



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, May 5, 2025, 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 Vice Chair & Village Trustee Ermeling.
2. Pledge of Allegiance to the Flag.
3. Roll Call and declaration of quorum by Secretary –Vacant {c}, Barb Ermeling {vc}, Katrina Clark, John Czerwonka, Kirk Kamke, Luis Lopes-Serrao, 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 April 7, 2025, Regular Meeting](#)

WRITTEN COMMUNICATIONS RECEIVED

ACKNOWLEDGE REPORTS FROM DEPARTMENTS

5. [Code Enforcement Update](#)

UNFINISHED BUSINESS

6. Discussion and/or action on any further updates regarding Future Exploration of Commercial Building Inspections Program
7. [Discussion and/or action on proposed amendments to Chapter 90 Vegetation](#)

NEW BUSINESS

8. Update on Raze or Repair Order for Aspen Street Apartments located at 4911, 5003, 5007, 5011, 5013 & 5107 Aspen Street
9. [Discussion and/or action on Transfer of Reserve "Class B" Liquor License](#)
10. [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

ANNOUNCEMENTS

REMARKS FROM COMMITTEE MEMBERS

ITEMS FOR NEXT AGENDA

- a. Next Regular Meeting Date – Monday, June 2, 2025, at 5:00 pm
 - i. Proposed amendments to Chapter 42 Law Enforcement

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 04/30/2025. 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, April 7, 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, Jim Pinsonneault, 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 (7) CLPS members present.

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

Village Staff in attendance, in-person: Gebert, Wodalski, Maguire, Falkowski, Hunt, Finke, and Parker.

Village Staff in attendance, via Zoom: None

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 no audience members present, in-person.

Audience Members in attendance, via Zoom: There were no audience members present, via Zoom.

4. Reading of Mission Statement.

Lopes-Serrao read the Mission Statement of CLPS.

PUBLIC COMMENT [0:01:10 Zoom Meeting Recording]

None.

MINUTES FROM PREVIOUS MEETINGS [0:1:30 Zoom Meeting Recording]

5. Approve Minutes from March 3, 2025, CLPS Meeting.

Motion by Ermeling, second by Clark: to approve the March 3, 2025, CLPS meeting minutes.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

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

Pinsonneault moved down to Agenda Item #7.

WRITTEN COMMUNICATIONS RECEIVED

None.

ACKNOWLEDGE REPORTS FROM DEPARTMENTS [0:02:14 Zoom Meeting Recording]

6. Code Enforcement Update

Maguire showed the status report, that was included in the packet. Maguire stated it was a relatively quiet month and anticipates things picking up once spring shows up. He then brought up the list of open cases, that was included in the packet.

Pinsonneault questioned the older cases (2021 and 2023). Maguire commented that several of those are properties where the resident is either deceased or in jail, and either in probate or will need to work with Circuit Court.

Motion by Lopes-Serrao, second by Clark: to acknowledge the Code Enforcement Update Report.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

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

Pinsonneault then moved down to Agenda Item #8.

UNFINISHED BUSINESS

7. Discussion and/or action on further updates regarding Future Exploration of Commercial Building Inspections Program [0:01:50 Zoom Meeting Recording]

Maguire stated due to staffing levels during the month of March, there are no updates to this.

Pinsonneault then went back up to agenda Item #6.

8. Discussion and/or action on proposed amendments to Chapter 42 Law Enforcement
[0:05:48 Zoom Meeting Recording]

Gebert stated she just wanted to keep this item on the agenda, and Hunt confirmed there is no update on this.

Gebert commented that Chapter 26 Court needs to match in every municipality, as far as the Rothschild Area Municipal Court goes. Hunt stated the Clerk has been on vacation, and just got back, so he has not had a chance to check with her on this yet, to see if there are certain procedures to be added.

Motion by Olson, second by Ermeling: to defer action on Chapter 42 Law Enforcement until next month.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

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

NEW BUSINESS

9. Update on Raze or Repair Order for Aspen Street Apartments, located at 4911, 5003, 5007, 5011, 5013, & 5107 Aspen Street *[0:07:28 Zoom Meeting Recording]*

Maguire stated there was a follow-up inspection that needed to be taken care of after he returned from vacation, and the current Trustee of the LLC did not get back to him (on scheduling something) until last Thursday or Friday. However, all six (6) of these properties are now under new ownership (Atlas II, LLC – Keaton Schultz)

Maguire stated through his email communications, it sounds like the fire alarm issues have been resolved. He stated that now that these properties are under new ownership, we will need to start the process over again. He stated everything is recorded. He stated that his goal now is to set up a meeting with the new owner so that he can go over all the issues on these properties.

Hunt stated that MBMPD has been tackling a lot of the vehicle and junk issues that have been out there.

Gebert stated that through the Special Assessment Letter that is provided to the Title Company, for the new owner, at the closing of the sale, the Raze and Repair Order would have been noted. She stated that while we would have to start the noticing process over, the new owner should be aware of the Order and the deficiencies.

Maguire stated he does know the new owner, through the ownership of Stillwater Landing Mobile Home Park.

Hunt commented on County Records, it shows the new owner purchased these properties for \$4.2 million.

