

Chapter 184

PROPERTY MAINTENANCE

[HISTORY: Adopted by the Town Board of the Town of Summit as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Junkyards — See Ch. 154.

Nuisances — See Ch. 168.

Zoning — See Ch. 235.

ARTICLE I

Storage of Junk and Vehicles

[Adopted 5-7-1992 by Ord. No. 168]

§ 184-1. Maintenance of exterior of property; enforcement.

- A. Definitions. For the purpose of this section, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common use.

DEBRIS — Broken concrete, bricks, blocks, or other mineral matter; bottles, porcelain and other glass or crockery; boxes; lumber (new or used), posts, sticks or other wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, or residues from burning. "Debris" shall also include any other materials which constitute health, fire or safety hazards or a serious blighting influence upon their neighborhood or the Town of Summit.

JUNK — Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junk, ruined, dismantled or wrecked motor vehicle, boat or machinery, or any part thereof, whether salvageable or not.

RUBBISH — Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass crockery, and other similar materials.

- B. All exterior property areas within the Town shall be properly maintained in a clean and sanitary condition, free from debris, rubbish, junk or garbage, physical hazards, rodent harborage and infestation and animal feces.
- C. The Police Department and the Building Inspector shall be designated as the enforcement agents for this section. This section may be enforced by use of the municipal citation procedures pursuant to Ch. 66, Wis. Stats., or by any other procedure authorized by law.

§ 184-2. Storage of vehicles.

- A. No disassembled, inoperable, untitled, unlicensed, junked or wrecked motor vehicles or boats shall be parked, stored or allowed to remain upon public or private property within the Town unless totally enclosed within a garage or other structure.
- B. No person shall park, cause to be parked, allow to park or store any operable, titled, licensed motor vehicle upon any property in the Town unless said vehicle is parked upon a properly paved or graveled driveway, subject to the following exceptions:
 - (1) An operable and licensed vehicle may be parked off of a paved or graveled driveway area only if both of the following requirements are met:
 - (a) The parking of said vehicle does not constitute a health hazard; and
 - (b) The vehicle is properly screened from view by means of a fence, rapidly growing trees, shrubbery or other appropriate means so that the vehicle is totally screened from view, on a year-round basis, from any point immediately adjacent to the property lot line.
 - (2) In no event may any vehicle be parked in the front yard of any property. For purposes of this subsection, "front yard" is defined as that portion of the property extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the highway and a line parallel thereto through the nearest point of the principal structure, excluding any properly paved or graveled driveway areas.
- C. Whenever the Chief of Police, any Town police officer, the Town Building Inspector or the Superintendent of Public Works shall find any vehicle placed, parked or stored contrary to the provisions of this article upon any property within the Town, that person shall notify the owner of the property or the owner of the vehicle, if ascertainable, that the placement, parking or storage is in violation of the Town ordinances. If such vehicle is still in violation of this article after three days, the appropriate Town official may issue a citation for the violation of this section.
- D. The provisions of this section shall not apply to any automotive sales or repair business or auto salvage and junk yards that are located in a properly zoned area and which otherwise comply with all other provisions of the Town ordinances. The provisions of this section shall also not apply to the storage of unenclosed equipment, materials, supplies or vehicles on an operating farm; provided, however, that said equipment, materials, supplies or vehicles must be directly related to the operation of that farm.

§ 184-3. Violations and penalties.

- A. Any person, firm or corporation who violates any provision of this article shall be subject, upon conviction, to the penalties set forth in Chapter 1, General Provisions, Article I, Penalties, of the Code of the Town of Summit.¹
- B. Each violation and each day a violation continues or occurs shall constitute a

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

separate offense under this article, with daily penalties for each offense.

ARTICLE II
Noxious Weeds
[Adopted 5-5-1994 by Ord. No. 204]

§ 184-4. Enumeration of noxious weeds.

The term "noxious weeds" as used in this article includes the following: Canada thistle, leafy spurge, field bindweed (creeping jenny), nodding thistle, burdock, purple loosestrife and bull thistle. The above-listed weeds are hereby declared to be "noxious" within the boundaries of the Town of Summit.

§ 184-5. Owner or person in control of land to destroy.

Every person, corporation or organization shall destroy all noxious weeds as above-described on all lands they shall own, occupy or control. The person having immediate charge of any public lands shall destroy all noxious weeds on such lands. The highway patrolmen on all federal, state or county highways shall destroy all noxious weeds on those highways within the Town of Summit.

§ 184-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DESTROY — The complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.

§ 184-7. Notice to destroy.

The Town Clerk shall each year on or before May 15, publish a Class 2 Notice, under Ch. 985, Wis. Stats., to the effect that all persons are required by law to destroy all noxious weeds on all lands in the Town of Summit that they own, occupy or control.

§ 184-8. Appointment of Weed Commissioner(s).

The Town Chairperson shall, on or before May 15 in each year, appoint one or more Commissioners of Noxious Weeds. Upon appointment, said Weed Commissioner or Commissioners shall take and file in the office of the Town Clerk the official oath. The Weed Commissioner or Commissioners shall serve a term of one year and until a successor has qualified. The Weed Commissioner or Commissioners shall receive such salary as may from time to time be set by the Town Board. If the Town Chairperson determines that more than one Weed Commissioner shall be appointed, the Town shall be divided into districts by the Town Chairperson and each Commissioner shall be assigned a different district. The Commissioners need not be residents of the district they are assigned.

§ 184-9. Investigation and destruction of weeds after notice; costs to be borne by owner.

After May 15 of each year and after the Town Clerk has published the notice as provided in § 184-7 hereof, the Weed Commissioner shall investigate concerning the existence of noxious weeds in the Town and if any person, corporation or organization has neglected to destroy any weeds as defined herein, the Weed Commissioner shall, after giving five days' written notice by ordinary mail to the owner or occupant, destroy or cause to be destroyed all such noxious weeds, in the manner deemed to be the most economical method. The Weed Commissioner shall keep accurate record of time and expenses incurred to be charged to each parcel of real estate upon which said weeds were destroyed. The Weed Commissioner shall send a statement of expenses incurred to each owner of each parcel of real estate upon which weeds were destroyed. If after 45 days the statement has not been paid, the Weed Commissioner shall forward the same on to the Town Clerk for collection.

§ 184-10. Destruction of weeds tax.

The Town Clerk shall enter upon the tax roll to each tract of land the amount chargeable to that tract for the weed destruction under a column entitled "For the Destruction of Weeds," as a tax, which tax shall be collected as other taxes, except those lands which are exempt from taxation or which are not taxed the usual way. For those lands which are not taxed the usual way, such as railroads and public utilities, the amount chargeable thereto shall be certified to the State Treasurer by the Town Clerk pursuant to § 66.0517(3)(b), Wis. Stats., and the State Treasurer shall collect said charges pursuant to Subchapter 1 of Ch. 76, Wis. Stats., and once collected shall return the funds to the Town. For those lands which are tax-exempt, the Town Clerk shall prepare and send a tax bill for said land which bill shall carry the special charge for weed cutting, the same as for all nonexempt properties.

§ 184-11. Entry on land for weed destruction authorized.

The Weed Commissioner or Commissioners may, after the written five-day notice, enter upon any lands upon which any of the weeds described in § 184-4 of this section are growing and cut or otherwise destroy them, without being liable to an action for trespass or any action for damages resulting from such entry and destruction, provided that the Weed Commissioner or Commissioners shall exercise reasonable care in the performance of the duties herein imposed.