abandoned Garbage.** It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage, which has been containerized in accordance with a contract for its removal, to allow that refuse, waste or garbage to remain uncollected for longer than 7 days or, in any case, until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place.
11. **Animal Excreta.**
 - a. **Allowing Discharge Regulated.** It is unlawful for any owner, keeper or walker of any dog or cat to have his dog or cat discharge such animal's excreta upon any public or private property within the Village other than the property of the owner of such dog or cat if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property.
 - b. **Carrying Feces Scoop Required.** No person shall walk a dog beyond the limits of his own property without carrying or having in his possession scoop, bag or other items designed to pick up and remove dog feces; and, further, it is unlawful for any person to dispose of the dog feces on public or private property other than his own.
 - c. **Exception.** This subsection shall not apply to visually impaired persons having control of guide dogs.
12. **Lawn and Yard Maintenance.**
 - a. **General Requirements.** The owner or occupant of any developed commercial lot or parcel in the Village and any developed residential lot or parcel in the Village which is less than 2 acres in area shall install and maintain landscaping, plantings and other decorative surface treatments, including turf grass, so as to present an attractive appearance in all court and yard areas in accordance with generally accepted landscaping practices in north central Wisconsin.
 - i. For all new residential construction in the Village, lawns shall be installed within 1 (one) year of the occupancy issuance date.
 - ii. For all new commercial and industrial construction, landscaping and lawn shall be installed 18 (eighteen) months from the issuance of the building permit.
 - iii. Lawns shall be maintained to a length not to exceed 8 (eight) inches and property owners shall be responsible for mowing the lawn all the way to the street.
 - iv. Plantings and established lawns shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public

ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and the Village.

- v. Natural Lawns and Areas, as defined in this Chapter, shall not contain litter or debris and shall not harbor undesirable wildlife. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 90.101.
 - vi. Safety Precautions for Natural Lawns and Areas. When, in the opinion of the fire chief of the department serving the Village, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the fire chief may order the cutting of natural lawns to a safe condition.
- b. Mowing required.
- i. Lawns which exceed eight (8) inches in length adversely affect the public health and safety, including, but not limited to, producing hay fever, emitting pollen and other discomfoting bits of plants, concealing filthy deposits, providing a place for the accumulation of trash or litter, creating a fire hazard and adversely affecting property values within the Village. For these reasons, any lawn which exceeds eight (8) inches in length is hereby declared to be a public nuisance. In order to prevent such public nuisance, it shall be the duty of every person who owns, occupies or controls land within the Village to mow or cause to be mowed said lawn so that it never exceeds eight (8) inches in length.
 - ii. Where public sidewalks or multi-use paths are present, the property owner shall mow, or cause to be mowed, the portion of the lawn from the street to four feet beyond the right-of-way boundary and where an on-street multi use path is present, the property owner shall mow or cause to be mowed a strip no less than 4 feet wide from the edge of the street toward the property line.
 - iii. Mowing requirements do not apply to those portions of a lot or parcel that are located in a designated flood plain, wetland area, natural lawns and areas, or undeveloped lot.
- c. Mowing by Village.
- i. Notice to Owner of Record by Mail. The Weed Commissioner or his/her designee shall provide notice of violation/abatement order by mail to the owner of record or by posting the notice at the property which is in violation of this section. Said notice of violation/abatement order shall order the owner of record, occupier and/or person in control of the land to immediately abate the nuisance or provide written notice to the Village Administrator of the reasons for objecting to the notice of violation/abatement order by a specified date and time, not to exceed seven (7) days. If the nuisance is not abated and no timely objection is received by the Village Administrator, the Weed Commissioner or his/her designee may mow or have mowed said lawn to meet the requirements of this section. The Weed Commissioner or his/her designee are expressly authorized to enter upon the private property for such abatement purposes. All costs associated with mowing shall be placed on the tax roll of said land as a special charge. In addition, any person who is in violation of this section shall be subject to a forfeiture as set forth in sec. 1.111.

- ii. **Due Process Hearing.** If the owner, occupier and/or controller of the land subject to a notice of violation/abatement order contends that his/her lawn is not a nuisance, as defined in this section, he/she may object to the notice of violation/abatement order and request a hearing before the Community Life and Public Safety Committee. The objection and request for hearing must be made in writing to the Village Administrator by the specified date and time identified in the notice of violation/abatement order. The objection and request for hearing shall include payment of a twenty-five-dollar bond (\$25). If a decision is rendered in favor of the owner, occupier and/or controller of the land, the twenty-five dollars (\$25) will be returned. If the owner, occupier and/or controller of the land fails to appear for the hearing, or if the decision is rendered against him/her, the deposit shall be forfeited and applied to the cost of abating the nuisance. When a hearing is requested to challenge a notice of violation/abatement order, the hearing shall be held within fourteen (14) days from the date of the objection and request for hearing is received by the Village Administrator. At the hearing, the owner, occupier and/or controller of the land may appear in person or by his/her attorney, may present witnesses and may cross-examine witnesses as well as subpoena witnesses for his/her own case. At the close of the hearing, the Community Life and Public Safety Committee shall make its determination in writing specifying its findings of fact and conclusions. If the Community Life and Public Safety Committee determines that a nuisance exists on the land at issue, the Community Life and Public Safety Committee shall order the Weed Commissioner and/or his/her designee to mow the lawn in question unless the owner, occupier and/or controller of the land abates the nuisance within forty-eight (48) hours of the Community Life and Public Safety Committee's decision.

13. Abatement – generally.

- a. **Responsibility for enforcement; inspections.** It shall be the duty of each department head to enforce those provisions of this chapter that come within the jurisdiction of their respective offices, and each department head shall make or cause to be made periodic inspections and inspections upon complaint to ensure such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- b. **Summary abatement.**
 - i. **Order of abatement.** If the inspecting officer determines that a public nuisance exists within the Village and that there is imminent danger to the public health, safety, peace, morals or decency, he/she may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken as he/she deems necessary to abate the nuisance. Notwithstanding any other provisions of this article, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.
 - ii. **Abatement by Village.** Whenever the owner or occupant shall refuse or neglect to remove or abate the condition described in the order, the inspecting officer shall, in his/her discretion, enter upon the premises and

cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

- c. Nonsummary abatement by Village for nuisances other than long grass, noxious weeds, trees and shrubs.
 - i. Order to abate nuisance. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals or decency, he/she shall issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The inspecting officer shall send a notice of violation/abatement order by mail to the owner of record. Said notice of violation/abatement order shall order the owner of record, occupier and/or person in control of the land to abate the condition described in the order within the time specified therein. If sent by certified mail and the owner of record does not sign for the notice of violation/abatement order that is sent by certified mail, the inspecting officer or his/her designees shall post a notice of violation/abatement order upon the land in violation, in letters not less than one inch (1") height.
 - ii. Abatement by the Village. If the owner or occupant fails or refuses to comply within the time period prescribed, the inspecting officer shall enter upon the premises and cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.
 - iii. Remedy from order. Any person affected by such order shall, within fourteen (14) days of notice of violation/abatement order or posting of the notice of violation/abatement order upon the land in violation, apply to the Circuit Court for an order restraining the Village and the inspecting officer from entering upon the premises and abating or removing the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.
- d. Authority to assess costs. The cost of the abatement or removal of a nuisance under this section shall be collected from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost shall be assessed against the real estate as a special charge.
- e. Abatement in accordance with state law. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State.
- f. Same – collection of costs. In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuous or maintenance of a public nuisance, the cost of abatement of a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.

- g. Penalty. Any person who violates, disobeys, neglects or refuses to comply with any of the provisions of this section shall be subject to a forfeiture as provided in Sec. 1.111 of this Code.

HISTORY

Adopted by Ord. [Chapter 50 Property Maintenance Sec 50.102](#) on 1/13/2005

Amended by Ord. [Chapter 50 Lawn and Yard Maintenance Sec 50.102](#) on 5/24/2007

Amended by Ord. [Chapter 50 Property Maintenance Code Definitions Sec 50.102\(d\)](#) on 9/19/2008

Amended by Ord. [Chapter 50 Public Nuisances Prohibited 50.102\(i\)\(j\) 50.102\(k\)\(l\)](#) on 5/24/2013

Amended by Ord. [16-030](#) on 6/8/2016

Amended by Ord. [18-001](#) on 1/20/2018

Amended by Ord. [19-013](#) on 8/21/2019

Amended by Ord. [24-009](#) on 9/16/2024

Sec 50.104 Loud, Disturbing Noises Prohibited

1. **Loud, disturbing noises prohibited generally.** It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the Village of Weston (see also Sec. 50.100 Things prohibited).
2. **Residential Zones.**
 - a. It shall be unlawful to carry on the following activities in any residentially zoned area of the Village:
 - i. The operation of construction machinery between the hours of 8:00 p.m. and 6:00 a.m.
 - ii. The operation of household power tools between the hours of 10:00 p.m. and 6:00 a.m.
 - iii. The operation of lawn mowers, chain saws, powered garden equipment and other domestic tools out-of-doors between the hours of 10:00 p.m. and 6:00 a.m.
 - iv. Working on vehicles or revving vehicle motors between the hours of 10:00 p.m. and 6:00 a.m.
 - v. Musical bands practicing in residential areas between the hours of 8 p.m. and 7 a.m.
 - vi. Any mechanical noise which disturbs the peace.
 - vii. This section shall not apply to emergency operations designed to protect the public health and safety.

In residential zones, it shall be unlawful for any person to make or engage in any unreasonably loud and raucous noise, yelling, screaming, shouting, hooting, whistling, or singing between the hours of 10:00 p.m. and 6:00 a.m. A noise shall be presumed to be unreasonably loud and raucous, if it is considered disturbing the peace. There shall be excepted from this provision any organized sporting events, fairs, carnivals, or similar activities. The person(s) in violation of this ordinance shall be ordered to reduce the noise to acceptable levels immediately by the monitoring officer.
3. **Construction Noise.** Construction equipment in all zones may be operated between the hours of 6:00 a.m. and 8:00 p.m.
4. **Business Deliveries Adjacent to Residential Zoning Prior to 6 a.m.**
 - a. Any business deliveries received prior to 6 a.m. to a business adjacent to a residentially zoned area of the Village must follow the subsequent guidelines:
 - i. Staging of trucks for early delivery must be silent. No engine idling and refers must be turned off until delivery time if waiting in the parking lot.
 - ii. Horns cannot be used to signal arrival.

- iii. All off loading vehicles must be silent during delivery (no idling).
 - iv. Outside off loading cannot include any dumping action that causes loud or sudden noises.
 - v. Back-up alarms must be used at the reduced sound level if equipped.
 - vi. When possible, deliveries should take place on the side of the building away from the residentially zoned district.
5. **Non-residential zoning districts adjacent to Residential zoning districts.** It shall be unlawful for any non-residentially zoned property adjacent to a residentially zoned property to operate their business if noise is considered disturbing the peace for four consecutive hours between the hours of 10:00 p.m. and 6:00 a.m. Enforcing officer shall be given discretion when noise level is subject to automatic citation.
 6. **Schools, churches, hospitals.** The creation of any excessive noise on any street or property adjacent to any school, institution of learning, or church while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, is prohibited.
 7. **Enforcement.** Enforcement of this ordinance shall be at the discretion of the Police Department or Village of Weston staff on the basis of complaints filed with the Village of Weston or the Department. In all non- residential zones, the violator shall be given 30 days from written notice of his violation to reduce the sound pressure levels to acceptable levels. Enforcing officer shall be given discretion when noise level is subject to automatic citation.
 8. **Exceptions.** Operation of emergency equipment and equipment used to comply with state mandates for a safe environment shall be exempt from this ordinance. Snowblowers and snow removal equipment not operated on a commercial basis shall be exempt from this ordinance when used to gain access to a village street. Garbage and recycling trucks shall be exempt. (Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village of Weston.)
 9. **Appeals.** The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this ordinance for existing businesses and industries.
 10. **Penalties.** Failure to comply with the provisions of this ordinance shall be punished by a minimum fine of \$75.00, not to exceed \$500.00. Each day the condition exists shall constitute a new and separate offense.

