

CITY OF PRESCOTT

**MEETING NOTICE
ORDINANCE COMMITTEE**

MONDAY, MAY 9, 2016

5:30 P.M.

PRESCOTT MUNICIPAL BUILDING

800 BORNER ST.

PRESCOTT, WI 54021

Website: prescottwi.org

1. Call to Order
2. Roll Call
3. Approve minutes for March 7, 2016
4. Ordinances regarding Traffic Visibility Triangle
5. Section 506-11 Snow and Ice removal
6. Ordinances regarding Property Maintenance
7. Other Business
8. Adjourn

NOTICE

**ACCESS TO THE MUNICIPAL BUILDING FOR THE DISABLED IS
AVAILABLE THROUGH THE MUNICIPAL BUILDING PARKING LOT
ENTRANCE. ALL THOSE WITH SPECIAL NEEDS SHOULD CALL CITY
HALL OFFICES (715-262-5544) IF ASSISTANCE IS REQUIRED.**

City of Prescott, WI
Wednesday, May 4, 2016

Chapter 635. Zoning

Article VI. Traffic Visibility, Loading, Parking and Access

§ 635-54. Traffic visibility triangle.

- A. Vision setback at intersections of public streets.
- (1) Where two public streets intersect at grade level, the intersection shall be day-lighted by excluding all buildings, structures and other obstructions to view; including shrubbery and trees (except highway and street signs) from the triangles adjacent to the intersection described as follows: bounded on two sides by the near boundaries of the intersecting streets and on the third side by a line drawn so as to intersect the street boundaries at points 25 feet distant from the point of intersection of the paved street boundaries at the corner.^[1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
 - (2) In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the vision clearance triangle from one street or road to another, the intent being to provide for the public safety; but it shall not necessarily be construed to mean that every tree in the vision clearance triangle must be removed.
- B. Exception. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

Current City Ordinance

City of Prescott, WI
Tuesday, April 5, 2016

Chapter 510. Subdivision of Land

Article VI. Required Improvements

§ 510-31. Street lamps; street trees.

- A. Streetlighting. The subdivider shall install streetlamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Director of Public Works.
- B. Street trees. Street trees shall be planted throughout all residential land divisions. Such trees shall be planted in the parkways equidistant between the sidewalks and curb, or in street tree easements, and no closer than five feet from any sanitary sewer service, water service, or driveway apron. The City shall let contracts for planting of street trees. At street corners, trees shall be located at least 25 feet from the intersection of right-of-way lines.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Current City Ordinance

VISION SETBACK AREA

An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from this intersection as specified in this chapter.

SAMPLE FROM ANOTHER CITY.

17.08.030 - Fences and obstructions.

- A. Vision Clearance Triangle. A vision clearance triangle shall be established at each corner of intersection streets in order to provide adequate sight distance.
1. The vision triangle shall be formed by creating a third leg which connects the ends of two legs which are in line with the face of existing curbs and have lengths established as follows:
 - a. On streets that have a stop condition at the intersection, the leg of the vision triangle shall extend back twenty-five (25) feet from the nearest face of curb on the cross street being approached. See Figures 1 and 2.
 - b. On streets that do not have a stop condition at the intersection, the leg of the vision triangle shall extend back fifty (50) feet from the nearest face of curb on the cross street being approached. See Figures 2 and 3.
 2. Vision clearance triangles shall apply at the intersection of public alleys with public streets. The leg of the vision clearance triangle along alleys shall extend back twenty-five (25) feet from the nearest face of the curb and the cross street being approached.
 3. Vision clearance triangles shall apply at the intersection of commercial driveways and alleys with public streets. The leg of the vision clearance triangle at commercial driveways shall extend back twenty-five feet from, and perpendicular to, the nearest face of curb on the cross street being approached.
 4. The vision clearance shall be considered three-dimensional beginning thirty (30) inches above the top of curbs and ending nine feet above the top of curbs.
 5. Where wording herein references horizontal measurement from face of curb and no curb exists, the edge of pavement shall be used instead.
 6. Where wording herein references vertical measurement from top of curb and no curb exists, the measurement shall begin at six inches above the edge of pavement.
 7. At any corner where the angle of intersection streets form an angle of less than seventy (70) degrees, the vision clearance triangle will be adjusted accordingly by the city engineer to provide sight distance consistent with that produced by application of this section at intersections of seventy (70) degrees or more.
- B. Character of Vision Clearance Triangle. A Vision Clearance Triangle shall contain no fence, structure, earth bank, hedge, planting, wall or other obstruction. The following are exempted from this provision:
1. Public utility poles and fire hydrants;
 2. Trees trimmed to the trunk;
 3. Other plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave in all seasons a clear and unobstructed cross-view;
 4. Official warning signs or signals.
- In addition, the city engineer may waive this provision where the natural contour of the ground is such that there can be no cross visibility at the intersection.
- C. Parking. There shall be no parking allowed along the curb adjacent to the vision clearance triangle.

