

Chapter 26

NUISANCES

Sec. 26-1. Penalties.

Sec. 26-2. Enforcement.

Sec. 26-3. Purpose.

Sec. 26-4. Setbacks and offset area.

Sec. 26-5. General maintenance.

Sec. 26-6. Litter, mud, dirt, stone and debris control.

Sec. 26-7. Outdoor vehicle storage.

Sec. 26-8. Yard areas.

Sec. 26-9. Industrial sites and lots.

Sec. 26-1. Re-inspection fees & penalties.

(a) To compensate for inspection and administration costs, a fee of \$50.00 may be charged for any re-inspection to determine compliance with an order to correct conditions of provisions of this chapter of the North Prairie Village Code under the jurisdiction of the Village Chief of Police, the Chief of the Fire Department, or Building inspector, except no fee shall be charged for the re-inspection when compliance is recorded. A fee of \$75.00 may be charged for a second re-inspection, and a fee of \$150.00 may be charged for each subsequent re-inspection. Re-inspection fees shall be charged against the real estate upon which the re-inspections were made, shall be a lien upon the real estate, and shall be assessed and collected as a special charge.

(b) Any person, firm or corporation who violates this chapter shall be subject, upon conviction, to the forfeiture of not less than \$50.00, or more than \$200.00, together with the costs of prosecution, and in default of the payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid not exceeding ninety (90) days.

(c) Each violation and each day a violation continues or occurs shall constitute a separate offense under this chapter.
(Ord. No. 1-08, §1, 4-10-2008)

Sec. 26-2. Enforcement.

Whenever a written complaint is made to the village president or village board that a public nuisance or violation of the property maintenance requirements as established in this chapter exists within the village the complaint shall promptly be forwarded to the Environmental Health Division of the Parks and Land Use Department of Waukesha County, the chief of police, the chief of the fire department, or the building inspector, who are authorized and directed to make inspections in response to a complaint or when they have good reason to believe a violation has been or is being committed:

(1) Upon finding a violation is being committed, the inspecting officer is authorized and directed to provide the property owner with written notice of the nature of the violation. This notice shall require that the violation be corrected within thirty (30) days of the date of the notice. The property owner may appeal the notice of a violation upon written application to the Village Plan Commission within ten (10) days, and notice shall so indicate. After thirty (30) days from the date of the notice and time for any appeal, the inspecting office shall make a compliance observation/inspection and the following shall occur:

(a) The violation is taken care of by the property owner and no further action is necessary.

(b) The violation continues to exist and the property owner is issued written notification that said property remains in violation of this chapter of the village code and a special-inspection fee in accordance to Section 26-1 of this chapter will be assessed, and that a follow-up inspection will be made in another ten (10) days.

If the violation is not corrected within a reasonable time, not exceeding sixty (60) days, and the property remains in noncompliance, the inspecting officer is authorized to and may file an action in the name of the village in the circuit court of Waukesha County, Wisconsin, in accordance with the provisions of Chapter 823, Wis. Stats., as amended from time to time.

- (2) If the inspecting officer shall determine that the violation of this chapter within the village is of a great and immediate danger to the public health, safety or peace, the village president may direct the proper officer to cause the violation to be abated and removed through proper conveyance to an appropriate location for disposal and charge the costs thereof to the property owner, occupant or person causing, permitting or maintaining the violation, as the case may be.
- (3) Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances or deteriorating property by the village board or its officials in accordance with law.

(Ord. No. 1-08, §1, 4-10-2008)

Sec. 26-3. Purpose.

In order to protect the health, safety, and welfare of the residents of the village, to maintain the desirability, amenities and property values of the residential and commercial neighborhoods, and the industrial area of the village, and to protect and enhance the natural beauty of the village and in furtherance of the foregoing objectives, the abatement of public nuisances and property maintenance requirements in this chapter are established for all properties in the village.

(Ord. No. 1-08, §1, 4-10-2008)

Sec. 26-4. Outdoor storage and property maintenance – residential and commercial property.