(Ord. of 5-18-2006)

HISTORY

Adopted by Ord. [Chapter 50 Loud Disturbing Noises Sec 50.103](#) on 5/18/2005

Amended by Ord. [16-030](#) on 6/8/2016

Amended by Ord. [24-009](#) on 9/16/2024

Sec 50.105 Chronic Nuisance Premises

1. **Declaration.** The Board of Trustees finds that from time to time certain premises in the Village of Weston require a disproportionate amount of Village resources (including public safety services provided by the Police Department) to be devoted to addressing various nuisances, criminal activities and other incidents that occur thereon. Often this disproportionate devotion of Village resources is due to property owner's own actions or failure of the property owners to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside or frequent that

premises. Such premises, as further described in subsection (2) below, are deemed chronic nuisance premises and are hereby recognized as a public nuisance due to the resource drain it causes the community as a whole. This section is enacted to encourage property owners and/or managers to engage in their responsibility to ensure that activities occurring on their property conform to the law and do not unduly burden the Village's resources and to provide a mechanism for the Village to take action against property owners who fail to ensure premises they own do not require a disproportionate devotion of resources to the premises. This section of the Municipal code is not intended to discourage crime victims or any person in legitimate need of police services from requesting them.

2. Determination of Chronic Nuisance Premises.

- a. Any residential unit premise to which a Village Department (including the Police Department) responds to complaints of any nuisance activity, that results in a municipal citation or Village enforcement action, three separate times within any one hundred twenty (120) day period is deemed to have received and required more than the general acceptable level of municipal services and places an undue burden upon the taxpayers of the Village. A residential unit shall be defined as a delineated, single family residence that is housed in a home, duplex unit, apartment complex, condominium or other residential dwelling. For the purposes of this subsection, a nuisance activity shall be any offense(s) under Village of Weston Municipal Code, Chapters 10, 14, 38, 50, 54, 66, 82 and 94, or their statutory counterparts, or any offense under state law for which a penalty under state law for which a penalty of forfeiture, fine or imprisonment is provided.
- b. Any non-resident owner of a residential unit(s) available for lease or rent within the Village of Weston that has had 3 units or 10% of their available units for lease or rent – whichever is the greater number of units, designated as a chronic nuisance premise, shall be deemed a chronic nuisance landlord and shall be subject to the notice, abatement, hearing and penalties and remedies provisions found herein this ordinance. Further, the designation of a chronic nuisance landlord shall be posted in the Village's official newspaper, website, and newsletter for the purpose of public awareness. For the purposes of this subsection, a determination of chronic nuisance premises or the designation of a chronic nuisance landlord of a mobile home park shall be a reviewable item in consideration of renewal of the mobile home park's annual operating license under Wis. Stat. 66.0435(2).
- c. Any business or commercial venture to which a department responds to complaints of nuisance activity, that results in a municipal citation or Village enforcement action, five (5) or more separate times within any one hundred twenty (120) day period is deemed to have received and required more than the general, acceptable level of municipal services, and places an undue burden upon the taxpayers of the Village. For the purposes of this subsection, a nuisance activity is defined under Section (2) (a) of this ordinance. For the purposes of this subsection, a determination of a chronic nuisance premise that carries any class of Village liquor license, shall be a reviewable item in consideration of the revocation of the premise's liquor license per Wis. Stat. 125.12 (2) and shall be assigned the appropriate violation points as determined by the Village of Weston's alcohol beverage demerit point system.
- d. For the purpose of this ordinance, a residential unit or business venture shall automatically be designated as a chronic nuisance premise if any single

nuisance is affiliated with illegal drug distribution or gang activity Wis. Stat. § 823.113(1m)(a).

- e. An offense shall not be considered a nuisance if it is committed by a person having no association with the premises by acquaintance with, relation to or expressed or implied invitation from the owner, occupant, operator, or agent of the premises.
 - f. An offense shall not be considered a nuisance if it is:
 - i. An offense that results from the property owner/landlord's self-notification to a Village official or the Police Department as a means of mitigating the nuisance or a crime;
 - ii. A report of domestic violence per Wis. State Statutes.
 - g. Whenever any such premises exist, the appropriate Village department head or the Police Department Chief shall determine from the facts of each incident and considering the purpose of this subsection as set forth in Section (1) above, whether the premises is a chronic nuisance premises. A chronic nuisance premises shall be defined as a public nuisance.
3. **Notice.** Whenever a Village department head or the Police Chief finds a premise constitutes a chronic nuisance premises under section (1) (a), the department head or Police Chief shall provide written notice of his determination to the owner of the premises as identified by the records of the Village Assessor and Marathon County Land Records. Such notice shall be delivered by certified mail, return receipt requested or by personal service. If the owner cannot be located, the notice shall be published as a Class 2 notice under Wis. Stats. Chapter 985. The notice shall contain the following information:
- a. The street address and number, if applicable, otherwise the parcel number of legal description sufficient to identify the premises.
 - b. A brief statement, including a description of the relevant activities, supporting the determination that the premise is a chronic nuisance premises.
 - c. A statement that the owner shall, within 10 (ten) days of receipt of the notice, or last day of publication if published, respond to the appropriate department head or Police Chief requesting a hearing before the Village Board of Trustees or proposing in writing a course of action that will be taken to abate the nuisance activities.
 - d. A statement that owner shall immediately notify the appropriate department head of any change in address to ensure receipt of future notices.
4. **Owner Abatement.** If the owner responds to the notice in section (3) within 10 (ten) days of receipt of notice or the last day of publication if published with a nuisance abatement proposal, the department head or Police Chief may accept, reject, or work with the owner to modify the proposal in his or her discretion. If the department head or Police Chief rejects the abatement proposal, determines that an agreement on an appropriate abatement proposal cannot be reached or determines that owner abatement is for any reason unsuccessful, the matter shall be referred to the Village Board of Trustees for hearing.
5. **Chronic Nuisance Landlord Abatement.** If the non-resident owner of residential units available for lease or rent responds to the notice in section (3) within 10 (ten) days of the receipt of notice or the last day of publication with a nuisance abatement proposal for all units (3 units or more than 10% of the units available for lease or rent, whatever is greater), the department head or Police Chief may accept, reject, or work with the owner to modify the proposal in his or her discretion and remove the designation of Chronic Nuisance Landlord. The designated Chronic Nuisance Landlord nuisance abatement proposal shall include remedies that shall be undertaken to mitigate chronic

nuisances, which may include, but is not limited to, landlord – tenant screening, tenant education, tenant eviction procedures, and other preventative practices to improve the residential unit(s). If a non-resident owner of residential units for lease or rent abatement of a nuisance causes the number of nuisance premises to be reduced below the Chronic Nuisance Landlord threshold of (3) units or more than 10% of the units available for lease or rent, whatever is greater, the Village shall drop the designation of Chronic Nuisance Landlord.

6. **Hearing.** If a hearing is requested by the owner or if the department head or Police Chief determines that a satisfactory abatement plan cannot be agreed upon or if the department head or Police Chief determines that abatement actions taken by the owner are unsuccessful, a hearing shall be held before the Village Board of Trustees. The owner shall receive ten (10) days written notice of the hearing sent by regular mail or, if the owner cannot be located, by publication of a Class 2 notice under Wis. Stat. Chapter 985. The Village Board shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the department head or Police Chief.
7. **Penalties and Remedies.**
 - a. If the department head's or Police Chief's determination is affirmed, the Village Board of Trustees may order the owner to pay the actual cost of Village services to respond to any nuisance activities occurring after the three (3) responses that led to the determination that the premises was a chronic nuisance premises. Such costs shall be presented to the Village Board of Trustees and may include costs incurred prior to the Village Board of Trustee's determination. The Village Board of Trustee's may order costs of all such calls to the chronic nuisance premises be paid until the public nuisance is abated under section (7). Such costs, plus a reasonable administrative charge, shall be billed to the owner by invoice sent by regular mail and if not paid within thirty (30) days of the date on the invoice shall be charged to the property as a special charge pursuant to Wis. Stat §. 66.0701.
 - b. The Village Board of Trustees may authorize any other penalty or remedy authorized by law.
8. **When Nuisance is Deemed Abated.** The public nuisance created by a chronic nuisance premises shall be deemed abated when no Village resources have responded to the premises to address nuisance activities occurs for a period of six (6) consecutive months. The Village or Police Department may also deem a chronic nuisance premise to be abated, if the occupant, which may include a tenant or resident-owner, vacates the premise.
9. **Abatement of Public Nuisances.**
 - a. **Inspection of Premises.** Whenever a complaint is made to any Village official or employee that a public nuisance exists within the Village, said complaint shall be directed to the appropriate department head or Police Chief who shall in his or her reasonable discretion inspect or cause to be inspected the premises complained of and shall make a written report of his or her findings to the Village Administrator. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises.
10. **Summary Abatement.**
 - a. **Notice to Owner.** If the inspecting officer shall determine that a public nuisance exists within the Village, the department head or Police Chief may serve notice personally or by certified mail on the persons causing, permitting, or maintaining such nuisance and/or upon the owner or occupant of the premises where such nuisance is caused, permitted, or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting, or

maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within a specified, reasonable period of time after consideration of all relevant circumstances and shall state that unless the same is done will cause the nuisance to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be and that said costs may be collected as a special charge pursuant to Wis. Stat. § 66.0701.

- b. **Abatement by the Village.** If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, the department head or Police Chief shall cause the abatement or removal of such public nuisance. Wherever possible, costs of abatement shall be billed to the owner, occupant, or person causing the nuisance. If said costs are not paid within thirty (30) days of billing such costs, or if the owner, occupant or person causing the nuisance cannot be found, said costs may be collected pursuant to Wis. Stat. § 66.0701
 - c. **Other Methods Not Excluded.** Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin including, but not limited to an action under Wis. Stat. Chapter 823.
11. **Cost of Abatement.** In addition to any other penalty imposed by this Chapter for the erection, contrivance, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.
12. **Penalty Provisions.**
- a. **General Penalty.** Whenever so provided in this Code, any person who shall violate any provision of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - b. **First Offense – Penalty.** Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not more than \$2,500 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.
 - c. Any person found guilty of violating any provision of this Code who shall previously have been convicted of a violation of the same provision shall upon conviction thereof, forfeit not less than \$50.00 nor more than \$2,500 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.
 - d. **What Constitutes a Separate Offense.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision contained in this Code.
13. **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village the Court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

HISTORY

Adopted by Ord. [Chapter 50 Chronic Nuisance Premises Sec 50.104](#) on 12/5/2008
Repealed & Reenacted by Ord. [Chapter 50 Chronic Nuisance Premises Sec 50.104](#) on 7/23/2010
Amended by Ord. [16-030](#) on 6/8/2016
Amended by Ord. [24-009](#) on 9/16/2024

[Sec 50.105 Accumulation of Used Motor Vehicles](#) – cross reference Sec 82.114 Vehicles, Abandoned and Junked.

(Ord. of 7-23-2010)

HISTORY

Adopted by Ord. [Chapter 50 Accumulation of Used Motor Vehicles Sec 50.105](#) on 7/23/2010
Amended by Ord. [16-030](#) on 6/8/2016

SECTION 2: REPEALER CLAUSE. All ordinance or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE. Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its date of passage and publication as required by law.