- D. Buildings. Construction of new buildings or new additions to existing buildings that extend into the vision triangle shall not be permitted. Existing buildings shall not be considered an obstruction under the terms of this section.

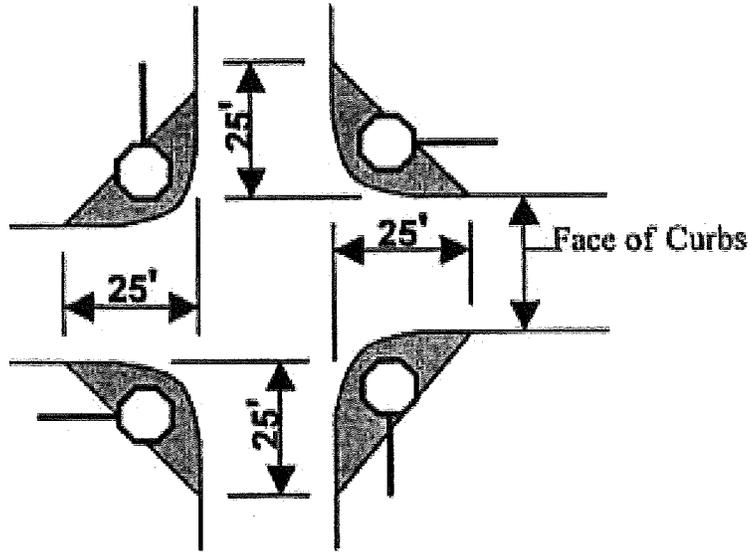


Figure 1: Vision Triangle at All Way Stop Intersection

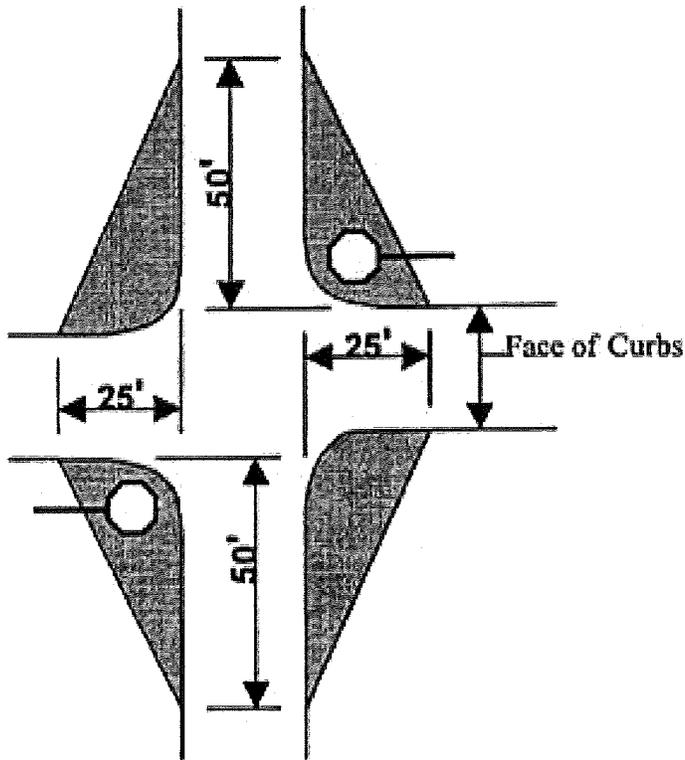


Figure 2: Vision Triangle at Partially Controlled Stop Intersection

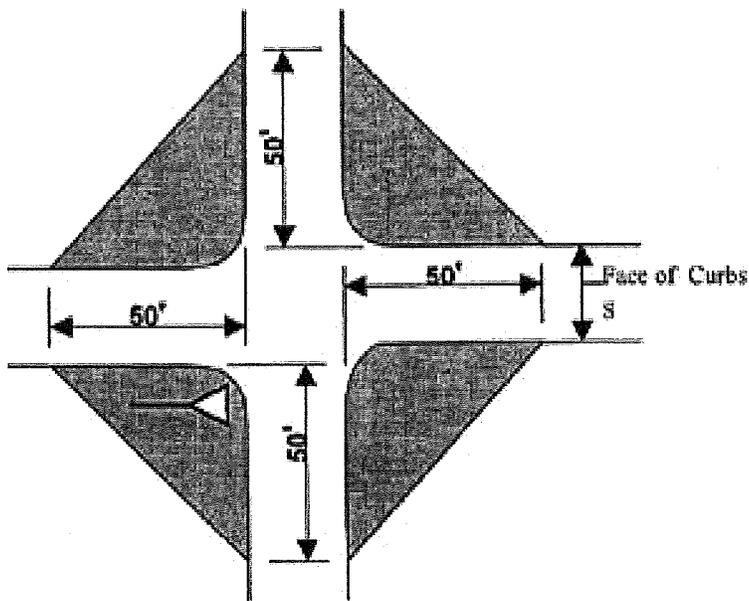


Figure 3: Vision Triangle at Yield or Non-Stop Controlled Intersections

- E. Obstructions in Corner Lots. The required front yard of a corner lot shall not contain any vehicle, trailer or other obstruction which may cause danger to traffic on a street or public road by obscuring the view.
- F. Storage of Equipment. Boats, campers, trailers, trucks, construction equipment and seasonal vehicles left for more than thirty (30) consecutive days shall be considered as being stored and shall not be stored on any required off street parking area or on any required front or side yard.
- G. Fence and Wall Height. In any residential zone, newly constructed or reconstructed fences and walls are permitted subject to the following:
 1. A fence or wall up to six feet in height may be erected within the rear lot line, side lot lines and return to the front corner of the principal building.
 2. A fence or wall not exceeding three feet may be erected within the side lot lines and across front yards forward of the front corners of the principle building in residential areas.
 3. No fence or wall shall be closer than five feet from the rear lot line where an alley exists.
 4. Any wall retaining more than three feet of earth shall not be allowed unless certified computations prepared by a professional engineer are provided to the city engineer.
 5. A terraced wall retaining no more than six feet of earth may be erected without providing engineering computations if the height of any individual wall does not exceed three feet and individual walls are spaced one and one-half the height of the highest individual wall.
 6. If a retaining wall exceeds three feet, a three-foot barrier fence shall be placed along the top of the wall, excluding low density residential.