Every property owner in the village residential and commercial zoning districts shall maintain the setback and offset areas of such owner's lot in accordance with the following requirements:

- (1) All setback and offset areas shall be kept clean and free from unsightly accumulation of debris, cut brush, refuse, trash, decayed vegetation matter, junk, rotting lumber, bedding, packing material, scrap metal, household equipment, furniture and appliances or any other material which by its nature causes an unsightly condition upon the property and/or in which flies, mosquitoes, disease-carrying insects, rats or other vermin may inhabit.
- (2) No portion of any setback and yard area shall be used for the storage or display of equipment, products, vehicles or any other material. Notwithstanding the foregoing, setback and yard areas may be used for the private storage of boats, other recreational vehicles and recreational equipment provided such items are regularly used by the property owner during each calendar year.

(Ord. No. 1-08, §1, 4-10-2008)

Sec. 26-5. General maintenance.

Every property owner in the village shall maintain the property in compliance with the following general requirements:

(1) The exterior of every structure shall be maintained generally free of broken glass, loose shingles, excessive paint peeling, crumbling stone, stucco or brick, loose boards or any other such conditions reflective of deterioration or inadequate or deferred maintenance.

(2) Lots shall be kept clean from any unsightly accumulation of debris or refuse.

(Ord. No. 1-08, §1, 4-10-2008)

Sec. 26-6. Litter, mud, dirt, stone and debris control.

Every property owner in the village shall maintain such property in such a manner as to prevent litter, mud, dirt, stone or debris from being blown off the property or otherwise passing onto neighboring properties. In addition, every contractor for any construction site in the village shall maintain the site in such a manner as to prevent litter, mud, dirt, stone or debris from being blown off the site or otherwise passing onto neighboring properties; and all such litter or debris shall be picked up at the end of each workday and placed in appropriate containers or stockpiles or removed from the site, as appropriate, to ensure compliance with this section.

(Ord. No. 1-08, §1, 4-10-2008)

Cross References: Solid waste, ch. 42.

Sec. 26-7. Outdoor vehicle storage.

The outdoor parking or storage of inoperable, dismantled, wrecked or junked motor vehicles, whether licensed or unlicensed, registered or unregistered, is hereby prohibited on any property in the village residential or commercial areas, unless permitted by conditional use or a business owner’s site plan or plan of operation.

(1) Definitions: The following words, terms and phrases, when used in section 26-7, shall have the meaning ascribed to them in this subsection, except where the context clearly indicate a different meaning:

Inoperable, dismantled, wrecked or junked motor vehicles. The phrase “inoperable, dismantled, wrecked or junked motor vehicles” shall mean any motor vehicle in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

Motor vehicle, Terms meaning all motor vehicles as defined in Wis. Stats. 340.01(35).

Unlicensed motor vehicles. The phrase “unlicensed motor vehicles” means all motor vehicles which do not bear lawful current license plates, except motor vehicles held for sale by a licensed motor vehicle dealer who otherwise meets the requirements of this section.

(Ord. No. 1-08, §1, 4-10-2008)

Cross References: Traffic and motor vehicles, ch. 50.

Sec. 26-8. Yard areas.

All yard areas that consist of grass lawn shall be maintained continually in a neat and groomed manner. Yard areas that consist of native wild flowers or plant life shall be maintained in a planned manner so as to control all noxious weeds as determined in chapter 58, article II, of this Code. The plan for native wildflowers or plant life areas should be consistent with contemporary means of native plant restoration.
(Ord. No. 1-08, §1, 4-10-2008)

Sec. 26-9. Industrial sites and lots.

Every industrial site or lot in the village shall be maintained in compliance with the following general requirements and the requirements as set forth in the zoning ordinance:

- (1) Lots and sites shall be kept clean from any unsightly accumulation old debris, refuse, trash, cut brush, rotting lumber, packing material, shipping material or any other material which by its nature causes an unsightly condition upon the property and/or in which flies, mosquitoes, disease-carrying insects, rats or other vermin may inhabit and which are not covered within the property owner's or business owner's site plan or plan of operation.
- (2) All storage upon industrial sites and lots in the village shall be governed by the property owner and business owner and the village plan commission.

(Ord. No. 1-08, §1, 4-15-2008)