Pinsonneault questioned how the re-noticing starts. Maguire stated he will need to research this in State Statutes to verify how the re-noticing process works. Olson is hoping that for the amount of money the new owner paid, hopefully they are planning to protect their investment.

Lopes-Serrao noted in the Agenda item heading, the address of 5013 should be 5103.

No action taken.

10. Discussion and/or action on proposed amendments to Chapter 90 Vegetation [0:13:08 Zoom Meeting Recording]

Falkowski suggested two updates to this Chapter. Under 90.102(9)(a) the term “gypsy moth caterpillars” needs to change to “spongy moth”, as it is now politically incorrect. She stated that under 90.102(12)(c) the dates of no cutting or pruning of oaks has been changed, by the DNR, to April 15 to July 15.

Czerwonka questioned under Definitions, 90.101(1), for “Destroy” and the reference to pasturing livestock, if there are any livestock farms in Weston, which it was confirmed there are livestock farms in Weston.

Czerwonka asked who the “Weed Commissioner” is for Weston. It was stated that President Mark Maloney is the current Weed Commissioner, and how we name/appoint a new Board member as Weed Commission every two years. It was explained that the title “Weed Commissioner” comes from State Statutes.

There was some discussion on the action taken by the Weed Commission. Lopes-Serrao pointed out that in this ordinance (90.101(5)(a), it states “The Weed Commissioner and/or his/her designees are expressly authorized...”. It was stated that Village staff typically handles the violations for this.

Pinsonneault questioned on the last page, the “Tree and stump removal standards” 90.102(13)(b), and if we completed all the stump grinding and hole filling for all the Ash trees that were removed. Falkowski stated if the removal was trees located in the Village parks and Village rights-of-way, they were. Pinsonneault questioned if this is typically done within 2 weeks of tree removal (as noted in the

ordinance). Falkowski stated that if there are a lot of trees to remove, they will cut the trees and then once all are cut, rent a stump grinder to go back through and grind the stumps out, and fill in the holes with topsoil and grass seed. She stated maybe this needs to be amended to allow them more time.

Wodalski reads the statement as once the hole is created that it needs to be filled within two weeks, not the entire process, so that language can stay.

Lopes-Serrao suggested staff make the discussed changes and bring this back next month for action.

Motion by Lopes-Serrao, second by Ermeling: to defer action on Chapter 90 Vegetation until next month.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Voting

Member (PC)

| | |
|--------------------------------|-----|
| Pinsonneault, Jim {Chair} | YES |
| Ermeling, Barbara {Vice Chair} | YES |
| Clark, Katrina | YES |
| Czerwonka, John | YES |
| Kamke, Kirk | YES |
| Lopes-Serrao, Luis | YES |
| Olson, Brent | YES |

ANNOUNCEMENTS [0:24:32 Zoom Meeting Recording]

None.

REMARKS FROM COMMITTEE MEMBERS [0:24:40 Zoom Meeting Recording]

Lopes thanked the Police Department and the staff for the great work done on Election Day, in allowing everything to move through here smoothly.

ITEMS FOR NEXT AGENDA [0:25:26 Zoom Meeting Recording]

Gebert stated next month we will bring back Agenda Item #7, 8, 9 & 10 back with updates, plus starting to review a portion of Nuisance chapter (as it is a long chapter).

a. Next Regular Meeting Date – Monday, May 5, 2025, at 5:00 p.m.

ADJOURNMENT

Motion by Clark, second by Lopes-Serrao: to adjourn at 5:26 p.m.

Jim Pinsonneault, Village Trustee and CLPS Chair
Jami Gebert, Village Administrator

DRAFT

REQUEST FOR CONSIDERATION

Public Mtg/Date: CLPS, May 5th, 2025

Description: Monthly Code Enforcement Report

From: Jennifer Higgins, Planning & Development Director/Zoning Administrator
Roman Maguire, Building Inspector
Travis Meverden, Building Inspector/Property Inspector
Mountain Bay Metro Police Department
Dustin Gessert, Assistant Zoning Administrator/Code Enforcement

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 today, 4/30/25, there are 53 open and active code enforcement cases (See attached list).

15 new cases were created for April 2025. (See attached list)

Staff continue to meet in person with MBMPD monthly to discuss cases. Officers Zwicky and Loveless provide weekly updates on cases they are helping us with.