- H. Fence Maintenance and Construction. Fences may be wood, concrete, block, stone, steel, chain link or plantings or other ornamental materials with the finished side facing out. Such fences shall be kept in good repair, painted, trimmed and well maintained.
- I.

Barbed Wire Fences. Barbed wire fences may be erected and maintained in the agriculture zone for control of livestock. In all other districts barbed wire fences may be erected and maintained only after the person desiring to erect and maintain the barbed wire fence has secured a special use permit.

J. Swimming Pool Safety Fences.

1. Access Requirements.

- a. All swimming pools to be constructed or which are already constructed shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in diameter, except for doors and gates. The fence shall be of a type not readily climbed by children. A dwelling or accessory building may be used as part of such enclosure. An above ground pool with a wall greater than four feet in height does not require a fence if the wall cannot be readily climbed by children.
- b. Above ground pools shall be protected in such a way that access ways, other than those afforded by the dwelling house or accessory buildings, shall be equipped with self-closing and self-latching gates or doors (including removal of ladders to pools when not in use) and are kept securely closed at all times when not in actual use.
- c. This requirement is retroactive. All private swimming pools described in this chapter in existence on August 21, 1992, shall be compliance on or before August 21, 1995.

2. Construction Requirements. As part of the building permit requirements, an applicant shall conform to the following:

- a. Submit a scaled drawing site plan indicating the location of the building, pool, decking, fence and gates;
- b. Install safety fencing around pool site during construction and until a permanent fence and gate is in place. The permanent fence shall be in place within seven days of filling of the pool. For the purpose of this subdivision, seven days after filling shall be considered the end of the construction.