Dated the ___ day of _____ 2026.

VILLAGE OF WESTON

By: _____
Mark F. Maloney, President

ATTEST:

By: _____
Pamela S. Brehm, Clerk

Adopted: _____

Published: _____

REQUEST FOR CONSIDERATION

Public Mtg/Date:	CLPS, January 5, 2026
Description:	Discussion and/or action on proposed E-bike and E-Moto Ordinance
From:	Jami Gebert, Administrator
Question:	Continuing discussion regarding the popularity, safety, and any potential interest in a municipal ordinance for electric bikes.

Background

The Marathon County Metropolitan Planning Commission (MPO) has reinvigorated the MPO Bike/Pedestrian Subcommittee. Trustee Zeyghami is the Village representative on the subcommittee. The MPO is responsible for overseeing transportation planning, analyzing transportation issues, managing the allocation of federal transportation funds, and facilitating coordination between villages, cities, and towns to address transportation needs. Initial topics being discussed by the subcommittee include MPO bike map updates, bike/trail counters data collection, Bicycle Friendly Community Application/Award, Bike Share Program, and possible Bicycle Passport.

At the last meeting on December 4, 2025, a *Community Wide E-bike Ordinance* was discussed. Several of the communities within the MPO boundary expressed cyclists can ride longer distances and it is often unknown, especially to visitors, when they cross municipal boundaries. If the municipalities within the MPO all have different ordinances, even if slightly dissimilar, that is difficult for the cyclist to know the required regulations. The committee can discuss in January, but staff also thought a metro-area ordinance would make regulations and enforcement more efficient and effective. As the Transportation Planner for the MPO, Aaron Anklam agreed to collect the top priorities from participating municipalities to draft a communitywide e-bicycle ordinance. This draft will be shared with the subcommittee and brought back to each municipality for input. Top priorities were to be submitted to Aaron before the end of December.

I shared with Aaron the draft minutes from the November 3, 2025, CLPS meeting, plus the below six priorities based on the discussion at the meeting.

1. **Definitions:** Include definitions for e-bicycles – being a bicycle with electric motor assistance, pedals required and E-Motos – being a motorized device often without pedals, not an e-bicycle.
2. **Operation Rules:** Outline that e-bicycles operating as bikes could ride on sidewalks, but when operating as e-bicycles, they cannot. Additionally, no e-motos being able to operate on sidewalks.
3. **Speed Limit:** Require a speed limit for both e-bicycles and e-motos.
4. **Registration:** No registration of e-bicycles or e-motos would be required.
5. **State Law Adoption:** The ordinance would adopt relevant state laws for e-bicycle/e-motos.
6. **Penalties:** Outlining penalties for violations.

Staff did learn following the November CLPS Meeting and through discussion at the December MPO Meeting, that e-motos are not e-bikes. Staff participated in a *Watts up with E-bikes and E-scooters* webinar, and panelists from around Wisconsin shared concerns that e-bikes are often blamed for irresponsible behaviors on e-motos. E-motos are electric motor-driven devices that may look like an e-bike but have much more powerful and faster motors. Any vehicle with an electric motor more than 750 watts or that can travel over 20 miles per hour when powered only by the motor is not an e-bike, even if it has pedals.

The next MPO Bike/Pedestrian Subcommittee meeting is February 5, 2025. I will likely be unable to attend that meeting but will follow up with Trustee Zeyghami regarding the discussion at the meeting and for any draft

REQUEST FOR CONSIDERATION

ordinance presented. Staff can circle back at a future meeting on how the development of a metro-area ordinance is progressing.

Attached Docs: **None.**

Committee Action: **Noted in RFC.**

Fiscal Impact: **None.**

Recommendation: **None.**

Recommended Language for Official Action

I move to monitor the progress of the MPO Bike/Pedestrian Subcommittee development of a draft metro-area e-bicycle ordinance and discuss input on a draft at a future CLPS meeting.

REQUEST FOR CONSIDERATION

PUBLIC MTG/DATE: CLPS Meeting, January 5, 2026

DESCRIPTION: New Class "A" Fermented Malt Beverage & "Class A" Intoxicating Liquor Application

FROM: Sarah Chibeya, Deputy Clerk

QUESTION: Should the CLIPS Committee recommend the New Class "A" Fermented Malt Beverage & "Class A" Intoxicating Liquor license application be forwarded to the Board of Trustee's meeting held on January 19, 2026?

BACKGROUND

Asees Petroleum LLC dba BP Weston is in the process of purchasing the current business from GPM Southeast LLC dba RStore #4504 located at 4101 Schofield Ave Weston, WI 54476. The sale is not final yet, the date is TBD but will happen sometime in the first quarter of 2026. Asees Petroleum LLC has named an alcohol agent: Mandeep Singh who is also the owner of Asees Petroleum. Mr. Singh has provided all necessary license applications, completed the Safe Serve class, and paid all invoices associated with the new business. In order to be an alcohol agent, you must reside in the state of Wisconsin. He will have met the 90-day requirement of living in Wisconsin on January 11, 2026.

ATTACHED DOCS: EVOLVE REPORT

COMMITTEE ACTION: N/A

FISCAL IMPACT: None

RECOMMENDATION: STAFF RECOMMENDS APPROVAL

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

I move to recommend the Class "A" Fermented Malt Beverage & "Class A" Intoxicating Liquor application for Asees Petroleum LLC be forwarded to the Board of Trustees Meeting January 19, 2026, for approval.

ADDITIONAL ACTION:

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Community Life and Public Safety – 01/05/2026
Description:	Resident Request – Increase Speed Limit – Weston Avenue (Von Kanel St. – Ryan St.)
From:	Michael Wodalski, PE (Director of Public Works & Utilities) Isaac Dolan, PE (Staff Engineer)
Question:	Should the posted 35 MPH speed limit for Weston Avenue (Von Kanel St – Ryan St) be further evaluated for an increase to 45 MPH?

Background

A resident that lives in the vicinity of Weston Avenue has requested the Village of Weston consider increasing the speed limit along Weston Avenue between Von Kanel Street and Ryan Street from 35 MPH to 45 MPH.

During the design phase of the project, residents in attendance at the public information meeting had shared with the Village that they were in support of the lower 35 MPH speed limit along this segment of Weston Avenue between Camp Phillips Road and Ryan Street. The speed limit then increases to 45 MPH along Weston Avenue between Ryan Street and CTH J. The 35 MPH street segment has residential homes, natural areas, and agricultural areas along it while the 45 MPH street segment has a few residential homes, Prohaska Park, natural areas, and commercial lots. For your reference, please find attached the following references:

- Wisconsin DOT (WisDOT) Speed Limit reference from the Traffic Engineering, Operations & Safety Manual
- Weston Avenue Design Criteria Technical Memo prepared by AECOM, the consultant for the Weston Avenue Reconstruction project

When streets are reconstructed, it is engineering practice that the physical geometry be designed using established design standards for horizontal, vertical, and cross-sectional criteria to provide drivers with adequate sight distance (clear line of sight) to observe obstructions and hazards that may be along or entering the street. These design standards are used so that drivers can safely identify, decide, react, and complete, also known as perception-reaction time, a maneuver while travelling along the street.

It is generally known that some drivers may drive a little faster than the posted speed limit, so engineers may choose to use design criteria based on a design speed of 5 MPH over the posted speed limit which is a typical practice for state roadways. This practice is recommended by the Wisconsin Department of Transportation in its Facility Development Manual (FDM) which is the design standard used on state roads and by many Wisconsin communities as it references national design standards and practices.

REQUEST FOR CONSIDERATION

The request is to increase the speed limit by 10 MPH to 45 MPH which is higher than the design speed used to design this segment of Weston Avenue as documented in the attached technical memo from AECOM. This section of street may feel safer at a higher speed for the driver but that is only one variable of many variables used to design streets so they are safe for all users.

Other considerations to acknowledge if the speed limit were increased to 45 MPH are the residents living along this segment of Weston Avenue which will still be required to:

- (1) back out onto the road from their driveways,
- (2) cross to the south side of the street to collect their mail, and
- (3) pedestrians and bicyclists will be travelling along the shoulder.

Some additional information is provided below for reference during discussion as it relates to increasing the speed limit along Weston Avenue.

- Figure 1 - Distance along Weston Avenue between Camp Phillips Road and Ryan Street is approximately 9,000 feet (~1.7 miles) with respect to the distance from STH 29, approximately 2,600 feet (~0.5 miles) north of Weston Avenue where the speed limit is currently 65 MPH. Controlled access to STH 29 is available at Camp Phillips Road and CTH J.
- Table A - This speed limit change would reduce the overall travel time by roughly half a minute (less than 30 seconds).
- Figure 2 - The probability of a collision being fatal for a person struck by a vehicle increases as the speed of that vehicle increases. As shown, increasing speed by only 10 MPH increases the likelihood of fatality by 25%.



Figure 1: Overview of Weston Avenue (Camp Phillips Road – Ryan Street)

REQUEST FOR CONSIDERATION

Table A: Change in Travel Times with Increase Speed Limit to 45 MPH between Von Kanel Street and Ryan Street

Intersecting Street (Along Weston Avenue, Travelling West to East)	Segment Distance, Rounded (FT)	Cumulative Distance, Rounded (FT)	Current Speed Limit (MPH)	Current Travel Time (SEC)	Proposed Speed Limit (MPH)	Proposed Travel Time (SEC)	Travel Time Difference with Speed Limit Change (SEC)
Camp Phillips Rd/CTH X	0	0	---	0.00	---	0.00	0.00
Von Kanel St	2,500	2,500	35	48.70	35	48.70	0.00
Heeren St	1,330	3,830	35	74.61	45	68.85	5.76
Lindenwood Ct	1,680	5,510	35	107.34	45	94.31	13.03
Ryan St	3,560	9,070	35	176.69	45	148.25	28.44
Zinser St	3,930	13,000	45	236.23	45	207.79	28.44
Progress Way (W)	1,350	14,350	45	256.69	45	228.25	28.44
Jones St	1,270	15,620	45	275.93	45	247.49	28.44
Progress Way (E)	850	16,470	45	288.81	45	260.37	28.44
CTH J	2,910	19,380	45	332.90	45	304.46	28.44
Total Travel Time (Current → Proposed / Difference, Δ) =				5.55 MIN	→	5.07 MIN	0.47 MIN

Impact Speed and a Pedestrian's Risk of Death

Speeding is a significant contributor to deaths on our roadways and is particularly hazardous to pedestrians. Yet, speeding remains worryingly common.



Sources: Fatality Analysis Reporting System; Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2020, DOT HS 813 118, June 2021; AAA Foundation for Traffic Safety, [Impact Speed and a Pedestrian's Risk of Severe Injury or Death](#) ; National Traffic Speeds Survey III: 2015, DOT HS 812 485, March 2018.

Figure 2: U.S. Department of Transportation: Safer Speeds - Impact Speed and a Pedestrian's Risk of Death (<https://www.transportation.gov/safe-system-approach/safer-speeds>)

Attached Docs:

1. WisDOT Traffic Engineering, Operations & Safety Manual (TEOpS), Traffic Regulations-Speed Limits (13-05)
2. AECOM Design Criteria Technical Memorandum, Weston Avenue (CTH X – CTH J)

Committee Action: To be determined.

Fiscal Impact: To be determined.

Recommendation: Staff recommend the speed limit remain 35 MPH given the other considerations presented.