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

| ID | Complaint Date | Case Address | Case Number | Type | Status | Assigned To | Created On | Created By |
|------|----------------|-------------------------------|--------------|-------------------------|--------------|-------------|------------|------------------|
| 6497 | 4/30/2025 | 4401 W RAYBELLE DR, WESTON | CV-202500067 | Nuisances | Pending | dgessert | 4/30/2025 | dgessert |
| 6496 | 4/29/2025 | 7111 FEITH AV, WESTON | CV-202500066 | Abandoned Vehicles | Pending | dgessert | 4/29/2025 | Code Enforcement |
| 6495 | 4/29/2025 | 3417 SCHOFIELD AV, WESTON | CV-202500065 | Parking | Pending | rmaguire | 4/29/2025 | pbrehm |
| 6494 | 4/24/2025 | 4704 FULLER ST, WESTON | CV-202500064 | Nuisances | Pending | rmaguire | 4/24/2025 | vparker |
| 6492 | 4/22/2025 | 6502 CONNIE LN, WESTON | CV-202500062 | Business Licensing | Pending | dgessert | 4/22/2025 | Code Enforcement |
| 6491 | 4/21/2025 | 2115 CUTOFF RD, WESTON | CV-202500061 | Building Code | In Violation | rmaguire | 4/21/2025 | rmaguire |
| 6490 | 4/20/2025 | 3311 SCHOFIELD AV, WESTON | CV-202500060 | Refuse and Recycling | Pending | dgessert | 4/20/2025 | Code Enforcement |
| 6489 | 4/17/2025 | 6406 SCHOFIELD AV, WESTON | CV-202500059 | Nuisances | Pending | rmaguire | 4/17/2025 | vparker |
| 6488 | 4/17/2025 | 5408 WESTFAIR AV, WESTON | CV-202500058 | Zoning-Signs | Pending | jhiggins | 4/17/2025 | vparker |
| 6487 | 4/17/2025 | 5408 WESTFAIR AV, WESTON | CV-202500057 | Zoning-Permits/Approval | Pending | jhiggins | 4/17/2025 | vparker |
| 6486 | 4/17/2025 | 5408 WESTFAIR AV, WESTON | CV-202500056 | Zoning-Signs | Pending | jhiggins | 4/17/2025 | vparker |
| 6485 | 4/16/2025 | 5203 COROZALLA DR, WESTON | CV-202500055 | Parking | In Violation | jhiggins | 4/16/2025 | vparker |
| 6484 | 4/15/2025 | 6205 JACQUELYN RD, WESTON | CV-202500054 | Nuisances | In Violation | dgessert | 4/15/2025 | Code Enforcement |
| 6483 | 4/10/2025 | 6010 SAXON AV, WESTON | CV-202500053 | Zoning-Land Use | In Violation | rmaguire | 4/10/2025 | vparker |
| 6477 | 4/8/2025 | 5011 PINE ST, WESTON | CV-202500047 | Nuisances | Pending | dgessert | 4/8/2025 | Code Enforcement |

Zoning

Case Note

Status: In Compliance

CV-202400201 8211 SCHOFIELD AV, WESTON
CV-202500051 6503 ALTA VERDE ST, WESTON
CV-202500043 3006 BARCLAY WAY, WESTON
CV-202500049 6302 JACQUELYN RD, WESTON

Total In Compliance 4

Status: In Person Meeting

CV-202400178 3404 STERNBERG AV, WESTON

Total In Person Meeting 1

Status: In Violation

CV-202100096 3707 POWERS ST, WESTON
CV-202500051 6503 ALTA VERDE ST, WESTON
CV-202500054 6205 JACQUELYN RD, WESTON
CV-202500049 6302 JACQUELYN RD, WESTON
CV-202500050 5810 FERGE ST, WESTON
CV-202500053 6010 SAXON AV, WESTON
CV-202500040 2215 SCHOFIELD AV, WESTON
CV-202500055 5203 COROZALLA DR, WESTON

Total In Violation 8

Status: No Violation

CV-202500043 3006 BARCLAY WAY, WESTON
CV-202400185 5011 ASPEN ST, WESTON

Total No Violation 2

Status: Phone Call

CV-202500061 2115 CUTOFF RD, WESTON
CV-202500061 2115 CUTOFF RD, WESTON

Total Phone Call 2

Total Case Note 17

Circuit Court

Status: Plea Not Guilty

CV-202100096 3707 POWERS ST, WESTON

Total Plea Not Guilty 1

Total Circuit Court 1

Followup Inspection

Status: In Compliance

CV-202100096 3707 POWERS ST, WESTON
CV-202500035 5703 JAMAR ST, WESTON
CV-202500038 7205 SCHOFIELD AV, WESTON
CV-202500036 5503 CHERYL DR, WESTON
CV-202500032 4803 ROSS AV, WESTON
CV-202500030 5206 RIVERFRONT PL, WESTON
CV-202500041 5602 MESKER ST, WESTON
CV-202500052 5011 ASPEN ST, WESTON
CV-202500006 4509 STERNBERG AV, WESTON

Total In Compliance 9

Status: In Violation

CV-202500061 2115 CUTOFF RD, WESTON
CV-202500052 5011 ASPEN ST, WESTON

SR Action Count Detailed

Date From 4/1/2025 and Date To 4/30/2025

CV-202400178 3404 STERNBERG AV, WESTON
CV-202400042 4506 HOLLY AV, WESTON
CV-202400091 4501 RIVER BEND RD, WESTON

Total In Violation 5

Total Followup Inspection 14

Initial Contact

Status: Email

CV-202500054 6205 JACQUELYN RD, WESTON

Total Email 1

Status: In Violation

CV-202500043 3006 BARCLAY WAY, WESTON
CV-202500049 6302 JACQUELYN RD, WESTON
CV-202500050 5810 FERGE ST, WESTON
CV-202500051 6503 ALTA VERDE ST, WESTON
CV-202500043 3006 BARCLAY WAY, WESTON
CV-202500049 6302 JACQUELYN RD, WESTON
CV-202500050 5810 FERGE ST, WESTON
CV-202500053 6010 SAXON AV, WESTON
CV-202500051 6503 ALTA VERDE ST, WESTON