K. Access and Use of Utility Easements. No fence or hedge shall interfere with the free access and use of any utility easement. A gate opening for utility and emergency personnel shall be provided where no other reasonable access is provided.

(Ord. 2000-9; Ord. 1999-26; prior code § 21.06)

City of Prescott, WI
Tuesday, May 3, 2016

Chapter 506. Streets and Sidewalks

Article II. General Regulations

§ 506-11. Snow and ice removal.

- A. Removal from sidewalks. Within 24 hours after the cessation of any fall of sleet or snow, it shall be the duty of the owners and/or the occupants of any lot or parcel of land in the City of Prescott to remove, or cause to be removed, the snow or sleet from any and all sidewalks and the nearest cross-sidewalks adjacent to the premises of such owner or occupant, and to keep the same free and clear of snow and ice for the full width of the sidewalk. When ice is formed on the sidewalk so that it cannot be removed, it shall be kept sprinkled with ashes, salt, sand or like material.^[1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- B. Failure to remove. In case of failure or neglect of any owner or occupant of any land or parcel of land to remove the snow from sidewalks as specified in Subsection A within the time set forth in said subsection and, after 24 hours after the cessation of any fall of snow, the owner or occupant has failed to remove such snow from sidewalks as specified in Subsection A, the Director of Public Works shall remove or cause the snow to be removed from any and all sidewalks and cross-sidewalks that may be so neglected by the owner or occupant, and a fee established by the Common Council shall be assessed against the owner or occupant for the cost and expense of moving such snow and will be billed by the City. The fee will be charged against the respective lots and parcels of land adjacent to which said work shall be done, as a special tax, and such sum or sums shall be collected in the same manner as other special taxes.
- C. Prohibited placement. Except as provided herein, no person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the City; provided, however, that the person, firm, or corporation depositing such snow shall, within one hour thereafter, cause the same to be removed from such street.
- D. Snow and ice as nuisance. The deposit of any snow or ice upon any sidewalk, alley or street of the City contrary to the provisions of this article shall be and is declared to be a nuisance, and in addition to the penalty provided for violation of this section, the City may similarly remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner or occupant of the property from which said snow or ice has been removed.
- E. Penalties. In addition to the liability of the owner or occupant of lands under Subsection B, the penalty for violation of any provision of this section of the Code will be a penalty as provided in § 1-4. A separate offense shall be deemed committed for each day of which a violation of this section occurs or continues.

City of Prescott, WI
Wednesday, May 4, 2016

Chapter 443. Property Maintenance

Article II. Exterior Maintenance of Commercial Property

§ 443-6. Title.

This article shall be known as the "City of Prescott Commercial Property Exterior Maintenance Code."

§ 443-7. Intent and purpose.

- A. This article is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic and monetary values.
- B. It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

§ 443-8. Rules and definitions.

- A. Rules. In the construction of this article, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise:
 - (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural the singular.
 - (3) The word "shall" is mandatory and not discretionary.
 - (4) The word "may" is permissive.
 - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- B. Definitions. The definitions found in § 341-3 shall be applicable in this article.

§ 443-9. Safe, sanitary and attractive maintenance of property.

- A. Purpose. The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.
- B. Minimum requirements. Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
- (1) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
 - (2) Weeds. All exterior property areas shall be kept free from noxious weeds as required by the Code of the City of Prescott. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted property.
 - (3) Debris. 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 within 24 hours.
 - (4) Fences, walks, and parking areas. 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 all-weather access to buildings or structures.
 - (5) Exterior surfaces. 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 workmanlike fashion.
 - (6) Yard areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
 - (7) General requirements. Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous 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.
 - (8) Windows and doors. Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.

- (9) Outside stairs and porches. Every 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 exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) 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 City, except at approved disposal sites.
- (b) No landowner 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 10 days.
- (c) All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

§ 443-10. Fixing responsibility of owners, operators and occupants.

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him.

§ 443-11. Enforcement, service of notice and orders and hearings.

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this article or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to § ~~341-10~~ of this Code.