Recommended Language for Official Action

I move to _____

Or, Something else _____

Additional action: _____



Traffic Engineering, Operations & Safety Manual

Chapter 13 Traffic Regulations

Section 5 Speed Limits

13-5-1 Statutory Authority and the Approval Process

November 2024

Speed limits are absolute limits that are established for a roadway under ideal conditions. They also help traffic enforcement by setting standards for what is an unsafe speed. Setting speed limits appropriately helps to reduce the significant risks drivers impose on others – especially vulnerable road users.

The concept of establishing speed limits is based upon the nationally accepted principle that the majority of drivers are cautious, prudent and drive at speeds that are reasonable, regardless of the posted speed limit. This “reasonable and prudent” theme is part of the Wisconsin State Statutes in ss. [346.57 \(4\)](#) and ss. [349.11 \(7\)](#).

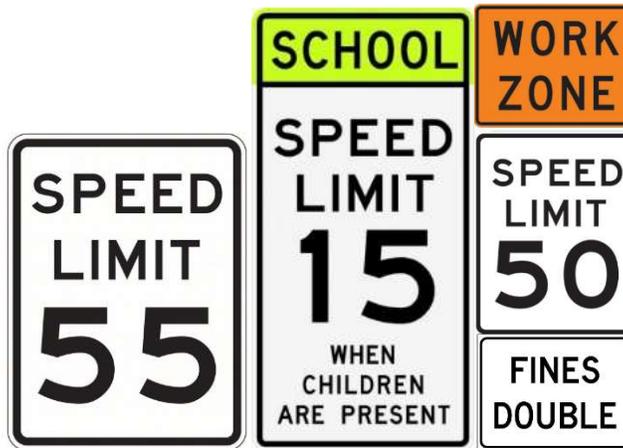
The policy described within aligns with Wisconsin State Statutes and the [Wisconsin Manual on Uniform Traffic Control Devices](#) (WMUTCD) [1].

13-5-2 Types of Speed Limits

November 2024

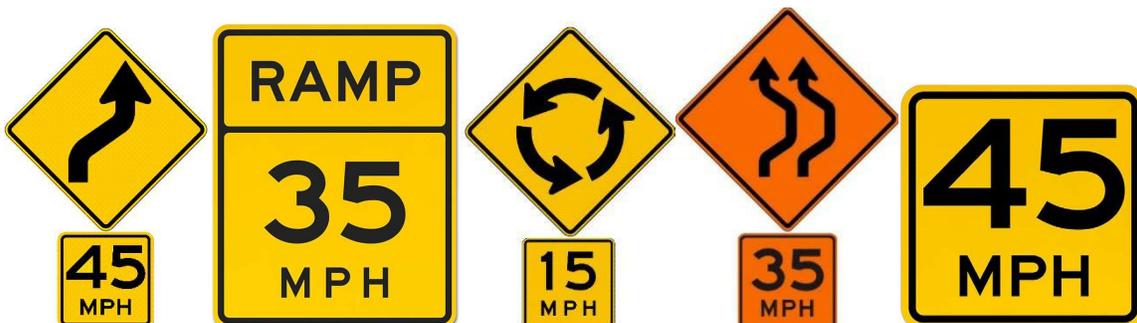
Regulatory

Speed limits posted with a white background and black legend sign are maximum speed limits that a road user must adhere to under average or ideal conditions. These are referred to as regulatory speed limits and examples are shown below. Regulatory speed limits are absolute speed limits, above which it is unlawful to drive regardless of roadway conditions, traffic volumes, pedestrian presence, school activity, highway construction or maintenance workers or other factors.



Advisory

Speed limits posted with a yellow or orange background with black legend sign are warning signs used to advise a road user of a recommended driving speed for an upcoming road condition or hazard. These are used in situations where there is a small section of road that *should* be traveled at a lower speed. These can be used at curves, intersections with reduced visibility, or within work zones. These signs are advisory and not enforceable in Wisconsin unless a driver is driving too fast for conditions. Below are examples of advisory speed limits.



13-5-3 Types of Regulatory Speed Limits**November 2024****Statutory Speed Limits**

Statutory speed limits are established by state law and are based on the classification (or type) of roadway (e.g., 70 mph on freeways, 45 mph on rustic roads). Statutory speed limits in Wisconsin are governed by ss. [346.57](#) which establish maximum/minimum speed limits for all roadways. These limits are established legislatively and are applied throughout Wisconsin on public roadways. Statutory speed limits ensure a limit is in place on all roads.

Modified Speed Limits (Modifications to Statutory Speed Limits)

Modified speed limits are typically established on roadways where the statutory speed limit or existing limit is no longer appropriate due to a change in land use, road design, access, traffic volumes, construction/maintenance activity, or number of crashes or crash potential along a roadway. Modified speed limits *should not* be used to address spot safety issues. Often, other engineering countermeasures are more appropriate to address safety issues.

Unless speed limits are set initially by state statutes (statutory speed limits), all speed limits in Wisconsin must be established through an engineering and traffic investigation.

Speed limits that are not used in Wisconsin are as follows:

- Nighttime speed limits – limits that are adjusted based on day or night conditions.
- Minimum speed limits – limits establishing the lowest allowable speed for a roadway.
- Specialty vehicle speed limits (e.g., trucks, golf carts, etc.) – limits applied to certain classes of vehicles.
 - Exceptions include: [All-Terrain Vehicles \(ATV\) and Utility Terrain Vehicles \(UTV\)](#)
- Seasonal speed limits – limits that are applied for a specified period(s) during the year, generally at locations with significantly different levels of roadside activity at different times (e.g., high traffic tourist area popular in summer).

13-5-4 Definitions**November 2024**

An engineering and traffic investigation is the analysis and evaluation of available pertinent information including, but not limited to, the safety and operational efficiency of all road users, and the application of appropriate principles, provisions, and practices as contained in the [WMUTCD](#).

The following provides definitions of information typically included within an engineering and traffic investigation.

Roadway Context Terminology

Roadway Geometry is information on the roadway facility's features and dimensions such as lane widths, shoulder widths, curb and gutter presence, curves, sidewalk/pathways, presence of lighting, and available sight distance.

Traffic Volume is used to describe the number of vehicles at a given location on an average day of the year. This is often expressed as either an Average Daily Traffic (ADT) or Annual Average Daily Traffic (AADT) count.

Area Type is a designation for the setting of the environment where the roadway facility is located. There are three area types:

- Urban – locations that have a population of 5,000 or greater. In urban settings there is minimal undeveloped land and several buildings including schools, commerce centers and others.
- Rural – locations that have a population less than 5,000. In rural settings there are typically large areas of undeveloped land with minimal buildings or residences. These may include small towns and unincorporated communities.
- Suburban – transitional areas between rural and urban settings. These typically are locations that are built up areas on the outskirts of cities and villages.

Functional Classification is a transportation planning term that defines how a route *should* perform in serving the flow of traffic through a highway network. It is the grouping of highways, roads and streets by the character of

service they provide (e.g., principal arterial, minor arterial, collector (major/minor), local street).

Vulnerable Road User encompasses non-motorists including people walking, biking or rolling. These include pedestrians, bicyclists, other cyclists, and individuals utilizing other means of personal transportation.

Speed Terminology

Operating Speed (Free-Flow Speed) is defined as the speed at which a driver operates a typical vehicle, or a speed at which the overall traffic operates during free-flow conditions. Free-flowing speed is defined as conditions in which a driver has the ability to choose a speed of travel without undue influence from other traffic, traffic control devices (e.g., traffic signals, roundabouts), conspicuous police presence, or environmental factors. In other words, the driver of a free-flowing vehicle chooses a speed that they find comfortable on the basis of the appearance of the road [2] [3]. WisDOT measures free-flowing vehicle speeds when there is a gap of five seconds or more between vehicles per lane.

Design Speed is the speed selected during the roadway design process that determines the various geometric design features of the roadway such as horizontal alignment, vertical alignment, and cross-section design elements [4]. This includes lane widths, shoulder widths, curb and gutter presence, curves, and available sight distance.

The following are definitions for speed-related performance metrics:

- 85th Percentile Speed is the speed at or below which 85 percent of the sample of free-flowing vehicles travel.
- 50th Percentile Speed (also known as the median speed) is the speed at which 50 percent of the sample of free-flowing vehicles travel.
- Average speed is the typical speed of the sample of free-flowing vehicles. This is calculated by taking the sum of all observed speeds within the same sample and dividing by the total number of observations.
- Pace is the 10-mph range of travel speeds containing the largest number of observed vehicles. This is a metric used to assess the speed dispersion or spread of vehicle speeds. A normal speed dispersion *should* have approximately 70% of the vehicles within this 10-mph range.
- Speed variance is the difference in travel speeds of vehicles traveling on the same stretch of roadway simultaneously. Large speed variances increase the potential for crashes.

Roadway Classifications

State Trunk Highways (STH) are highways that include both Wisconsin State Highways and United States (US) Highways that are maintained by WisDOT. In Wisconsin, these are highways designated with numbers.

County Trunk Highways are highways maintained by County Highway Departments or other municipalities. In Wisconsin, these are highways designated with letters.

Local Streets are roadways that are maintained by incorporated municipalities (i.e., villages/cities) that serve primarily residential traffic and provide a connection between highway systems.

Town Roads are typically low-volume roadways that are maintained by townships.

Rustic Roads are roadways designated by the Rustic Roads Board which have characteristics that promote natural features or wildlife and low volume for the purposes of recreational enjoyment. For more information see the [Rustics Road webpage](#).

Alleys are roadways that are narrow passages between or behind development.

Freeways are high-speed roadways that are access-controlled, and all crossroads are grade-separated (i.e., interchanges/overpasses).

Expressways are high-speed roadways that are partially access-controlled, and crossroads can be either at-grade intersections or grade-separated (i.e., interchanges/overpasses).

Other

Variable speed limits are limits that can dynamically change based on traffic, weather or other conditions.

Connecting Highways are local streets and roads that carry state highway travel and are marked as STHs through cities and villages.

Outlying district is an area contiguous to any highway within the corporate limits of a city or village where on each side of the highway within any 1,000 feet, buildings are spaced on average more than 200 feet apart.

Semiurban district is an area contiguous to any highway where on either or both sides of the highway within any 1,000 feet, buildings are spaced on average less than 200 feet apart.

13-5-5 Background

November 2024

Modified speed limits are typically established on roadways where the statutory speed limit or an existing speed zone is no longer appropriate due to changes in land use, access, traffic volumes, number of crashes or crash potential along the highway. Speed zoning is a means of establishing uniform regulatory speed limits for similar driving conditions throughout the state. It is a means of informing motorists who may be unfamiliar with the road of the "reasonable" driving speeds under ideal operating conditions. Speed limits are established under ideal conditions and not based on temporary situations (e.g., construction, seasonal variations in traffic/pedestrian volumes, special events).

Unreasonably low speed limits, also called irrational speed limits, are not effective in changing driver behavior and have several negative effects. While irrational speed limits do not result in desired driver behavior, resulting negative effects include higher financial cost due to the need for increased enforcement, higher potential for crashes due to larger variability in vehicle speeds, and encouragement of motorist disregard of other, rational posted speed limits. Irrationally low speed limits also promote a false sense of security among residents and pedestrians who may expect that posting lower limits will change drivers' speed behavior.

Driving environment is the main influence on motorists' speeds. Drivers rely heavily on cues from the roadway environment to judge how fast they are traveling. The primary basis for how a motorist estimates their speed is the visual sensation they observe from the roadway geometrics (e.g., lane width, presence of curves, on-street parking, access along the roadway, bicycle and pedestrian activity, sidewalks/pathways, presence of lighting, etc.) and other information about objects in their immediate vicinity. Roadway design and driving environment *should* be balanced to achieve the following goals [2]:

- The driver's perceptual experience of the roadway *should* be consistent with the intended travel speed
- There *should* be some consistency between relevant roadway cues and the posted regulatory speed.