Total In Violation 9

Status: No Violation

CV-202500042 7006 LORA LEE LN, WESTON

Total No Violation 1

Status: Notice Emailed

CV-202500052 5011 ASPEN ST, WESTON

Total Notice Emailed 1

Status: Notice Posted

CV-202500061 2115 CUTOFF RD, WESTON

Total Notice Posted 1

Total Initial Contact 13

Initial Inspection

Status: In Violation

CV-202500055 5203 COROZALLA DR, WESTON
CV-202500051 6503 ALTA VERDE ST, WESTON
CV-202500041 5602 MESKER ST, WESTON

Total In Violation 3

Status: No Violation

CV-202500039 6502 CONNIE LN, WESTON

Total No Violation 1

Total Initial Inspection 4

Referred to PD

Status: In Violation

CV-202400178 3404 STERNBERG AV, WESTON
CV-202500051 6503 ALTA VERDE ST, WESTON
CV-202500050 5810 FERGE ST, WESTON
CV-202500049 6302 JACQUELYN RD, WESTON
CV-202500043 3006 BARCLAY WAY, WESTON
CV-202500049 6302 JACQUELYN RD, WESTON
CV-202500050 5810 FERGE ST, WESTON
CV-202500050 5810 FERGE ST, WESTON

SR Action Count Detailed

Date From 4/1/2025 and Date To 4/30/2025

Total In Violation 8

Total Referred to PD 8

REQUEST FOR CONSIDERATION

| | |
|-------------------------|---|
| Public Mtg/Date: | Community Life & Public Safety Committee Meeting, May 5, 2025 |
| Description: | Transfer of Reserve "Class B" Liquor License to a requesting municipality in Marathon County pursuant to Wis. Stat. §125.51(4)(e)1. |
| From: | Jami Gebert, Administrator Pamela Brehm, Clerk |
| Question: | Should the CLPS Committee approve the transfer of a Reserve "Class B" Liquor License and if so, what fee shall be established for the transfer? |

Background

A "Class B" Liquor License is issued to establishments and authorizes the sale of intoxicating liquor to consumers. The State provides municipal quotas on the issuance of "Class B" Liquor Licenses and each municipality must keep a record of their own quota. This quota is determined by the number of "Class B" Liquor Licenses granted or issued in good faith and in force on December 1, 1997, plus the number of reserve "Class B" Liquor Licenses the municipality is otherwise authorized to issue.

A municipality may increase its quota of "Class B" Liquor Licenses through an increase in its population which is determined by the Department of Administration. A municipality may increase its reserve "Class B" Liquor License when its population increases by 500 persons.

A Resolution 2025-008 was adopted by the Board of Trustees on April 21, 2025, increasing the available reserve "Class B" Liquor Licenses to 13. Currently, there are four reserve "Class B" licenses issued to establishments in the Village of Weston which leaves nine remaining licenses available. Staff is bringing this to the Committee to request approval to transfer a reserve "Class B" license to a municipality who should make such a request.

After transfer of a reserve "Class B" license, the receiving municipality may issue the license in the same manner as other reserve "Class B" licenses and remit the issuance fee to the Village of Weston. The license would be added to transferring municipality's quota; it cannot be transferred back to the Village of Weston. The Village would still have eight reserve licenses available. Pursuant to Wis. Stat. §125.51(3)(e)4, the Village shall establish a fee in an amount of not less than \$10,000 for the initial issuance of the reserve "Class B" license. The state only sets the minimum amount the fee can be, if a transfer to another municipality would occur, a fee can be determined by the transferring municipality and higher than \$10,000, but it cannot be less. If more than one municipality requested the license, a discussion and/or action on how to determine who would receive the license would return to the CLPS Committee for recommendation to the Board.

| | |
|--------------------------|---------------------|
| Attached Docs: | None. |
| Committee Action: | N/A |
| FISCAL IMPACT: | Minimum of \$10,000 |
| Recommendation: | |

REQUEST FOR CONSIDERATION

Recommended Language for Official Action

I move to transfer one reserve "Class B" Liquor License to any requesting municipality within Marathon County for \$_____.

Additional action:

REQUEST FOR CONSIDERATION

Public Mtg/Date: CLPS, May 5, 2025

Description: Discussion and/or action on proposed amendments to Chapter 90 Vegetation

From: Jami Gebert, Administrator

Question: Review of draft amendments to Chapter 90 Vegetation.

Background

Following discussion from our prior meeting, please find attached a draft amending **Chapter 90 Vegetation**.

Attached Docs: Draft amendments to Chapter 90 Vegetation.

Committee Action: TBD.

FISCAL IMPACT: None.

Recommendation: Approval.

Recommended Language for Official Action

I move to recommend approval of the ordinance amendments to Chapter 90 Vegetation to the Board of Trustees.

Or something else . . .