TITLE XV: LAND USAGE

CHAPTER 158: PROPERTY MAINTENANCE

Section

- 158.01 Purpose and policy
- 158.02 Definitions
- 158.03 Enforcement
- 158.04 Property maintenance requirements

- 158.99 Penalty

§ 158.01 PURPOSE AND POLICY.

(A) *Purpose and policy.*

(1) This chapter provides a practical method to regulate the maintenance and use of existing properties and buildings within the City of Hastings for the purpose of protecting the public health, safety and welfare.

(2) This chapter:

- (a) Establishes minimum standards for maintenance property and buildings; and
- (b) Provides for administration and enforcement.

(B) *Intent.* The Council finds there exists in the city numerous properties which are substandard in 1 or more important features of structure or appearance. Such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of urban blight. Adequate protection of public health, safety and welfare requires the establishment and enforcement of minimum property maintenance standards. The City Council intends that this chapter be an integral part of the city's program of health, safety, building and land use regulation. This chapter is to be construed liberally, in conjunction with other provisions of the City Code, to give effect to the policy, purpose and objectives of this section, but is not construed to modify, amend or otherwise alter the provisions of the City Code relating to health, safety, structure or land use regulation. (Prior Code, § 18.01)

§ 158.02 DEFINITIONS.

The following terms as used in this subchapter shall have the meaning stated:

APPROVED. As approved by the Property Maintenance Inspector.

BOARD OF APPEALS. The City Council of the City of Hastings.

CARPORT. A shelter for an automobile, consisting of a roof extended from the side of a building, sometimes with an additional wall.

COMMERCIAL VEHICLES/EQUIPMENT. Includes but is not limited to backhoes, dump trucks, landscaping equipment, skid steers, wood chippers, cube or box type trailers or trucks, tow trucks, tractor trailers, semi-trailers, farm trailers, custom service vehicles, such as, but not limited to, well-drilling machines, wood- sawing machines, cement mixers, rock crushers, road grader, ditch digger, grading equipment; typical household or property maintenance service vehicles, any service vehicle engaged in a business which includes the repairing or servicing of vehicles, snow removal and road maintenance equipment and vehicles and all trailers designed for, or frequently used to transport any of the above.

DETERIORATED. Materials or conditions that are substandard and are in need of repair or replacement.

EXTERIOR SURFACE. Any surface exposed to weather conditions.

FAILED PAINT. Paint which is cracked, flaked, blistered, pealed, chalked, scaled over 20% or more of any wall surface or fence surface, or has failed to provide a protective surface for the base material.

FULLY SCREENED. Enclosed by use of a wall, fence or partition to hide the view of an object or property so as not to be readily visible from adjacent property.

HAZARDOUS TREES or BRUSH. Any tree(s) or brush that jeopardizes the structural integrity of a building, fence or structure or endangers human safety.

LOT. A separate parcel, tract or area of land undivided by any public street or approved private road, established by plat, metes and bounds subdivision, or otherwise permitted by law, and occupied or intended to be developed for and occupied by a principal building or group of buildings or accessory buildings, or utilized for a principle uses and uses accessory thereto, including such open spaces and yards as are designed and arranged or required by this city code for such building, use or development.

MISCELLANEOUS MATERIAL. **MISCELLANEOUS MATERIAL** includes, but is not limited to, wood pallets and miscellaneous construction materials, glass, wire, metal items, vehicle or bicycle parts, tires, gasoline cans, plastic containers, indoor furniture, cookware or other items meant for indoor use, propane tanks, used oil, used antifreeze, paper, wrappings, cardboard, tin cans, leaves, yard clippings, bricks, batteries, plaster, cement and mattresses.

MOTOR VEHICLE. Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways. It includes any vehicle propelled or drawn by a self-propelled vehicle.

MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, including motor scooter and bicycles with motor attached, other than those vehicles defined as motorized bicycles.

MOTORIZED BICYCLES. A bicycle that is propelled by a motor of a piston displacement capacity of 50 cubic centimeters or less, and a maximum of 2 brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with no more than 1% grade in any direction when the motor is engaged.

ORDER TO REPAIR. An order from the City of Hastings to a property owner that requires maintenance or repairs to be done to correct a Property Maintenance Ordinance violation.

OWNER'S AGENT. A person with written permission from the owner, legal guardian or power of attorney, able to represent the owner's interests.

