

**AN ORDINANCE CREATING SECTION 18.21 OF THE MUNICIPAL CODE OF
THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN
ESTABLISHING PROPERTY MAINTENANCE STANDARDS**

WHEREAS, pursuant to Wis. Stat. §§ 60.22 and 61.34 the Town Board has determined that it is necessary to establish property maintenance standards and regulations to promote the general welfare, peace, good order, and prosperity of the Town and its inhabitants.

NOW, THEREFORE, the Town Board of the Town of Sheboygan does ordain as follows:

Section 1. Creating Code. Section 18.21 of the Town of Sheboygan Code of Ordinances is hereby created to read as follows and the present Section 18.21 (Violations and Penalties) is renumbered to be Section 18.22:

“18.21 Property Maintenance Standards.

a. Property Maintenance Code Adopted.

(1) The International Property Maintenance Code, 2018 edition, including Appendix A, and all amendments thereto, are adopted and incorporated in this Code by reference. The International Property Maintenance Code shall be known as the "Property Maintenance Code" of the Town of Sheboygan. The provisions of this Property Maintenance Code shall apply to all existing residential and nonresidential structures and to all existing premises in the Town of Sheboygan, Sheboygan County, Wisconsin.

(2) A violation of the Property Maintenance Code, or any lawful order of the Town Board, Town Chairperson, Building Inspectors, or the Town Ordinance Enforcement Officers shall subject the violator to the forfeitures and penalties as provided by section 18.22 of the Town of Sheboygan Code of Ordinances.

(3) Any person who shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, shall be subject to the forfeitures and penalties as provided by section 18.22 of the Town of Sheboygan Code of Ordinances.

(4) Notwithstanding other provisions of this chapter, no person shall occupy, own, maintain, use or permit the use of a commercial property upon which any window pane or door requiring glazing is boarded up except as a result of weather conditions or replacement, and then only if the boarded up windows and doors are painted to match the exterior of the building, and only on a temporary basis not to exceed three weeks.

b. Prohibition, Administration and Enforcement.

(1) Prohibition. No person shall use, occupy, own, or permit use of any structure or premises that does not comply with the requirements of the Property Maintenance Code. Any violation of the Property Maintenance Code is a nuisance.

(2) Administration. The Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officers are hereby authorized and directed to administer and enforce the requirements of the Property Maintenance Code. The Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officers shall, individually or collectively, cause inspections to be made of all premises, as necessary, to secure compliance with the Property Maintenance Code. The Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officers may cause the abatement of any nuisance or violation of the Property Maintenance Code pursuant to the provisions of the Property Maintenance Code, or Wis. Stat. § 66.0413, or Chapter 823 of the Wisconsin Statutes. Costs incurred to enforce the provisions of the Property Maintenance Code or to abate any nuisance arising from violation of the Property Maintenance Code shall be charged to the property owner, and if not paid as directed are delinquent, and shall become a lien on the property pursuant to Wis. Stat. § 66.0627.c. Responsibility for the Maintenance of Property Exteriors and Premises.

(1) Exteriors and Premises. No person shall use or maintain building exteriors or surrounding premises in a manner that limits the use or enjoyment of neighboring property or which causes or tends to cause diminution of the value of the property or of other property in the neighborhood in which such premises is located by reason of:

i.Exterior storage of scrap lumber, junk, trash, or other debris, including, without limitation of enumeration, discarded objects or equipment such as motor vehicles, furniture, appliances, farm or manufacturing equipment, building materials, or litter.

ii.Exterior patchwork, repair, or reconstruction that results in a multi-textured or multi-colored effect or appearance not consonant with the décor, architectural design, or aesthetics of the rest of such building.

(2)Sanitation. All exterior premises shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, garbage or debris.

(3)Insect and Rodent Harborage. Every owner of a structure or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation is caused by failure of the responsible person to maintain a dwelling in a rat proof and insect proof condition, extermination shall be the responsibility of the owner.

(4)Accessory Structures. All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.”

Section 2.Repealing and Recreating Code. Section 18.22 of the Town of Sheboygan Code of Ordinances (Violations and Penalties) is hereby repealed and recreated to read as follows:

"18.22 Violations and Penalties

Any person, corporation, limited liability company, partnership, or any other entity violating any provision of this Chapter 18 of the Town of Sheboygan Code of Ordinances, including the Property Maintenance Code, shall upon conviction be subject to the following penalties:

a.For the first violation and conviction in a calendar year a forfeiture not to exceed \$150 plus the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each day that a violation shall continue shall constitute a separate offense.

b.For the second violation and conviction in a calendar year a forfeiture not to exceed \$500 plus the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each day that a violation shall continue shall constitute a separate offense.

c.For the third and each subsequent violation and conviction in a calendar year a forfeiture not to exceed \$750 plus the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each day that a violation shall continue shall constitute a separate offense."

Section 3.Repealing Code. Any sections of the Town of Sheboygan Code of Ordinances that are not consistent with these sections are hereby repealed.

Section 4.Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 5.Effective Date. This Ordinance shall take effect upon enactment and publication as required by law.

Enacted this 19th day of November, 2019.

TOWN OF SHEBOYGAN By **Daniel W. Hein**, Chairperson

CERTIFICATE OF CLERK I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 19th day of November, 2019. **Peggy Fischer**, Town Clerk.Published in the Sheboygan Press December 6th, 2019