**VILLAGE OF WESTON
ORDINANCE NO. 25 –**

AN ORDINANCE AMENDING CHAPTER 90 VEGETATION, SECTION 90.102 PROTECTION OF TREES AND SHRUBS 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 “Article 90.102 Protection of Trees and Shrubs” of the Village of Weston Municipal Code is hereby amended as follows:

AMENDMENT

Sec 90.102 Protection of Trees and Shrubs

1. **Intent and Purpose.** It is the policy of the Village of Weston to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in the Village (See Village of Weston Municipal Code Chapter 94, Article 11):
 - a. Eliminate and guard against dangerous conditions which may result in injury to persons using the streets, sidewalks, or other public areas of the Village;
 - b. Promote and enhance the beauty and general welfare of the Village;
 - c. Prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas;
 - d. Guard all trees and shrubs, both public and private, within the Village against the spread of disease, insects, or pests; and
 - e. To prevent damage to any public sewer or water main, street, sidewalk, or other public property.
2. **Applicability.** This article shall apply to tree and shrubs growing or planted after the effective date of the ordinance from which this section is derived in or upon public areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, safety, or welfare of the public, public areas, or trees within either public or private areas.
3. **Village Board.** The Village Board or Village Arborist is empowered to require landowners to remove, prune, or treat specified trees, shrubs, or plants under certain conditions and to prohibit the planting of certain trees or tree species, shrubs, or plants on private lands within the Village (See Village of Weston Municipal Code Chapter 94, Article 11).
4. **Adoption of State Statutes.** Wis. Stats. §§ 27.09 and 86.03 are adopted and incorporated in this article by reference.
5. **Definitions.** Whenever the following words or terms are used in this article, they shall be construed to have the following meanings:
 - a. **Boulevard areas**, mean the land between the normal location of the street curbing and sidewalk.
 - b. **Curb**, means an enclosing frame, border or edging along a street.

- c. **Dbh (diameter at breast height)**; represents the diameter in inches of a trunk cross section measured at 4 ½ above ground level; a basis for estimating or identifying tree volume, value, management needs and costs, utilization options, etc.
- d. **Evergreen tree**, means any woody plant normally having one trunk and bearing foliage in the form of limbs with needles, which may extend from the ground level throughout its entire height.
- e. **Flush cut**, means pruning a branch even with the trunk. This type of pruning is not suggested as the wound will not callus properly. A proper finish cut shall begin at the branch bark ridge and finish just outside of the branch collar.
- f. **Hazard/Risk Tree**, means any tree or part thereof which the Village Arborist upon examination deems as being a safety concern that may endanger the public using Village property or may cause damage to Village property whether growing upon public or private premises; this shall be declared a public nuisance.
- g. **Median strip** means the dividing area that is landscaped between opposing traffic lanes within a street.
- h. **Public areas**, include all public parks and right-of-ways owned, controlled or leased by the Village.
- i. **Public nuisance**, means any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; is infected with a plant disease; is infested with injurious insects or pests; is injurious to public improvements; or endangers the life, health, safety or welfare of persons, plants, or property.
- j. **Public trees and shrubs**, means all trees and shrubs located or to be planted in or upon public areas.
- k. **Shrub**, means any woody vegetation or woody plant having multiple stems and bearing foliage from the ground up.
- l. **Topping**, also known as rounding over is the practice of indiscriminately cutting limbs, creating stubs regardless of branch juncture. This practice creates a momentarily reduced crown that will respond significantly with more and longer weakly attached limbs, which will create a safety concern, this practice is never acceptable.
- m. **Tree**, means any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level reaching a mature height of 12 feet or more.
- n. **Village Arborist**, means the person designated by the Village Board as authorized to carry out this article and assure that proper maintenance practices are completed to trees within the Village to create a safe and aesthetically pleasing community forest, this person shall be an International Society of Arboriculture Certified Arborist.
- o. **Vision triangle or vision setback area** is a clear sight triangle formed by a distance of 30 feet from the intersecting street rights of way and a third line connecting that distance to allow for clear views by persons traveling in vehicles or bicycles on the street.

6. Designation of Village Arborist.

- a. The Village Board may designate a municipal employee to perform the duties of the Village Arborist under Wis. Stat. § 27.09 and may authorize such Arborist to perform the duties and exercise the powers imposed on the Village Board by this section.

- b. Annually the Village Arborist shall perform a risk assessment of all Village street trees and park trees in manicured areas and provide such report and recommendations to the Village Board.
7. **Abatement of nuisances.** The Village Arborist shall order, direct, supervise and control the abatement of public nuisances as defined in this section by treatment, pruning, removal, or by other means which is determined to be necessary to prevent as fully as possible the spread of deleterious tree diseases or the insect pests or vectors known to carry such diseases, thus allowing for a structurally sound and safe community forest.
- a. Trees and shrubs on private premises.
 - i. The Village Arborist, after giving advance notice to the owner or tenant, shall have the authority to enter upon and inspect all premises, at reasonable times (7am to 5 pm), within the Village to determine whether any public nuisance exists thereon. If a request to inspect such trees or shrubs is denied by the person responsible for the property, an inspection warrant may be obtained pursuant to Wis. Stat. § 66.0119.
 - ii. **Notice to Owner of Record by Certified Mail.** The Village Arborist shall send a notice of violation/abatement order by certified mail to the owner of record 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 fourteen (14) days. If the nuisance is not abated and no timely objection is received by the Village Administrator, the Village Arborist shall abate the nuisance. The Village Arborist or his/her designees are expressly authorized to enter upon a private property for such abatement purposes. All costs associated abating the nuisance 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.
 - iii. **Posting Notice on Land in Violation.** If the owner of record does not sign for the notice of violation/abatement order that is sent by certified mail, the Village Arborist 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") in height. Said notice of violation/abatement order shall provide the same information as the notice of violation/abatement order described in the previous subsection. If the nuisance is not abated and no timely objection is received by the Village Administrator, the Village Arborist shall abate the nuisance. The Village Arborist or his/her designees 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.
 - iv. **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 shrub(s) and/or tree(s) is/are 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 Public Works and Utility 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). 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. 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 Public Works and Utility Committee shall make its determination in writing specifying its findings of fact and conclusions. If the Public Works and Utility Committee determines that a nuisance exists on the land at issue, the Public Works and Utility Committee shall order the Village Arborist and/or his/her designees to abate the nuisance in question unless the owner, occupier and/or controller of the land abates the nuisance within forty-eight (48) hours of the Public Works and Utility Committee's decision.