PASSENGER VEHICLES. Passenger automobile, pick-up truck, van, self-propelled recreational vehicle motorcycle, motorized bicycle, school bus or farm truck.

PICK-UP TRUCK. Any truck with a manufacturers nominal rated carrying capacity of 3/4 ton or less, commonly known as a pick-up truck.

PROPERTY MAINTENANCE INSPECTOR. The person or persons who have been authorized by the Hastings City Council to enforce the Property Maintenance Ordinance which shall include the Building Official and the Supervisor of Inspections and Code Enforcement.

RECREATIONAL VEHICLES/EQUIPMENT. Motorized or non-motorized; includes but is not limited to boats, boat trailers, travel trailers, pick-up campers and coaches, tent campers, tent trailers, canoes, motor homes, jet skies, all-terrain vehicles, go-karts, mud trucks, stock cars, stock car trailers, buses, snowmobiles, snowmobile trailers, jet ski trailers, truck toppers, and enclosed box trailers, whether occupied or not with equipment or vehicles, and all trailers designed for or frequently used to transport any of the above.

SEMI-TRAILER. **SEMI-TRAILER** means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semi-trailer combination.

SPECIFIC AREA. One part or piece of a larger surface or assembly.

TRAILER. Trailer means any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle.

TRUCK-TRACTOR. Also known as a **TRACTOR-TRAILER**, a **TRUCK-TRACTOR** is a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

VAN. Any vehicle of box-like design with no barrier or separation between the operators and the remainder of the cargo-carrying area, and with a manufacturer's nominal rated capacity of 3/4 tons or less.

VEHICLE. Any motor vehicle, passenger vehicle, recreational vehicle/equipment or commercial vehicle/equipment.

VIOLATION NOTICE. Notice in writing given to the owner of record of a violation of the City of Hastings Property Maintenance Ordinance. (Prior Code, § 18.02)

§ 158.03 ENFORCEMENT.

(A) *Enforcement.* The Hastings City Council shall authorize the Inspections and Code Enforcement staff as assigned by the Supervisor of Inspections and Code Enforcement to enforce this chapter under the title of Property Maintenance Inspector.

(B) *Inspections.* The Property Maintenance Inspector shall make inspections and take any such action as may be required to enforce the provisions of this chapter.

(C) *Right of entry.* Whenever the Property Maintenance Inspector has reasonable cause to believe that there may exist in any building or on any property any condition that is in violation of this chapter, the Property Maintenance Inspector may enter the building or property at reasonable times to make inspections or to perform any duty required to administer said chapter. The Property Maintenance Inspector shall first present proper credentials and request entry. If the property is unoccupied the inspector shall mail notice to the owner of record by certified mail 7 days prior to inspection. If entry is refused the building inspector shall have recourse to every remedy provided by law to secure entry, including the right to secure a proper inspection warrant.

(D) *Violations.* When a property or building is in violation of this ordinance, the property owner of record shall be issued a Notice of Violation and Compliance Order in writing to include the following information:

- (1) A description of the property sufficient for identification.
- (2) Description of the violation(s) and the action required to remedy the violation(s).
- (3) Provision of reasonable time to perform any remedy to be completed.
- (4) Notice of any action that may be taken by the city if repairs are not made in a reasonable time period.
- (5) Notice of any right of appeal.

(E) *Appeals.* Any person aggrieved by a violation notice and order to make repairs to property shall have the right to appeal. The Board may uphold the violation; void all violations; or, change any described violation by adding violations, removing violations or changing the order to repair.

(F) *Appeal procedure.* Any property owner or owner's agent that has been served with a violation notice and an order to repair shall have the right to appeal the order to the Board of Appeals and Adjustments within 30 days after receiving the compliance order. All appeals shall be made to the Supervisor of Inspections and Code Enforcement in writing with any information to substantiate the appeal. The appeal shall be considered by the Board of Appeals and Adjustments under provisions established for consideration of the appeals under § 30.02. (Prior Code, § 18.03)

§ 158.04 PROPERTY MAINTENANCE REQUIREMENTS.

(A) *Abandoned and non-operational motor vehicles.* It is unlawful to park or store on any property within the city any abandoned or non-operational or unlicensed motor vehicle, unless housed within a building which complies with City Code.