13-5-6 Authority

November 2024

The statutory authority for establishment of regulatory speed limits is provided in ss. [346.57](#) and ss. [349.11](#). These statutes vest WisDOT with the authority to establish regulatory speed limits on the state trunk highway system. Furthermore, the statutes provide WisDOT with approval authority (refer to ss. [349.11\(3\)\(c\)](#)) for some regulatory speed limits that local units of government establish.

Statutes define that all speed limit changes **shall** be based on an engineering and traffic investigation, including modifications allowed under Statute. An engineering and traffic investigation **shall** be performed by a registered professional engineer with appropriate traffic engineering expertise and/or experience in traffic engineering studies, or by an individual working under the supervision of such an engineer, through the application of procedures and criteria established by the engineer. An engineering and traffic investigation **shall** be documented in writing.

Connecting Highway

Connecting highways are local streets and roads that carry state highway traffic and are marked as State Trunk Highways. Wisconsin ss. [84.02\(11\)](#) and ss. [86.32\(1\)](#) define connecting highways and the funding provided to maintain these roadways. Connecting Highway funding aids are used to maintain these streets and roads at state trunk highway system standards and compensate local governments for the incremental costs of through-traffic routed over municipal streets. For more information see the [Connecting Highway webpage](#).

Connecting Highway speed limits are maintained by the respective municipality. Wisconsin ss. [86.32](#) states such maintenance, operation and traffic control of the connecting highways and swing and lift bridges **shall** be subject to review and approval by WisDOT.

Municipalities that maintain connecting highways are responsible for the maintenance and traffic control of the roadway which includes establishing speed limits. Thus, local authorities responsible for these roadways **shall** follow information within [Table 6.1](#) to establish speed limits. Proposed changes to speed limits on these facilities

that impact the operation of connecting highways **shall** be subject to review and approval by WisDOT.

Approval Authority

Local Government

- Local units of government, under their respective maintenance jurisdictions, can approve speed limit modifications as allowed in [Table 6.1](#).
- When speed limits are recommended outside of the approval authority defined by ss. [349.11](#), local units of government are required to coordinate with WisDOT. For information on how to request WisDOT to review a speed limit modification, see [TEOpS 13-5-7.1](#).
- Local units of government *should* follow the guidance outlined within [TEOpS 13-5](#) to satisfy the requirements of an engineering and traffic investigation.

Table 6.1 Speed Limits and Local Authority

Statutory (Fixed) Limits per ss. 346.57(4)	What Local Governments ^(a) can do per ss. 349.11(3) and (7)
70 mph – Freeway/Expressway	N/A
65 mph – Freeway/Expressway	N/A
55 mph – State Trunk Highway	N/A
55 mph – County Trunk Highway	Lower the speed limit to 50 or 45 mph
55 mph – Town Road	Lower the speed limit to 50 or 45 mph
45 mph – Rustic Road	Lower the speed limit to 40, 35 or 30 mph
35 mph – Town Road with average driveway spacing less than 150 feet	Lower the speed limit to 30 or 25 mph
25 mph – Inside corporate limits of a city or village	Raise the speed limit up to 55 mph Lower the speed limit to 20 or 15 mph
15 mph – Street or Town Road adjacent to a public park	Lower the speed limit to 10 or 5 mph
15 mph – Alley	Lower the speed limit to 10 or 5 mph
15 mph – Pedestrian Safety Zone (with a public transit stop)	No changes permitted
Construction or temporary maintenance zones	See TEOpS 13-5-16 and 13-5-17
School zone/School crossing	See TEOpS 13-5-12
Connecting Highway	Subject to WisDOT approval
(a) All speed limit changes shall be based on an engineering and traffic investigation, including modifications allowed under Statute. Local governments can implement speed limit changes on the local road system without WisDOT approval when proposals are within the constraints identified above.	

WisDOT Regional offices

- Regional offices are authorized to approve speed limit changes on local roads and streets, including county trunk highways, where those changes fall outside the authorized limits that the local authorities *may* exercise as specified in the statutes.
- Regional offices are authorized to establish reductions in speed limits in construction zones on a temporary basis while the need for the reduction exists.
- Regional offices are authorized to approve speed limits which fall within 5 mph of the measured 85th percentile speed and no more than 2 mph below the measured average speed, or where speed limits are established based on statutory requirements. In the absence of speed information, regional staff **shall** coordinate with WisDOT Bureau of Traffic Operations (BTO). Exceptions include:
 - Adjusting speed limits due to relocations from development, access modifications or adjusting due to signage requirements. Extensions *should not* exceed 300' without BTO approval. Speed studies *may* be required for extensions due to these changes.
 - Construction of new roadway facilities or reconstruction of existing facilities in which speeds are posted in accordance with the design speed. If speeds are posted below the design speed, coordination with BTO is required.

WisDOT Bureau of Traffic Operations (BTO)

- The following **shall** be approved by the Traffic Analysis and Safety Unit (TASU) within BTO:
 - Speed limits not meeting the criteria defined above and within [Table 6.1](#).
 - Speed studies that are not able to collect speed data (e.g., short roadways).
 - Modifications or proposed modifications on expressways/freeways with posted speeds greater than or equal to 65 mph.
 - Use of variable speed limits.

13-5-7 Engineering and Traffic Investigation Procedure November 2024

Request Process

Requests to review a speed zone on the State Trunk Highway (STHs) **shall** be submitted in writing by a local unit of government or County Traffic Safety Commission and include the following:

- Current regulatory speed limit and begin/end points
- Proposed regulatory speed limit
- Proposed begin/end points of proposed zone(s)
- Reasoning for the request (e.g., change in land use, access, traffic volumes, crash trends)

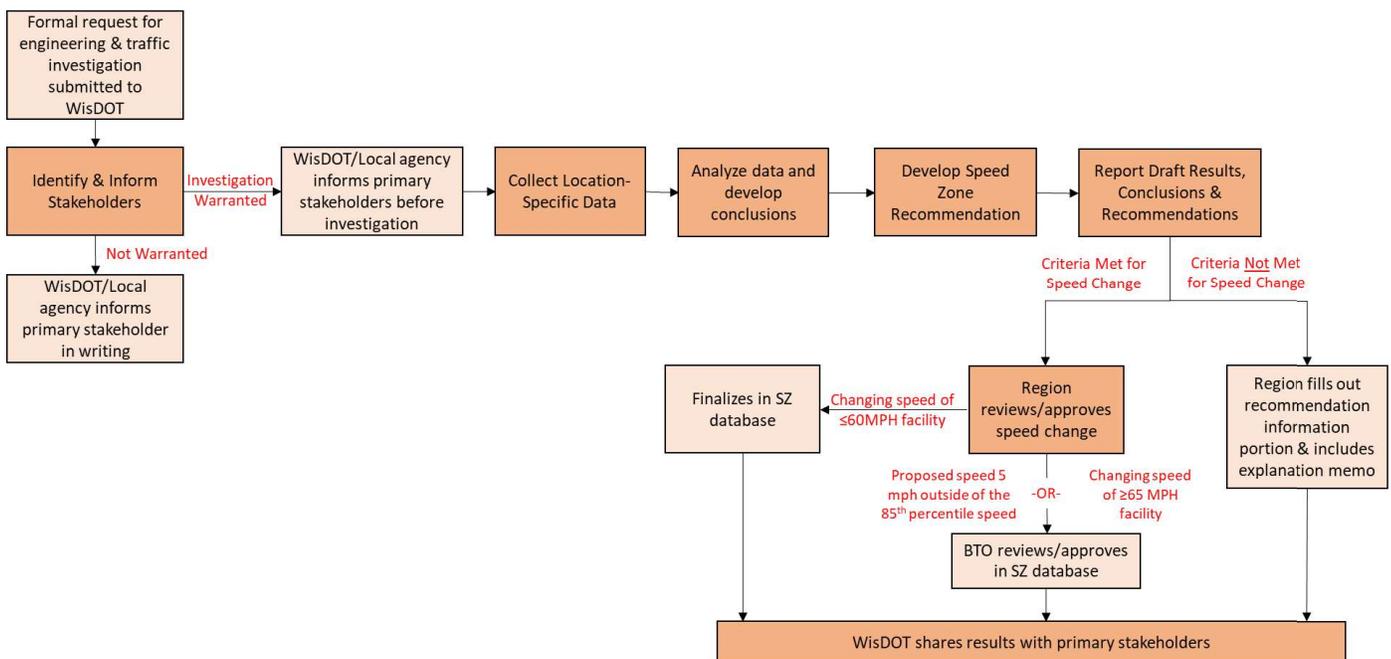
For contact information, please see the WisDOT [Speed Limits webpage](#).

Upon receipt of request, WisDOT will then determine if a review of the speed limit is appropriate. WisDOT does not entertain requests to modify speed limits from individual citizens or advocacy groups. Considerations for speed limit adjustments **shall not** be based solely on the following:

- Noise complaints
- Accommodating specialty vehicles (e.g., ATV/UTV)
- Correcting spot safety concerns
- Future concerns that have not yet occurred (e.g., future development, future roadway improvements)

If an engineering and traffic investigation is warranted, WisDOT will then follow a process outlined in [Figure 7.1](#).

Figure 7.1 Engineering and Traffic Investigation Process



Requirements

For a speed limit to be effective, it *should*:

- Reflect consistent application of traffic engineering principles
- Be a reasonable speed so the majority of drivers will comply voluntarily
- Be based on ideal or average conditions and not temporary situations (e.g., construction, seasonal variations in traffic/pedestrian volumes, special events)
- Local units of government *should* follow the guidance outlined within this manual to satisfy the requirements of an engineering and traffic investigation.
- For state-maintained highways, a traffic engineer with a Wisconsin Professional Engineer License is required to approve a speed limit modification.

An engineering and traffic investigation **shall** include the following section headings. Include information within each section as appropriate based on the study location.

1. Roadway Context Information

- Primary function or purpose of roadway (e.g., residential street, thoroughfare, commuter route, freight route, recreational route, etc.)
- Roadway environment (e.g., development adjacent to the road, average building setback, and types of land use)
- Roadway characteristics (e.g., number of lanes, lane widths, shoulder type and width, roadway curvature, median type, sight distance, presence of curb and gutter, etc.)
- Roadside features (e.g., presence of and distance to roadside hazards including trees, rock outcrops, street furniture, embankments, edge drop-off, side slopes, water bodies, etc.)
- Area Type (e.g., urban, suburban, rural)
- Access density (e.g., number and type of driveways and intersections, etc.)
- Road users (e.g., pedestrians, bicyclists, ATV/UTV, horse and buggies, other vulnerable road users, etc.)
- Traffic Volumes (e.g., AADT/ADT, truck volumes and proportions, pedestrian and bicycle volumes, etc.)
- Public transit volume and location or frequency of stops
- Other information relevant to the roadways purpose and function (e.g., parking practices, functional classification, design speed, etc.)

2. Safety Information

- Years reviewed (minimum of 3 years of reported crash history)
- Number and type of crashes
- Number of injury and fatal injury crashes
- Number of vulnerable road user crashes

3. Speed performance metrics

- 85th percentile speed
- 50th percentile speed
- Average speed
- Pace

4. Other relevant information

- Review of past speed studies to identify any trends in operating speeds

- Recent significant changes (traffic control changes, speed limit adjustments, lane adjustments, new development, etc.)
- Current level of enforcement

For urban and suburban roadways, and on rural roadways that serve as main streets through developed areas of communities, speed performance metrics *should not* be used as the sole criterion to establish speed limits without consideration of roadway context factors described above. On a freeway, expressway, or rural highway (outside urbanized locations or conditions), the speed limit that is posted *should* be within 5 mph of the 85th percentile speed of free-flowing traffic as long as all the factors described within the roadway context section of this policy have been considered and determined to be non-mitigating.