8. **Interference with Arborist.** No person shall interfere with the Village Arborist and their authorized representative while they are engaged in carrying out any work or activities authorized by this article.
9. **Treatment of trees.** Shall be in accordance with the following:
 - a. Whenever the Village Arborist determines that any tree or shrub or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors insects (elm bark beetles, gypsy-spongy moth caterpillars, emerald ash borer, etc.), the Village Arborist may cause all trees within the infected area to be treated as they see fit which, may mean injecting, spraying, severing interconnected roots, and or removing parts or whole trees along with other best practices to ensure that transfer of the insect or disease to other trees or plants does not occur.
 - b. In order to facilitate the work and minimize the inconvenience to the public of any treatments conducted under this section, the Arborist shall give 2 weeks' notice to landowners and or adjacent landowners and shall also post the appropriate warning notices in the areas along the streets where trees are to be treated. The Village shall not allow any claim for damages to any vehicle caused by spraying operations.
 - c. When trees on private property are to be treated, the Arborist shall notify the owner of such property and proceed in accordance with the requirements of subsection (9) (b) of this section.
 - d. No resident may prune, plant or remove trees on Village property.
10. **Assessment of costs of abatement.**

- a. The entire costs to the Village plus a 25% administrative fee for abating any public nuisance or spraying trees shall be charged to and assessed against the parcel or lot abutting on the street, alley, terrace, boulevard or parkway upon or in which such tree is located on or the parcel or lot upon which such tree stands in accordance with Wis. Stat. § 66.0627. The cost of abating any such nuisance or part thereof which is located in or upon any park or right-of-way shall be borne by the village.
- b. The cost of abating a public nuisance, when done at the direction and under the supervision of the Arborist, shall be assessed to the property to which such nuisance, tree or wood is located as follows:
 - i. The Arborist shall keep a strict account of the costs of such work or treatment and invoice the lot or parcel. Failure to pay within 60 days of the date of the notice will result in the amount charged to be entered on the tax roll as a tax against the property.
 - ii. The Village declares that, in making assessments under this section, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood part thereof.

11. Planting of trees and shrubs.

- a. **Purpose.** The Village Board states its determination that the planting, care and protection of the trees within the Village are desirable for the purpose of beauty, shade, comfort, noise and pollution reduction, storm water control, abatement, and economic betterment and encourages all persons to assist in a program of tree planting, care and protection.
- b. **Tree planting program.** The Public Works and Utility Committee shall recommend to the Village Board, with approval from the Village Arborist, a program for tree planting, care and protection for the public parks and street right of way. Planting and care of trees within public right of way by adjacent property owners, consistent with the program is encouraged. The Village Board shall also encourage the planting, care and protection of trees and shrubs on private premises within the Village.
 - i. **General planting techniques.**
 - (1) **Ball and burlap trees.** When using this type of root stock the wire basket should be removed to prevent girdling in the future width.
 - (2) **Hole width.** Shall be a minimum of twice the tree's root ball width.
 - (3) **Hole depth.** Trees shall be planted so the root collar is level with the soil line or slightly higher.
 - ii. **Right-of-way landscaping.** Where a parcel abuts a dedicated public right- of-way, landscaping shall be provided in accordance with the requirements as specified in Section 94.11.02(3)(a) of the Zoning Ordinance.
- c. **Tree types.**
 - i. The use of trees listed in Section 94.11.02(5) are prohibited and discouraged species in the public right-of-way.

- d. **Unlawfully planted trees.** Trees, plants or shrubs planted within any right-of-way or vision triangle without the authorization and approval of the Village Arborist may be removed without reimbursement. The Village Arborist shall notify the owner in writing, listing the unlawfully planted trees, plants or shrubs; ordering their removal and establishing a reasonable time within which such removal shall be accomplished. If removal is not accomplished within the 2 weeks specified in writing, the Village may remove such trees, plants or shrubs and assess the costs plus administrative fee thereof to the owner.

12. Pruning.

- a. Trees and shrubs standing in or upon public area or upon any private premises adjacent to any public right-of-way or public area shall be kept pruned so that the lowest branches projecting over the public street or sidewalk provide a clearance of not less than 14 feet. The Village Arborist may waive this subsection for newly planted trees if it is determined that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety (See Sec. 50.100.).
- b. The necessity of the pruning may be determined by the Village Arborist.
- c. No cutting or pruning of oaks from April ~~4st15th~~ through ~~Oct. 1stJuly 15th~~ is allowed, this is to prevent the initiation or spread of oak wilt prevention.