(B) *Parking and storage of vehicles.*

(1) It is unlawful to park or store on a residential lot, outside of a building that complies with city code, vehicles in excess of the amount permitted by this division.

(2) In the Agricultural and R-1 Zoned Residential Districts, it is unlawful to park or store more than a combined total of 5 vehicles outside of a structure on a lot. Of these 5 no more than 2 may be of the recreational vehicle/equipment category or the commercial vehicle/equipment category, combined.

(3) In R-2, R-3, R-4, R-5 Residential Districts, it is unlawful to park or store on a residential lot more than a combined total of 3 vehicles per residential dwelling unit outside of an enclosed structure on any lot. Of these 3, only 1 may be of the recreational vehicle/equipment or commercial vehicle/equipment category.

(4) For those allowed in this division, the following conditions shall apply:

(a) No recreational vehicle/equipment or commercial vehicle/equipment shall be parked or stored at the street end of a driveway within the boulevard portion of the public right-of-way.

(b) No more than 1 currently licensed recreational vehicle/equipment or commercial vehicle/equipment may be parked in a driveway on a residential lot and it must also be 8 feet or less in height.

(c) One currently licensed recreational vehicle/equipment or commercial vehicle/equipment may be parked on the lot behind the nearest portion of the building closest to a street.

(d) No motor vehicles, passenger vehicles, recreational vehicles/equipment or commercial vehicles/equipment shall be used for the purpose of a residence and/or housekeeping, in any zoning district, unless approved by the City.

(e) Except as provided in (B)(4)(b) above, no commercial vehicles/equipment may be parked or stored on a residential lot outside of a structure, except while work is being performed at the property.

(f) Except as provided in (B)(4)(b) above, recreational vehicles/equipment can be parked in a driveway for a period not to exceed 72 hours for the purpose of loading and unloading.

(C) *Storage of miscellaneous materials and equipment.*

(1) *Screened.* All miscellaneous materials and equipment not enclosed within an approved shelter or approved cover, shall be fully screened so as not to be visible from adjoining properties.

(2) *Exceptions.* Hot tubs, clothes lines, playground type equipment, construction, agricultural, landscaping materials or equipment currently being used to perform work on the premise.

-1-

(D) *Grass and weeds on private property.*

(1) It is unlawful for any owner, occupant or agent of any lot or parcel of land in the city to allow any vegetation such as weeds or grass growing upon any such lot or parcel or land to grow to a height greater than 12 inches or to allow such weeds or grass to go to seed.

(2) If any such owner, occupant or agent fails to comply with this height limitation and after notice given by the Property Maintenance Inspector, or his or her agent, has not complied within 72 hours of such notice, the city shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The city shall certify to the Dakota County Auditor, a statement of cost incurred by the city. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes. (Ord. 513, passed 4-22-2004)

(E) *Trees, brush, shrubs on private property.*

(1) Any tree, shrub or brush that grows against any building or fence which represents a hazard to the structural integrity of said building or fence shall be removed or trimmed to prevent damage.

(2) Trees, tree limbs, brush or shrubs that are dead, damaged and hazardous by nature shall be removed and disposed of in a legal manner.

(F) *Electrical wires, fixtures, and devices on private property.*

(1) No electrical wires shall hang less than 10 feet above the ground or 12 feet from a driveway surface.

(2) Loose hanging electrical fixtures, wires and devices shall be repaired, replaced or properly abandoned.

(G) *Storm water runoff.* Storm water runoff from roofs, decks, yards and other surfaces shall drain so as not to represent a hazard to other properties or stain, discolor or degrade siding and other building surfaces.

(H) *Repair and maintenance of existing buildings.* All buildings within the city shall be maintained as indicated below. Existing uses shall comply with these provisions within 12 months following passage of this chapter.

(1) *All surfaces in general.*

(a) All exterior surfaces shall be of material manufactured or processed specifically for use in weather exposed location.

(b) All surfaces must be kept reasonably weather tight and rodent proof.

(c) Exterior wood, not decay resistant by processed or natural means must be protected by paint, stain or other approved treatment and applied as approved for use by the manufacturer.

(d) Exterior surfaces shall be maintained free of cracks, tears, breaks from deterioration or neglect.

(e) Exterior protective surfaces on all buildings shall be maintained in good repair so as to provide a sufficient covering and protection of structural members, insulation and interior finishes.