After analyzing information collected above as part of an engineering and traffic investigation, the analyst **shall** use it to develop and support speed zone recommendations. The engineering and traffic investigation **shall** provide a recommendation indicating whether conditions warrant a need to modify the speed limit of the studied section of roadway or not. Decisions regarding the potential change in a speed limit *should* be based on the objective findings of the engineering and traffic investigation and on conditions that exist at the time of the evaluation.

There are expert system tools available to aid in the process of determining appropriate speed limits which can be used to supplement the requirements listed above:

- [USLIMITS2](#)
- [NCHRP 966: Posted Speed Limit Setting Procedure and Tool](#)

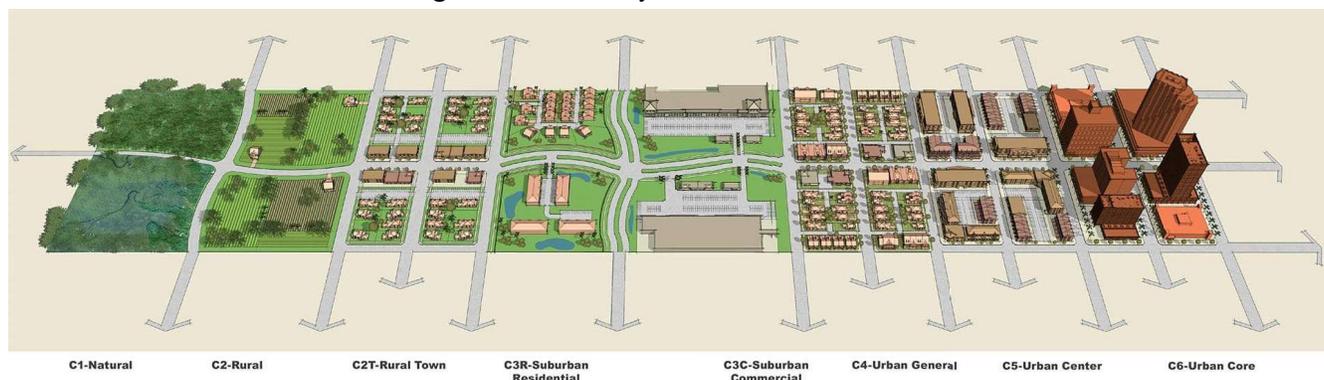
13-5-8 Transitioning between Speed Limits

November 2024

Roadway context and environmental factors play a critical role in establishing appropriate speed limits. Drivers must perceive the need to transition from one speed to another. Development density adjacent to the roadway, building setback distance, the number of streets and driveways that access the roadway, sight distance, roadway features including the presence of curb and gutter, shoulders, medians, sidewalks, pedestrians, bicyclists, and other vulnerable road users provide cues to the driver based on their past experiences. Other aspects considered when setting appropriate speed limits are the number and type of crashes observed, traffic volumes, and observed speeds.

[Figure 8.1](#) illustrates several different roadway context scenarios.

Figure 8.1 Roadway Context Classifications



Source: Florida DOT's context classification, 2020 [5]

[Table 8.1](#) provides planning-level speed limit recommendations based on the roadway context classifications.

Table 8.1 Design speeds based on context classifications

Context Category	Design Speeds (mph)
Natural	55
Rural	45, 50, 55
Rural Town	40, 45
Suburban Residential	35, 40, 45
Suburban Commercial	35, 40, 45
Urban General	25, 30
Urban Center	20, 25, 30
Urban Core	20, 25, 30

Minimum speed zone lengths *should* follow the guidance in [Table 8.2](#). Engineering judgement *should* be used in determining the appropriate length given the roadway context. If conditions require lengths shorter than those described below, coordinate with BTO's Traffic Analysis and Safety Unit for approval.

Table 8.2 Minimum length of speed zones

Speed Limit (mph)	Minimum Length (miles)
≤40	0.3
45, 50, 55	0.6
60, 65, 70	1.0

Note: Adjusted values from *Methods and Practices for Setting Speed Limits* [6]

Speed Zone Termination Points

The begin and end points of a speed zone *should* be located in locations with adequate sight distance and in advance of where the roadway environment changes (e.g., driveway density, lane transitions, curb and gutter presence, etc.) such that a driver may expect a different speed.

When the roadway environment or roadway characteristics change (e.g., driveway density, lane transitions, curb and gutter presence), the regulatory speed limit sign **shall** be located at the changed condition. Examples include placing speed limit signage within straight sections of roadway or prior to entering a community where there is minimal development, but the roadway characteristics change (e.g., unpaved shoulders to curb and gutter). In advance of the of changed condition, the reduced speed limit sign **shall** be located based on [TEOpS 2-3-30](#). The location of the reduced speed limit sign *should* be adjusted based on engineering judgement such that it is located where adequate sight distance is available or in advance of the changed condition based on site conditions.

Both travel directions of speed zones *should* begin and end at the same location to align with driver expectation. Roadway conditions, existing signage and other factors play a role in locating where speed limit signs can be placed in the field. When posted, the beginning and end points of a speed zone **shall** match the ordinance/declaration description as close as possible.

Roadway characteristics such as access points and intersections sometimes prevent speed zones from being aligned in both directions. In situations where a speed zone is written to change at an intersection, the signs **shall** be posted on either side of the intersection. When reviewed as part of a study or within an improvement project, efforts *should* be made to modify these speed zones to align on one side of the intersection.

- For situations in which the separation of the begin and end points is significant or different speeds are posted for each direction, engineering judgement *should* be used.
- If conditions require an offset speed zone coordinate with BTO's Traffic Analysis and Safety Unit for approval.

Gateway Treatments

Gateway treatments are used to capture the attention of a driver to provide awareness of changes in the roadway environment and encourage them to reduce their speed. Examples of this include enhanced signing (e.g., additional warning signage, beacons, dynamic speed display signs), median islands, curb extensions/bump-outs, roundabouts, chicanes, etc. Gateway treatments are important tools to consider in areas where there are large reductions in the posted speed due to an abrupt change in the roadway environment.

13-5-9 Data Collection Best Practices**November 2024**

A speed investigation *should* be performed during non-peak traffic conditions, during daylight hours, and under ideal weather conditions on a typical weekday, when motorists are likely to be traveling at uninterrupted/free-flow speeds. Collecting speed data during peak commute times, unique events, weekends, or holidays may unintentionally capture more variable travel characteristics.

A template for summarizing and reporting speed performance metrics is available on the Speed Limit [References and Resources webpage](#).

Below are best practices for collecting speed performance metrics:

- The observer or speed-measuring device *should* be inconspicuous to the observed traffic so unusual driver behavior does not skew data.
- Speed data *should* be collected away from factors that might influence vehicle speeds, such as railroad crossings, intersections, horizontal and vertical curves, and work zones.
- Vehicle headway (the time between successive vehicles per lane) of five or more seconds *should* be present for reliable speed observations. Measurements collected with smaller headways may not reflect free-flow conditions, as the lead vehicle may influence the speed of the vehicle(s) behind it.

Sample Size Requirements

Selecting a sample size (number of observations) is an important step in collecting speed performance metrics. Below are requirements to help set an appropriate sample size:

- A minimum sample size for speed data collection *should not* be less than 100 vehicles per lane per direction. For example:
 - 200 vehicles for a roadway with one through lane in each direction
 - 400 vehicles for a roadway with two through lanes in each direction
- For roadways classified as very-low volume local roads, the minimum sample size *should not* be less than 30 vehicles. If the analyst anticipates that a sample of 30 vehicles cannot be collected within a reasonable amount of time, coordinate with BTO's Traffic Analysis and Safety Unit to identify alternative data sources or collection methods.

Data Collection Methods

An analyst can use a variety of data collection devices. These devices can be grouped into three categories, which for these purposes, are based on the location that the speed data collection device is installed.

- Manually operated handheld devices that are portable and can be used in most places (e.g., radar gun and laser gun).
- In-road devices that are installed into or on top of the roadway surface (e.g., pneumatic road tube).
- Out-of-road devices that are installed overhead or to the side of the roadway surface (e.g., radar recorders).

Each device has distinct advantages and disadvantages for collecting and analyzing data that may factor in determining the appropriate device to use for a particular location. See WisDOT's [Data Collection Methods document](#) on the [Traffic Operations Manual webpage](#) for more information.

13-5-10 Documentation**November 2024****Speed Zone Database**

The approval process for speed limit modifications proposed by WisDOT on the State Trunk Highway system is conducted electronically within the [Speed Zone Database](#). The following summarizes the different levels of review and approval.

1. If an engineering and traffic investigation is completed on an established speed zone, the investigation findings and other relevant documents **shall** be stored within the database.
2. If WisDOT Regional office authority is met (see [TEOpS 13-5-6.2](#)), the designated Regional approver **shall** electronically sign/approve the speed zone declaration.
3. If WisDOT Bureau of Traffic Operations (BTO) approval is needed, coordinate with BTO's Traffic Analysis and Safety Unit for approval of the speed zone declaration.

Format

Speed zone declarations **shall** reference recognizable and permanent landmarks (e.g., intersections or highways) and denote a distance to or from these landmarks. Landmarks that change (e.g., construction limits, city limits, building names, railroad crossings, etc.) **shall not** be used.

13-5-11 Local Speed Limits**November 2024****Request Process**

Coordinate with the appropriate government agency to discuss concerns or proposed modifications on county highways, city or village roads, or town roads. Upon receipt of request, local authorities can initiate action to modify a speed limit and create a new speed zone on a local road through an engineering and traffic investigation. [TEOpS 13-5](#) is provided to help guide local agencies in establishing appropriate speed limits. Wisconsin ss. [346.57](#) and ss. [349.11](#) are most applicable to modification of regulatory speed limits. These statutes, and local government authority are summarized in [Table 6.1](#).

The following are common examples for local agencies:

- The roadway does not currently have a posted speed and is rural in nature (e.g., sparse development, no curb and gutter, gravel shoulders and grass ditches). In this scenario, by ss. [346.57](#), the speed limit is 55 mph.
- Lowering a 55-mph county trunk highway or rural roadway to 50 or 45 mph. In this scenario, the county or township *may* lower the speed limit to either 50 or 45 mph under the approval authority listed in ss. [346.57](#) and ss. [349.11](#) without WisDOT approval, but an engineering and traffic investigation is required to support the change.

Ordinances

It is recommended that the local approval process include legal adoption of the speed zone recommendation through passage of an ordinance. This establishes a legal record of the speed limit modification and allows the speed zone to be enforceable by law enforcement agencies. Proposed changes that lie outside the constraints presented in [Table 6.1](#) **shall** be reviewed and approved by WisDOT before legal adoption by local authorities. It is recommended that the local process conclude with the local authority responding to the submitting party in writing, providing notification of approval or an explanation of the reasons for denial. The following is an example county ordinance.

Sample Ordinance

Establishment of Speed Zones

The Board of Supervisors of the County of Alpha do ordain as follows:

A traffic and engineering investigation having been made on the following described highways, the maximum permissible speed at which vehicles *may* be operated on said highways, which speed is herewith established as reasonable and safe pursuant to Section 349.11, Wisconsin Statutes, **shall** be as set forth herein subject to approval by the Wisconsin Department of Transportation, and upon the erection of standard signs giving notice thereof, all in Alpha County Wisconsin:

1. County Trunk Highway "A", Town of Soup, Alpha County.

Forty-five miles per hour from its intersection with County Trunk Highway "B", northerly to its intersection with State Trunk Highway 201.