13. Removal of trees and stumps.

- a. **Hazardous, obstructive and infected trees.** Any tree or part thereof, whether alive or dead, which the Village Arborist shall find to be infected, hazardous or a nuisance as to endanger the general public or other trees, plants or shrubs growing within the Village or to be injurious to sewers, sidewalks or other public improvements, growing upon private premises, shall be removed, pruned or treated by the owner of the property upon to which such tree or part thereof is located. If the tree is located within the public right-of-way, the property owner may remove, prune, or treat the hazardous tree as approved by the Village, otherwise the Village shall remove, prune or treat the hazardous tree. If a tree falls from private property into the public right-of-way, the Village will clear the obstruction from the right-of-way at no cost, but removal of the tree on private property is the responsibility of the adjacent property owner. When a private property owner is responsible for the cost of tree removal, the Village Arborist shall give written notice to such owner to remedy the situation which shall be served by certified letter. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 2 weeks, as determined by the Village Arborist on the basis of seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or prune such tree on private property within the time limits, the Village Arborist shall cause the tree to be removed, treated or pruned and shall report the full costs thereof to the Treasurer, who shall there upon enter such costs as a special charge against the property, plus a 25% administrative fee.
- b. Tree and stump removal standards. In cutting down trees located in public areas, the tree will be removed with the root stump ground out to a depth suitable for future planting of trees or turf. All wood and debris will be removed from the

street prior to the end of each working day, and all holes shall be filled to normal grade level with topsoil and seed within 2 weeks.

14. Prohibited acts.

- a. **Damage to public trees.** No person shall, without the consent of the Village, perform or cause to be performed by others any of the following acts:
 - i. Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - ii. Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the tree or shrub.
 - iii. Remove any guard, stake or other device for the protection of a public tree or shrub; close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - iv. Attach any sign, poster, notice or other object on any tree or fasten any guy wire, cable, rope, nails, screws or other device to any tree.
 - v. Cause or encourage any fire or burning near or around any tree.
 - vi. Place or maintain upon the ground any stone, brick, cement or other impervious substance in such manner as may obstruct the free access of air or water to the roots of any tree, shrub or plant in or upon any public way or public place.

(Code 1999, § 6-4-1, Ord. 3-7-2009)

HISTORY

Adopted by Ord. Chapter 90 Protection of Trees and Shrubs Sec 90.103 on 3/7/2009

Amended by Ord. 15-027 on 11/18/2015

Amended by Ord. 17-012 on 4/19/2017

Amended by Ord. 19-014 on 8/21/2019

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 _____ 2025.

VILLAGE OF WESTON

By:

Mark F. Maloney, President

ATTEST:

By: _____
Pamela S. Brehm, Clerk

Adopted: _____

Published: _____

REQUEST FOR CONSIDERATION

Public Mtg/Date: CLPS, May 5, 2025

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

From: Jami Gebert, Administrator

Question: Review of any necessary amendments to Chapter 50 Nuisances, specifically Sections 100-102.

Background

Continuing discussion on the ordinances that the CLPS committee has some oversight and responsibility with, attached is **Chapter 50 Nuisances** for your review. The entire chapter is attached, but due to the length let's focus committee discussion on Sections 100-102 for May's meeting.

Attached Docs: Chapter 50 Nuisances

Committee Action: TBD.

FISCAL IMPACT: None.

Recommendation: None.

Recommended Language for Official Action

I move to

CHAPTER 50 NUISANCES[Sec 50.100 Things Prohibited](#)[Sec 50.101 Other Prohibited Nuisances](#)[Sec 50.102 Property Maintenance Code](#)[Sec 50.103 Loud, Disturbing Noises Prohibited](#)[Sec 50.104 Chronic Nuisance Premises](#)[Sec 50.105 Accumulation Of Used Motor Vehicles](#)

*Focus on Sections 100-102 for
May 5, 2025 CLPS Meeting*

Cross References—Health and Sanitation, Chapter 38; Mobile Homes, Chapter 46; Solid Waste, Chapter 66; Utilities, Chapter 86.

Sec 50.100 Things Prohibited

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

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 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.

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 "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.

- (1) 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.
- (2) 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.

ii. **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.

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

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.

iv. Property Inadequately Maintained.

- (1) 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 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.

- (2) Property which constitutes a fire hazard or condition considered dangerous to the public health, safety, and general welfare.
- (3) Property which is likely to or does harbor rats or other vectors, vermin, feral pets, or other non-domesticated animal nuisances.
- (4) 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.
- (5) Landscaping which is inadequately maintained or which is not installed as required by village codes or any permit issued in accordance with such codes.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.

v. Property Which Creates a Dangerous Condition.

- (1) 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.
 - (2) 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.
 - (3) 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.
- g. **Boarding House:** See Lodging House and Lodging Room.
- h. **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.
- i. **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.
- j. **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.
- k. **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.
- l. **Dwelling.** "Dwelling" is a place of abode, a residence or house for use by one (1) or more persons, excluding hotels or motels.
- m. **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.
- n. **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.

