

CH. 13 PROPERTY MAINTENANCE ORDINANCE

Safe, attractive and sanitary maintenance of property.

13.01

(1) Purpose. The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and nonresidential buildings, structures, yards, and vacant areas. Attractive and well-maintained property will enhance the neighborhood and Town and provide a suitable environment for increasing physical and monetary values.

(2) Minimum requirements. Every owner and operator shall improve and maintain all property under its control to comply with the following minimum requirements:

(a) All improvements and other surfaces shall be constructed or graded in a manner that diverts water away from buildings.

(b) Every interior and exterior stair, porch, railing, and related accessory shall be constructed so as to be safe to use and capable of supporting the load that normal use may place on it. Each such item shall be kept in proper condition and repair, and shall present an attractive appearance.

(c) No owner, operator or occupant shall cause any service, facility, equipment or utility required by this code to be removed, shut off, or discontinued for any occupied dwelling, dwelling unit or lodging room, except for temporary interruption necessary while repairs are in process, or during emergencies when discontinuance of service is approved by an authorized inspector.

(d) All exterior property shall be kept free from weeds, and all grass areas shall be kept mowed to a height of not more than eight inches.

(e) All exterior property shall be properly maintained in a clean and sanitary condition, free from brush, severed tree limbs, rubbish or garbage, physical hazards, rodents, materials which harbor rodents or vermin, junked or discarded property, including, without limitation, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly material or debris, food waste or garbage.

(f) No person shall do the following on exterior property that is part of any lot in any residential or commercial neighborhood:

1. Occupy or allow to be occupied for a period exceeding 48 hours any space in a vehicle (other than a recreational vehicle) for living, sleeping, cooking or eating.

2. Park or leave standing a vehicle or trailer, if any part of such vehicle or trailer is not located on or over a paved or graveled surface. This subsection shall not preclude placement of a vehicle that has been expressly authorized in a permit issued by the Town.

3. Place or allow to be placed on such lot for more than 30 consecutive days a container that is designed or used for the disposal of solid or liquid waste, other than a container obtained from a commercial disposal service or from the Town and used to contain solid waste that is picked up as part of a private or town solid waste disposal service. Notwithstanding the foregoing, a container used exclusively for disposal of materials related to the construction or demolition of a structure or other facility for which a building permit has been issued may remain on such lot for term of such permit.

4. Allow an inoperative motor vehicle to remain on such lot for more than 30 consecutive days unless the vehicle is stored behind vegetative or fence screening.

(g) Fences, other minor construction, walks and paved or graveled surfaces shall be properly maintained in a safe, sanitary and substantial condition.

(3) Investigation and access by the code administrator.

(a) The code administrator shall investigate any report of property within the Town which is suspected of being in violation of this section.

(b) The code administrator may ask permission to enter upon any lands at all reasonable times to carry out his or her duties under this section. In the event the property owner refuses a request for access, the code administrator may apply for a special inspection warrant to obtain access.

(4) Maintenance by Town; lien for maintenance or repair.

(a) If any person neglects to maintain or repair property as required by this section, the code administrator may cause such property to be brought into compliance in the manner he or she considers most economical.

(b) The code administrator shall establish procedures for the enforcement of this section. Such procedures shall be set forth in writing, and shall be available to the public upon request.

(c) The cost of bringing such property into compliance shall be charged to the owner or owners of such property. All such charges shall be due and payable 30 days from the date of billing. Such charges shall not be payable in installments.

(d) The Town clerk shall bill the property owner or owners to recover the cost of any work or materials expended to bring the property into compliance with this section.

(e) If the charge is not paid when due, the charge shall become a lien upon the property. The charge shall be entered on the next tax roll in a column headed "for property maintenance," as a delinquent tax against the property on which the maintenance or repair was performed. All proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such charge, except as otherwise provided by statute.

(5) Forfeitures for violations.

(a) The code administrator shall attempt to obtain voluntary compliance with this Ordinance. Unless the code administrator believes immediate legal action is necessary to protect the safety or health of the public, the code administrator shall provide the owner with a written notice directing remedial actions be taken within a time that is reasonable under the circumstances.

(b) If a property owner timely complies with the remedial action notice in paragraph (a), no forfeitures may be imposed.

(c) If a property owner violates this ordinance and fails to timely comply with the remedial action notice issued under paragraph (1), the code administrator may issue a citation.

(d) Upon conviction of a violation of this ordinance, the violator shall forfeit not less than five dollars nor more than two hundred and fifty dollars per offense. Each day of violation shall constitute a separate offense. The cost and expenses of prosecution shall be awarded to the extent allowable by law.

(e) The penalty for repeat violations within a 12-month period shall be doubled.