2. County Trunk Highway "B", Town of Blank, Alpha County.

Thirty miles per hour from the intersection of Rabbit's Foot Ave, northerly to a point 0.35 miles north of said intersection.

Documentation

Typical documentation of an engineering and traffic investigation can include a cover letter, memo describing the background and roadway context, map and/or photos of the area, safety information, speed performance metrics, findings, methodologies, and any other documentation to help support the recommendation. Contact the local WisDOT Regional office for an example of an engineering and traffic investigation or for any questions on the speed limit setting process. See WisDOT's [Speed Limit webpage](#) for contact information.

Speed Limits Within and Outside Incorporated Areas (Outlying District and Semiurban District)

Outlying District and Semiurban Districts are defined in ss. [346.57\(1\)\(ar\)](#) and [346.57\(1\)\(b\)](#) respectfully. These statutes are meant to establish speed limits based on access (building) density and *should not* be used as the sole criteria to establish a speed limit without consideration of other factors listed within [TEOpS 13-5-7.2](#).

13-5-12 School Zones

November 2024

Wisconsin State Statutes require that school advance warning signs be installed and maintained on every highway where a school ground is contiguous to the highway. There is no requirement that a school speed limit be posted except where it differs from the 15-mph provision in ss. [346.57 \(4\)\(a\)](#) and [\(b\)](#). These two provisions place the requirement on the motorist to reduce speed to 15 mph when children are present, even in the absence of speed limit signs.

Sign Requirements

School speed limits require the use of a regulatory school speed zone sign. For more information on school signage, see [TEOpS 2-3-54](#). If used, they *should* be posted at 10 mph less than the posted regulatory speed limit of the roadway.

The physical arrangements of schools along state trunk highways vary greatly. The following are examples to help illustrate guidelines within this policy. Other locations not fitting these will have to be reviewed to determine the appropriate use of school zone signs.

Urban Areas

- In a built-up section of a city or village, where the roadway speed limit is low (i.e., ≤30 mph) and sidewalks are present, many or most of the children walk to school. However, some children may be transported by vehicles which can lead to congestion.
- In developed areas, sudden stoppages and slowdowns are common. If the roadway is a higher speed facility (e.g., 35 mph or greater) it would be desirable to study the location to determine the appropriate school speed limit for the roadway.

Rural Areas

- In a rural area, the school may be the only development along the roadway. In these areas, speed limits often are higher and there are few to no children who bike or walk to school. It is WisDOT's policy to refrain from posting school speed limits under these conditions.
- Since children are unlikely to be present in vicinity of the roadway, school speed limit signs are ineffective at changing a motorist's behavior. If there are no children present, do not post a school speed limit sign. See [TEOpS 2-3-54](#) for information on school signage.

Conflicts with signs

Where school speed limits are posted, it is considered good practice to omit the full-time regulatory speed limit signs in the school zone to prevent confusion or avoid giving motorists grounds for disobeying the school speed limit.

13-5-13 Dynamic Speed Display Signs

November 2024

See [TEOpS 2-1-7](#) regarding policy for dynamic speed display signs.

13-5-14 Posted versus Design Speeds

November 2024

Design speed is used to establish design parameters for the various features of the roadway. The selected design speed *should not* be based on speed measurements but *should* be established based on factors such as the anticipated adjacent land use, topography, crash risks, and operating speed of the roadway. The posted speed **shall not** exceed the statutory speed limit and *should* be equal to or 5 mph lower than the selected design speed. When conditions prevent a roadway feature or element from meeting design speed requirements, the posted speed **shall not** be based on the individual design speed of the feature.

Local agencies *should* coordinate with the [WisDOT regional offices](#) if they have any questions with respect to design speeds and approval authorities outlined in [Table 6.1](#).

Policy

For construction of new roadway facilities or reconstruction of existing facilities, the posted speed limit *should* be posted in accordance with the design speed. Below are considerations for establishing appropriate speed limits on new or reconstructed facilities:

- For WisDOT improvement projects, the project team **shall** coordinate with the regional traffic and planning sections to mutually agree upon an appropriate speed limit. The regional traffic unit **shall** document the speed zone with a speed zone declaration. See [TEOpS 13-5-10](#).
- Posted speeds *should* generally be equal to or within 5 mph of the selected design speed.
 - There are cases, however, where the posted speeds *may* be higher or lower than the design speed for a section of highway.
 - For speed limits posted below the design speed, coordination with the Traffic Analysis and Safety Unit (TASU) in the Bureau of Traffic Operations (BTO) is required.
- Isolated intersections with reduced speed limits **shall** be investigated for design modifications rather than maintaining a posted reduced speed. See [TEOpS 13-5-15](#).
- Conversion of a two-lane roadway to a four-lane roadway **shall not** automatically constitute changing the speed limit from 55 mph to 45 mph.
- Where local roads are converted to state highways or built on relocation, such as bypasses, the speed limit *should* be based on the new geometrics of the roadway and the function and purpose of the highway as either an expressway or conventional highway.
 - The function of the highway includes adjacent land use, spacing of access points and proximity to the roadway.
 - The speed limit that existed prior to the conversion to a state highway *may not* necessarily be retained.

Design parameter considerations

Design parameters and features of the roadway are initially based on a design speed but careful consideration *should* be used to design a roadway to achieve an appropriate operating speed. Design speeds are used to design a roadway to operate safely and efficiently to serve its intended purpose. In some situations, there may be features that are unable to meet these design thresholds and may require a motorist to travel at a reduced speed. See [FDM 11-10-1.5](#) for more information and documentation requirements.

Individual design features such as isolated horizontal and vertical curves **shall not** dictate posted speed limits unless safety issues are identified post-construction. Other examples include:

- **Free-flow ramps at system and service interchanges** - Ramps are signed with advisory speeds mounted under a horizontal alignment sign and ramp speed warning sign.
- **Curves and/or turns with a speed rating less than design speed on a section of highway** – Curves and/or turns are signed with horizontal alignment signs and an advisory speed that provides a motorist with the recommended safe operating speed of the curve or turn.
 - Example: A 55 mph rural section of highway often has turns and curves that necessitate the driver to lower their speed in order to safely negotiate the curve or turn. The regulatory speed limit is not changed for each one of these turns or curves.
- **At transition sections from 4 to 2 lanes** - The transition area where a divided highway becomes an undivided highway *should* use engineering judgement to determine the proper location of where these speed limit transitions occur.
- **Other design features** - such as the presence and offset of curb, curb type (e.g., vertical face, sloped face), wider or narrower shoulders, or other design features **shall not** be a determining factor in establishing an appropriate speed limit in isolation.

13-5-15 Speed Limits on Approach to Controlled Intersections

November 2024

Sections of the state highway system in the immediate vicinity of a controlled intersection *should not* be considered for a speed zone reduction due strictly to the presence (or planned presence) of an intersection control condition. Intersection control conditions include stop conditions (one-way, two-way or all-way), traffic signals, roundabouts, or access restrictions (controlled either by regulatory signs or channelizing islands).

If requests for a modified speed limit in advance of a controlled intersection stem from safety concerns, roadway improvements *should* be considered that pertain to the specific site (e.g., channelized or extended turn lanes, modification to signal phasing or timing, rumble strips, advance warning signs, warning beacons, signing/markings enhancements, etc.). Speed limit reductions in advance of the intersection will likely not influence safety and may even promote poor engineering decisions in the future (e.g., signal equipment placement, signal timing or sign placement).

Existing locations that do not comply **shall** be allowed to remain until such time as the intersection is resurfaced or reconstructed.

Rather than establishing a lower speed limit in advance of a controlled intersection, consider design features such as:

- **Stop Conditions** – Proper placement of advance warning signs (per [WMUTCD](#)).
- **Traffic Signals** – Intersection lighting (per [TEOpS 11-4-2](#)) and Dilemma zone detection on high-speed approaches (per [Traffic Signal Design Manual \(TSDM\) 8-1-6](#)).
- **Roundabouts** – Proper geometric design of splitter islands, roadway curvature (per [FDM 11-26](#)) and lighting (per [TEOpS 11-4-3](#)).
- **Corridor Access Management** – Proper geometric design principles (per [FDM 7-35](#)).

13-5-16 Temporary Traffic Control Zones (Construction Work Zone Speed Limits)

November 2024

Refer to [Section 6B.01](#), Temporary Traffic Control Plans, of the [WMUTCD](#) for more information on reducing the speed in temporary traffic control zones (i.e., construction work zones). Reductions in speed limits for temporary traffic control zones *should* be evaluated according to the criteria in this policy. [Table 16.1](#) provides an illustration of different temporary traffic control zone scenarios.

There is often less need for reduced speed limits in temporary traffic control zones on rural conventional highways. On rural conventional highways, drivers do not have the same expectation for free-flowing traffic as they do on rural freeways. With driveway access and crossing movements on conventional highways, drivers tend to be alert to such movements and other similar conflicts even without reduced speed limits.

Temporary traffic control zones which require lower operating speeds due to changes in alignment (e.g., crossovers and transitions) or other work activities that occupy a short work area, *should* use warning signs with advisory speed plaques in lieu of regulatory speed limit signs.

Authority

The WisDOT work zone operations engineer within BTO has approval authority for temporary traffic control zone speed limits on all interstates and facilities with a posted speed of 65 mph or greater. The WisDOT regional work zone engineer has the authority to approve and establish temporary traffic control zone speed limits on all other roadways.

Policy

Engineering judgment **shall** be used when determining appropriate speed zones. This policy is intended to assist with the development of an appropriate work zone speed limit. Contact the regional work zone engineer or BTO for assistance with applying this policy.

Speed zones provide drivers an indication of what is considered a reasonable speed for that section of roadway. Proximity to construction activities, drop offs, lane closures, narrow lanes/shoulders and pavement condition all influence the driver's determination of a reasonable speed. The type of construction work, project length, area type (i.e., urban vs. rural), facility type, occurrence of night work and traffic mix (e.g., commuter, recreational, truck percentages) all impact driver expectations and the determination of what is a reasonable speed. The policy criteria described below *should* only be used for facilities during intermediate-term and long-term work activities as defined in [Part 6 of the WMUTCD](#).

Speed reductions in segments without active work can lead to disregard of the posted speed. Work with your project manager to incorporate standard special provisions for removing temporary speed zones when active work is not taking place.

Policy criteria 1 through 6 *should* be evaluated, along with engineering judgment, to develop an appropriate work zone speed limit. The most restrictive work zone impact *should* be used as the determining condition.

All reduced work zone speed limits **shall** be approved prior to approval of the 90% Transportation Management Plan (TMP).

Temporary Traffic Control Zone Policy Criteria

1. Interstates and Expressways with 70 or 65 mph speed limit:
 - If bi-directional traffic separated by concrete barrier temporary precast, then speed limit *may* be lowered to 60 mph if warranted.
 - If bi-directional traffic separated by tubular markers, then reduce to 55 mph.
 - If workers are present within 12 feet of live traffic without positive protection* for any length or work area, then reduce to 55 mph.
 - If work area is less than or equal to 0.5 miles in length with lane shifts or narrowed travel lanes and has positive protection*, then post warning signs with an advisory speed plaque.
 - If work area is less than or equal to 0.5 miles in length with no lane shifts or narrowed travel lanes and has positive protection*, then do not lower the speed limit.
 - If work is taking place outside the clear zone, then do not lower the speed limit.
 - During periods of no work activity, restore speed limit to posted speed. Such speed limit reduction **shall** be subject to documented approval by the BTO work zone operations engineer. When a reduced work zone speed limit is recommended in the TMP, a temporary speed zone declaration **shall** be completed and sent to BTO for approval.
2. Expressways and other multi-lane highways with 55 or 50 mph speed limit:
 - Reduce to 45 mph only in situations that have a combination of extreme lane shifts, narrowed lanes, bi-directional traffic, or milled surfaces.