(f) All visible rot shall be deemed deteriorated and must be replaced or repaired.

(2) *Roof.*

(a) Roofs shall be maintained in a weather tight and water proof condition.

(b) Loose, broken and missing roofing materials shall be repaired or replaced as per manufacturers' recommendations. All repairs shall match original color, style and application as close as possible or as approved by the city.

(c) All roofing materials shall be applied to suitable base or sheathing according manufacturer's recommendations. Rotted or deteriorated structural members and sheathing shall be replaced prior to the installation of roofing materials.

(d) Severely deteriorated roofing materials shall be replaced. When 25% or more of granule mineral surface coating is missing from the surface of asphalt roofing products, the roofing shall be considered severely deteriorated.

(3) *Foundations.*

(a) All foundations shall be constructed of materials that are resistant to rot such as: concrete, stone, brick or FDN .60 CCA retention preservative treated lumber to a point 6 inches above the finished grade.

(b) All foundations shall be maintained to support the intended loads.

(c) All foundations shall be repaired if any brick, stone, block or other component has fallen out or has deteriorated.

(d) All foundations shall be deemed out of repair if more than 20% of mortar is loose or has fallen out.

(e) All foundations shall be rodent proof and shall not have cracks more than 1/4 inch in width.

(4) *Exterior walls, soffit, fascia and trim.*

(a) All surfaces shall be free of rot, damaged or missing pieces and shall provide complete weather protection.

(b) All exterior surfaces on which the paint has blistered, peeled, cracked, flaked, scaled or chalked away or has failed to provide a protective surface over any wall to an extent of 20% or more of surface area, including windows, doors, trim, rails, cornice, siding, fascia, soffit and other such areas shall be deemed to be out of repair and must be repainted with materials approved for use, applied per manufacturer's recommendations. Patching of existing painted areas shall be matched in color as close as possible.

(c) All missing trim pieces shall be replaced to match existing trim.

(5) *Exterior doors, windows.*

(a) All exterior doors and windows shall be set square in secured frames and fully operable. Doors and windows may be secured in a closed position if not necessary for egress or fire escape.

(b) All broken or missing glazing or screens shall be replaced in doors and windows with new glazing or screens. All broken or missing glazing in doors or areas subject to human impact shall be replaced with safety glass as approved by the Building Official or which meets UBC Standard No.

(c) Exterior paint must be maintained per as described herein.

(d) Exterior masonry or brick chimneys will be deemed to be out of repair if 10% or more of the pointing is loose, has fallen out or if any brick, masonry unit or stone is loose or fallen out.

(6) *Steps, sidewalks, porch, decks, etc.*

(a) All exterior steps, porches, decks, and sidewalks (located on private property) shall be repaired with decay resistant materials unless protected by a roof.

(b) All rotted or missing materials shall be repaired.

(c) Steps, porches, and decks shall be repaired if settlement has occurred at a rate of 1/2 inch in 1 foot.

(d) Cracked or buckled sidewalks (located on private property) with 1 inch difference in height between must be repaired.

(e) Exterior paint must be maintained as per division (H)(4)(d).

(7) *Fences.*

(a) Fences shall be deemed deteriorated if any of the following conditions occur: rotted, missing or broken parts, if they are unstable leaning or failed paint over more than 20% of any fence surface.

(b) Existing fences shall not be constructed with materials designed to cause an injury such as fencing charged with electricity or barbwire.

(c) Fences may not cause a hazard by blocking a drivers view of an oncoming vehicle or pedestrian. (Prior Code, § 18.04) (Ord. 418, 2nd Series, passed 11-3-1997; Res. 1-9-00 passed 1-18-2000; Am. Ord. 2007-05, 3rd Series, passed 9-4-2007; Am. Ord. 2008-10, 3rd Series, passed 8-18-2008) (Ord. 2014-12 3rd Series, Adopted on 5-19-14)

§ 158.99 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter hereby adopted or fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall separately for each and every violation and non-compliance, respectively, be guilty of a misdemeanor. The imposition of 1 penalty for any violation shall not excuse the violation or permit it to continue; and, all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Prior Code, § 18.05) (Ord. 418, 2nd Series, passed 11-3-1997; Res. 1-9-00 passed 1-18-2000)