- o. **Exposed to Public View.** Any premises, or any part thereof, or any building, or any part thereof, which may be viewed by the public.
- p. **Exterior of the Premises.** Open space on the premises outside of any building thereon.
- q. **Extermination.** "Extermination" shall mean the control or elimination of 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.
- r. **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 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.
- s. **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.
- t. **Garbage.** Decayed and decomposed animal and vegetable waste resulting from the handling, preemption, cooking and consumption of food. (See also Refuse and Rubbish)
- u. **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.
- v. **Habitable Space.** "Habitable space" is one (1) or more rooms in a dwelling used primarily for sleeping, living or dining purposes.
- w. **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.
- x. **Infestation.** "Infestation" means the sustained presence of household pests, insects, rodents, vermin or other pests on the premises, which constitute a health hazard.
- y. **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.

- z. **Living Room.** "Living room" shall mean a room used primarily for living, dining or cooking purposes.
- aa. **Lodging House.** "Lodging house" is a dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.
- ab. **Lodging Room.** "Lodging room" is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.
- ac. **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.
- ad. **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.
- ae. **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.
- af. **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.
- ag. **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.
- ah. **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.
- ai. **Person.** A "person" shall mean and include any individual, firm, corporation, association or partnership.
- aj. **Premises.** A lot, plot or parcel of land, including the buildings or structures thereon.
- ak. **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.
- al. **Properly.** "Properly" 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.
- am. **Provided.** "Provided" shall mean furnished, supplied, paid for or under control of the owner.

- an. **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.
- ao. **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)
- ap. **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:
 - i. Single-family detached dwellings.
 - ii. Two-family detached dwellings.
 - iii. Multiple-family dwellings (including apartment hotels.)
 - iv. Lodging houses.
 - v. 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.

- aq. **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 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.
 - ar. **Rooming House.** See Lodging House and Lodging Room.
 - as. **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)
 - at. **Sleeping Room.** A "sleeping room" shall mean a room used for sleeping purposes.
 - au. **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.
 - av. **Supplied.** "Supplied" shall mean paid for, furnished, provided by or under control of the owner or operator
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, Mobile 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. **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.
- 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 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.

- vii. 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.

(1) 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).

(2) 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.)

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

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

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

- (C) 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.
- (D) Dining Areas in Kitchen - 1 per 75 sq. ft. or major fraction.
- (E) Bedroom - 1 per 75 sq. ft. or major fraction (minimum of 2).
- (F) Laundry - 1 (when laundry equipment is present.)
- (G) Bathrooms and Lavatories - 1 (may be part of wall fixture if 72.0 inches or less from floor).
- (H) 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.

- (4) 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.
- (5) 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.
- (6) 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:
 - (A) 100 amp for first two (2) dwelling units in a building.
 - (B) 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.

- viii. 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.

- ix. 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.

- x. 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 meals.
- xi. 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.

7. 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.
 - iv. 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.
 - v. 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.

- vi. 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.
 - vii. 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.
 - viii. 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.
- b. **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.
- c. **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.
- d. **Safe and sanitary maintenance of property.**
- i. 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.
 - ii. Every owner or operator shall improve and maintain all property under his/her control to comply with the following minimum requirements:
 - (1) 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.
 - (2) All exterior property areas shall be kept free from noxious weeds, as defined in Wisconsin Statutes and the Village of Weston Municipal Code.

- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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 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.
- (7) 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.
- (8) 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.
- (9) 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.

- (10) 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.
- (11) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) Abandoned Fuel Oil Tanks. Abandoned fuel oil tanks shall be removed from the building.
- (19) 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.
- (20) 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.

(21) Removal of Debris.

- (A) 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.
- (B) 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.
- (C) 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.

8. Fixing the responsibility of Owners, Operators and Occupants.

- a. The purpose of this subsection is to fix the responsibility of owners, operators and occupants of residential buildings.
- b. The responsibility of owners, operators, and occupants of residential buildings is as follows:
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. 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.

- vi. 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.
- vii. 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.
- viii. 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.

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

- a. 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.
- b. 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:
 - i. 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.
 - ii. 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.
 - iii. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

- g.
 - i. 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.
 - ii. 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.
 - iii. 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.

10. 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.

- f. **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.
- g. **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.
- h. **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.
- i. **Animal Excreta.**
 - i. **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.
 - ii. **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.
 - iii. **Exception.** This subsection shall not apply to visually impaired persons having control of guide dogs.

11. Lawn and Yard Maintenance.

- a. **Definitions.** The terms used herein are defined as follows.
 - i. **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.
- b. **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. 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.

i. **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.

ii. **Mowing by Village.**

(1) **Notice to Owner of Record by Mail.** The Weed Commissioner or his/her designee shall send a notice of violation/abatement order by mail to the owner of record 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.

(2) **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). 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. 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.

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

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.

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

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

5. 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. **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 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. Decibel readings over 110 db.(A) at the complainants property line will be subject to automatic citation.
 7. **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. **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. Decibel readings over 110 db.(A) at the complainants property line will be subject to automatic citation.
 9. **Exceptions.** Operation of emergency equipment and equipment used to comply with state mandates for a safe environment shall be exempt from this ordinance. Snowblowers 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. **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. **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 50.104 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 (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 (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 Trustees' determination. The Village Board of Trustees 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

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