

Property Maintenance:

~~Section 8.33 – Storage and Dumping.~~

- ~~A. On any lot or plot, no storage of junk shall be permitted in front, side or rear yards.~~
- ~~B. All spaces between structures shall be kept sufficiently free and clear of materials of every nature for the purpose of providing adequate light, air, and protection against fire.~~
- ~~C. Dumping of refuse or waste material at places other than the Town Transfer Station is absolutely prohibited in all districts.~~

Section 8.33 – Property Maintenance

8.33-1 PURPOSE AND INTENT: *Provides for the administration and maintenance of residences, vacant structures, parcels of land, and commercial premises in the Town of Horicon in conformity with the provision of this chapter to establish reasonable safeguards for the safety, health and welfare of the occupants and users thereof and of the general public.*

8.33-2 DEFINITIONS:

Commercial Premise: *A building, structure or land used for residential purposes including premises used for retail purposes, business purposes or industrial purposes.*

Extermination: *The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food: by poison, spraying, fumigating, trapping or by any other pest-elimination methods.*

Garbage: *The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.*

Infestation: *The presence within or contiguous to a structure or premises of insects, rats, vermin, or other pests.*

Junk: *The assortment of discarded and/or unused and/or broken items such as, but not limited to: metal, paper, glass, plastic, ceramic, aluminum, concrete, rubber, tires, appliances, tools, mattresses, metal and plastic drum containers, foam, box springs, furniture, construction debris, electrical components, petroleum products, propane tanks, motors, including junk automobiles and junkyard as defined in the Town's zoning law.*

Premises: *A lot, plot or parcel of land, easement, or public way, including any structures thereon.*

Rubbish: *Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials: this term shall also include discarded, abandoned, or stored appliances.*

Residence: A building which is occupied exclusively as the home or residence together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

Vacant Parcel: A parcel of land with no buildings or structures located on same.

Vacant Structure: A building or structure, or a portion thereof, shall be deemed vacant, if it has not been used or occupied for 12 consecutive months, or, if in a lesser period of time, there is a manifestation of a clear intent on the part of the owner to abandon the building or structure.

833-3: VACANT PROPERTY:

All vacant structures and premises or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.

8.33-4: EXTERIOR MAINTENANCE:

- A. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.*
- B. The owner shall keep all and every part of the premises which he/she owns, including the steps, walks, driveways, and parking areas in a clean, sanitary, and safe condition and free from such items but not limited to litter, debris, paper, dirt, garbage, and junk and except for public improvements, in good repair.*
- C. No owner or occupant of the premises shall store, place, or allow to accumulate items such as but not limited to refuse, garbage, junk, rubbish, litter, debris or other material of any kind or nature which may serve as food for rats, rodents, wild animals, or other pests or provide harborage for rats, rodents, wild animals, or other pests in or upon said property.*
- D. No owner or occupant shall allow the condition of the parcel of land or lot of any real property (or portion thereof) or any buildings, sheds or other structure located thereon, whether closed or open, to attain a condition that would attract rats, rodents, wild animals or other pests to congregate, occupy, breed or live upon or be attracted to said property.*

8.33-5: RUBBISH, GARBAGE AND JUNK:

- A. Accumulation of rubbish, garbage, or junk. All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish, garbage, junk or yard waste.*
- B. Disposal of rubbish. Every owner, operator, occupant, of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.*
- C. Disposal of garbage. Every occupant of a structure shall dispose of their garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.*
- D. Disposal of Junk. Every occupant of a structure shall dispose of all junk in an appropriate manner.*

8.33-6: RESPONSIBILITIES OF OWNERS AND OCCUPANTS:

- A. *Owners or premises and other person, as defined in Section 8.33-8B shall be responsible for compliance with this chapter.*
- B. *In addition, tenants and occupants shall be responsible for compliance with respect to the following:*
 - (1) *Maintaining all and every part of the premises they rent, occupy, or control, including the steps, walks, driveways and parking areas in a clean, sanitary and safe condition and free from such items as but not limited to litter, debris, paper, dirt, garbage and junk.*
 - (2) *Exterminating insects, rodents, or other pests within that part of the premises which they occupy.*

8.33-7: ENFORCEMENT:

- A. *The Zoning Administrator of the Town of Horicon shall be charged with the duty of administering and enforcing this chapter.*
- B. *It shall be the duty of the Zoning Administrator to issue a notice of violation or to order, in writing, the correction of all conditions found to exist in or on any premises which violate the provisions of this chapter.*
- C. *The Zoning Administrator shall cause an inspection to be made of any building, structure, or property when the Zoning Administrator has a reasonable basis to believe that the building, structure, or property is not free from rubbish, junk, garbage or the infestation by rats, rodents, wild animals, or other pests. In the event that a building, structure or other property is found to be in violation, the Zoning Administrator shall serve upon the owner and the occupant of the property a notice to correct the condition. The owner and the occupant placed on notice shall take immediate and necessary action to remedy the condition.*

8.33-8: PENALTIES OF OFFENSES:

- A. *A violation of this chapter, as determined by the court, is hereby declared to be an offense punishable by a fine not more than \$250 for each and every day the violation exists after properly written notice is given, or imprisonment for a period not to exceed six months, or both, for conviction of a first offence. Conviction of a second offense, both of which were committed within a period of five years, is punishable by a fine of not more than \$500 for each and every day the violation exists, or imprisonment for period not to exceed six months, or both. Conviction for a third or subsequent offences, all of which were committed within a period of five years, is punishable by a fine of not more than \$750 for each and every day the violation exists, or imprisonment for a period not to exceed six months, or both.*

8.33-9: SERVICE OF NOTICE OF VIOLATION:

- A. *A notice of violation issued by the Zoning Administrator relative to a premises shall be served either personally upon the person or by posting the violation notice in a conspicuous place upon the premises affected. If a notice of violation is served by posting it upon the premises, a copy thereof shall be mailed to the person to whom it is directed.*

- B. A notice of violation shall state that unless, within fourteen (14) calendar days from service or posting or the notice, a written request is made for a hearing before the Zoning Administrator, such notice shall, at the expiration of the fourteen (14) day period, be deemed an order to cease and desist from and to abate the described violation; such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline or remedial action which, if taken will affect compliance with this chapter.*
- C. If a hearing is requested, it shall be commenced not later than fourteen (14) calendar days after the request is made, provided that for good cause, the Zoning Administrator may postpone such hearing for a reasonable time. If, after the hearing the Zoning Administrator finds that a violation does not exist, or that unusual, extraordinary, or undue hardship shall occur as a result of the physical dimension and proportion of the property, the Zoning Administrator shall withdraw the notice. If the Zoning Administrator finds that the violation does exist, the Zoning Administrator shall forthwith issue an order requiring the abatement of the same within a prescribed reasonable time. The proceedings at such a hearing, which shall be informal in all respects, shall be summarized in a report reduced to writing and entered as a matter of public record, in the office of the Horicon Town Clerk.*
- D. Any party aggrieved by the decision of the Zoning Administrator may, within fourteen (14) calendar days of the decision of the Zoning Administrator, appeal said decision to the Town Board of the Town of Horicon by filing a letter describing the situation.*
- E. The provisions of Section 8.33-7B and 8.33-9A notwithstanding, it shall not be necessary for the Zoning Administrator to issue a notice of violation or to order in writing the correction of a condition in the instance of a second or any subsequent offense within a twelve-month period, and in the case of a second or subsequent offense, the person in violation may immediately be served with an appearance ticket or summons.*

8.33-10: EMERGENCIES:

Whenever the Zoning Administrator finds that an emergency exists which requires immediate attention to protect the public health or safety, the Zoning Administrator may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as they deem necessary to meet the emergency. Notwithstanding any other provision of this chapter, such an order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately but, upon petition to the Zoning Administrator or the local Justice Court, shall be afforded the hearing as soon as possible. After such a hearing, the Zoning Administrator or court shall continue such order in effect or shall modify or withdraw it.

8.33-11: ACTION UPON NONCOMPLIANCE:

- A. Upon the failure, neglect or refusal of any owner, person or agent so notified to properly comply with this law after the service or notice as provided herein the Zoning Administrator is hereby authorized and empowered to pay for the correction of such violation, subject to the approval of the Town Board of the Town of Horicon.*
- B. In addition to any other remedies or penalties that may be imposed, a violation of this chapter shall entitle the Town Board to remedy or repair the conditions constituting the violation, at the premises owner's expense, to bring the premises into conformity and compliance with this chapter. The disbursements and expenses shall become a charge and a lien upon the premises and the same shall be added to the premises next annual Town Tax Bill, to be collected in accordance with the provisions of law and the procedure for the*

payment of Town Taxes with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties, or powers available to the Town for enforcement of this chapter.