- Restore speed limit to normal posted speed when reduction criteria are not present.
3. Multi-lane highways with 45 mph speed limit:
 - Reduce speed limit to 35 mph only in situations that have a combination of extreme lane shifts, narrowed lanes, bi-directional traffic, or milled surfaces.
 4. Two-lane rural highways with 55 mph speed limit:
 - Reduce to 45 mph only in situations that have a combination of extreme lane shifts, narrowed lanes or milled surfaces.
 - A flagging operation in and of itself would typically not warrant a reduced speed limit since motorists are controlled by the flagging devices.
 5. Two-lane rural roadways with speed limit of 45 mph or less:
 - Typically, no reduction in speed limit.
 - *May* consider a speed reduction up to 10 mph in increments of 5 mph in situations that have a combination of extreme lane shifts, narrowed lanes or milled/gravel surfaces.
 6. Two-lane urban roadways with speed limit of 40 mph or less
 - No change in speed limit except reduction to 35 mph *may* be considered in situations that have a combination of extreme lane shifts, narrowed lanes or milled/gravel surface.

*Positive protection is defined by FHWA as a temporary precast concrete barrier that contains or redirects vehicles and separates workers from the active travel lanes.

Table 16.1 Example Temporary Traffic Control Zone Scenarios

	<p>Bi-directional traffic separated by flexible tubular markers</p>
	<p>Active work areas within 12-ft. of live traffic without positive protection</p>
	<p>Lane shift to shoulder or temporary pavement</p>
	<p>Lane closure without positive protection</p>

Work Zone Temporary Speed Zone Declarations

Reduced speed limits in temporary traffic control zones are subject to approval by the BTO work zone operations engineer. A Temporary Speed Zone Declaration (TSZD) **shall** be submitted through the Department's online Wisconsin Transportation Management Plan (WisTMP) system.

- Complete the [Temporary Speed Zone Declaration Form](#) and attach it to Section 4 of the TMP.
- The TSZD will be approved by BTO and/or the regional work zone engineer by signing the 90% TMP.

13-5-17 Maintenance Work Zones

November 2024

Wisconsin ss. [349.11\(10\)](#) provides that a county *may* establish a speed limit through a maintenance work zone on a state trunk highway less than the authorized speed limit. This includes all freeways and interstate highways. The State Patrol will enforce the speed limit but need to be informed of its inauguration and the ordinance, resolution, or action enacting it.

Follow [TEOpS 13-5-16](#), policy criteria 1-6 when establishing a temporary speed zone reduction for maintenance activities.

Document the reduced regulatory speed in the [Wisconsin Lane Closure system](#) (WisLCS).

13-5-18 References

November 2024

- [1] **Federal Highway Administration.** *Manual on Uniform Traffic Control Devices for Streets and Highways, 11th Edition*, FHWA, December 2023.
- [2] **National Cooperative Highway Research Program.** *Human Factors Guidelines for Road Systems*, Washington D.C., NCHRP, 2012.
- [3] **Federal Highway Administration.** *Safe System Approach for Speed Management*, FHWA, May 2023.
- [4] **American Association of State Highway and Transportation Officials.** *A Policy on Geometric Design of Highways and Streets, 7th Edition*, AASHTO, 2018.
- [5] **Florida Department of Transportation.** *FDOT Context Classification Guide*, FDOT, July 2020.
- [6] **Federal Highway Administration.** *Methods and Practices for Setting Speed Limits*, FHWA, 2012.

Memorandum

**ATTACHMENT
2**

To Michael Wodalski, P.E. – Village of Weston, Director of Public Works

Copy N/A

Subject **Design Criteria Technical Memorandum
Village of Weston
Weston Avenue (CTH X – CTH J)**

From Zach Larson, P.E. – AECOM

Date November 1, 2021

The purpose of this memorandum is to discuss the design criteria used for the Weston Avenue project. The current status of this project is at 30%.

A. Background

The Services Agreement between AECOM and the Village of Weston includes the roadway design of Weston Avenue between CTH X and CTH J.

The project will be broken out into two segments as follows:

1. Ryan Street to CTH J (2023 Construction)
2. CTH X to Ryan Street (2024 Construction)

The Services Agreement also states that a Design Criteria Technical Memo documenting the roadway design parameters used for the Weston Avenue corridor between CTH X and CTH J shall be provided.

This memorandum documents the decisions and assumptions of the design parameters used.

B. Design Standards Used

CTH X (Camp Phillips Road) – Ryan Street

- 1) Speed
 - a) Posted: 35 MPH, Existing is 45 MPH posted and will be reduced
 - b) Design: 40 MPH
- 2) AADT
 - a) Construction Year: 2,955 AADT (2023)
 - b) Design Year: 4,255 AADT (2043)
- 3) Roadway Functional Design Classification
 - a) FDM Design Class – Collector, C4
 - i) *Source: WisDOT Functional Classification Criteria pdf*
(<https://wisconsindot.gov/Documents/projects/data-plan/plan-res/functional/mpa/wausau.pdf>)
 - ii) *Source: FDM 11-15, Attachment 1.2, FDM 11-20, Attachment 1.1*
- 4) Sight Distance
 - a) Stopping Sight Distance – 305-feet
 - i) *Source: FDM 11-10-5, Attachment 5.1*

ATTACHMENT
2

- b) Intersection Sight Distance – For Case B1, P=590-feet, SU=710-feet; B2, P=475-feet, SU=590-feet, However, each intersection needs to be evaluated and adjusted for additional lane width.
 - i) Source: *FDM 11-10-5.1.4.2, Table 5.2, Upper minimums listed*
- c) Vision Triangle – Avt/Bvt = 120
 - i) Source: *FDM 11-10, Att 5.13*
- 5) Travel Way
 - a) Width – 12-foot lane width
 - i) Source: *FDM 11-15 Attachment 1.2 & 1.16*
 - b) Cross-Slope – 2% is normal cross slope. 4% is maximum superelevation used.
 - i) Source: *FDM 11-15 Attachment 1.6 & FDM 11-15-1.6*
 - ii) Source: *FDM FDM 11-10-5.3 Table 5.7 for superelevation*
- 6) Median Width – Varies from 7-feet for raised median to a 14-foot TWLTL.
- 7) Auxiliary Lane
 - a) Type – no Auxiliary lanes used on this project
 - b) Width – N/A
 - c) Cross-Slope – N/A
- 8) Shoulder
 - a) Type
 - i) Curb to be used on outside for first ¼ mile.
(1) Source: *FDM 11-20-1.2.2 & (Att 1.1 & 1.3)*
 - ii) Combination of HMA / Base Aggregate to be used east of curb section
(1) Source: *FDM 11-15, Attachment 1.4, 1.5, & 1.16*
 - b) Width – 8-feet total (5-feet paved HMA)
 - i) Source: *FDM 11-15, Attachment 1.4 & 1.16*
 - c) Cross-Slope – HMA paved shoulder will match adjacent travel lane. Base Aggregate will be 4%.
 - i) Source: *FDM 11-15-1.7*
- 9) Lateral / Horizontal Clearance
 - a) Width - Greater of 6-ft or finished shoulder width +2-ft
 - i) Source: *FDM 11-15-1.13.2.3, Table 1.2*
- 10) Clear Zone
 - a) Width – 16-feet
 - i) Source: *FDM 11-15-1, Attachment 1.9*
- 11) Slopes
 - a) Inside Clear Zone – 4:1
 - b) Outside Clear Zone – 3:1 in over 15-feet of fill, 4:1 if under 15-feet of fill
 - i) Source: *FDM 11-15, Attachment 1.6 & 1.8*
 - c) Maximum Grade – 7%
 - i) Source: *FDM 11-10, Attachment 5.3*
 - d) Minimum Grade – 0.5%
 - i) Source: *FDM 11-10-5.4.1*
 - e) Vertical Curves
 - i) K Values, Crest = 70 for Cat 1, Upper minimum, Sag = 79 for Cat 1, Upper minimum
(1) Source: *FDM 11-10, Attachment 5.4 & 5.6*

Ryan Street – CTH J

- 1) Speed
 - a) Posted: 45 MPH, Existing is 45 MPH
 - b) Design: 50 MPH
- 2) AADT
 - a) Construction Year: 3,020 AADT (2024)
 - b) Design Year: 4,320 AADT (2044)
- 3) Roadway Functional Design Classification
 - a) FDM Design Class – Collector, C4
 - i) Source: *WisDOT Functional Classification Criteria pdf*
(<https://wisconsindot.gov/Documents/projects/data-plan/plan-res/functional/mpa/wausau.pdf>)
 - ii) Source: *FDM 11-15, Attachment 1.2, FDM 11-20, Attachment 1.1*
- 4) Sight Distance
 - a) Stopping Sight Distance – 425-feet
 - i) Source: *FDM 11-10-5, Attachment 5.1*
 - b) Intersection Sight Distance – For Case B1, P=735-feet, SU=885-feet, For Case B2, P=590-feet, SU=735-feet; However, each intersection needs to be evaluated and adjusted for additional lane width.
 - i) Source: *FDM 11-10-5.1.4.2, Table 5.2, Upper minimums listed*
 - c) Vision Triangle – Avt/Bvt = 150
 - i) Source: *FDM 11-10, Att 5.13*
- 5) Travel Way
 - a) Width – 12-foot lane width
 - i) Source: *FDM 11-15 Attachment 1.2 & 1.16*
 - b) Cross-Slope – 2% is normal cross slope. 4% is maximum superelevation used.
 - i) Source: *FDM 11-15 Attachment 1.7 & FDM 11-10-5.3.3*
 - ii) Source: *FDM FDM 11-10-5.3 Table 5.7 for superelevation*
- 6) Median Width – No median used on the east project limits.
- 7) Auxiliary Lane
 - a) Type – no Auxiliary lanes used on this project
 - b) Width – N/A
 - c) Cross-Slope – N/A
- 8) Shoulder
 - a) Type
 - i) Combination of HMA / Base Aggregate to be used east of curb section
(1) Source: *FDM 11-15, Attachment 1.4, 1.5, & 1.16*
 - b) Width – 8-feet total (5-feet paved HMA)
 - i) Source: *FDM 11-15, Attachment 1.4 & 1.16*
 - c) Cross-Slope – HMA paved shoulder will match adjacent travel lane. Base Aggregate will be 4%.
 - i) Source: *FDM 11-15-1.7*
- 9) Lateral / Horizontal Clearance
 - a) Width - Greater of 6-ft or finished shoulder width +2-ft
 - i) Source: *FDM 11-15-1.13.2.3, Table 1.2*
- 10) Clear Zone
 - a) Width – 26-feet
 - i) Source: *FDM 11-15-1, Attachment 1.9*

ATTACHMENT 2

11) Slopes

- a) Inside Clear Zone – 4:1
- b) Outside Clear Zone – 3:1 in over 15-feet of fill, 4:1 if under 15-feet of fill
 - i) *Source: FDM 11-15, Attachment 1.6 & 1.8*
- c) Maximum Grade – 6%
 - i) *Source: FDM 11-10, Attachment 5.3*
- d) Minimum Grade – 0.5%
 - i) *Source: FDM 11-10-5.4.1*
- e) Vertical Curves
 - i) K Values, Crest = 136 for Cat 1, Upper minimum, Sag = 96 for Cat 1, Upper minimum
(1) *Source: FDM 11-10, Attachment 5.4 & 5.6*