

10.06 PROPERTY AND VEHICLES. (1) Purpose Statement. It is the purpose of Section 10.06 of the Public Nuisance Ordinance to prevent, reduce or eliminate present or future blight being commonly known as junk, trash, garbage, debris, scrap, disassembled equipment, inoperable or operable vehicles and equipment which stored in the open, in an unsecured manner, may pose an attractive nuisance or safety concern or have the potential to reduce neighboring property value. It is recognized that discarded and/or inoperable equipment or vehicles do have value. It is not the intent of this ordinance to take this value from the property owner(s), but to ensure the proper storage of vehicles/equipment and other materials so as not to create blight or safety concerns. It is recognized that blight, as defined in this ordinance detracts from the public health, safety and welfare. Furthermore blight detracts from the aesthetic value of property which lowers property values and is not consistent with preserving the public welfare. For the purpose of this ordinance any structure or accessory structure, which being located in any zone within the Village, that is either abandoned, dilapidated, or in such a state of disrepair as to be considered blighted, an eyesore, an attractive nuisance, or safety hazard, and which may also detract from the aesthetic value of the property and thereby lowering neighboring property values is not consistent with preserving the public welfare of the Village and therefore shall be considered a public nuisance.

(2) Public Nuisances. (a) *Abandoned Building or Structure.*

1. A building or structure which is not occupied, inhabited, used or secured. For purposes of this chapter, a building or structure is unsecured when it is unlocked or the public can gain entry without the consent of the owner.

2. Any partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for six months.

(b) *Attractive Nuisance.* Property which is in an unsecured state so as to potentially constitute an attraction to children, harbor for vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

(c) *A Building or structure which is in a State of Disrepair.*

1. Any building or other structure which by reason of rot, weakened joints, walls, floors, underpinning, roof, ceilings, or unsecure foundation, or other cause has become dilapidated or deteriorated.

2. Any building or other structure with exterior walls and/or roof coverings which have become so deteriorated as to not provide adequate weather protection and be likely to, or have resulted in, termite infestation or dry rot.

3. Buildings or Structures with broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers. For purposes of this chapter "window" shall include any glazed opening, including glazed doors, which upon a yard, court, or vent shaft open unobstructed to the sky.

4. Buildings or structures including, but not limited to, walls, windows, fences, signs, retaining walls, driveways, or walkways which are obsolete, broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts on neighboring property or presents a risk to public safety. For purposes of this chapter "defaced" includes, but is not limited to, writings, inscriptions, figures, scratches, or other markings commonly referred to as "graffiti" and peeling, flaking, blistering, or otherwise deteriorated paint.

(d) *Property Inadequately Maintained.*

1. Property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or other vegetation, rank growth, dead organic matter, trash, junk, garbage, animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material. For the purposes of this section the term "trash" shall include combustible and noncombustible material; and the term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, hay, straw, tin cans, metal, mineral matter, glass, crockery, furniture and household appliances, and the term shall also include animal feed and the products of and waste from animal.

2. Property which constitutes a fire hazard or a condition considered dangerous to the public health, safety, and general welfare.

3. Property which is likely to or does harbor rats or other vectors, vermin, feral pets, or other non-domesticated animal nuisances.

4. Property which substantially detracts from the aesthetic and economic values of neighboring properties including, but not limited to, personal property and wares and foodstuffs, premises garbage and refuse receptacles, and commercial and industrial business activities which are inadequately buffered from any street, sidewalk, or other publicly trafficked area or such buffering which is inadequately maintained.

5. Landscaping which is inadequately maintained or which is not installed as required by village codes or any permit issued in accordance with such codes,

6. Matter including, but not limited to, smoke, odors, dust, dirt, debris, fumes, and sprays which are permitted to be transported by wind or otherwise upon any street, course, alley, sidewalk, yard, park, or other public or private property and which is determined to be a violation of federal, state, regional, or local air quality regulations.

7. Property including, but not limited to, building façade, window, doorway, driveway, walkway, fence, wall, landscaped planter or area, sidewalk, curb and gutter, and edge of street pavement on which dirt, litter, vegetation, sticks, garbage, refuse, debris, flyers or circulars have accumulated.

8. Property on which a swimming pool, pond, stream, or other body of water is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" is defined for the purpose of this chapter, as water which contains bacterial growth, remains of garbage, refuse, debris, paper and any other foreign matter or material which constitutes an unhealthy or unsafe condition.

9. Parking lots, driveways, paths, and other areas used or intended to be used for commercial and industrial business activities including, but not limited to, selling, manufacturing, processing, packaging, fabricating, treating, dismantling, transferring, handling, transporting, storing, compounding, or assembling which are inadequately maintained and pose a risk of harm to public health or safety including, but not limited to, unpaved surfaces which generate fugitive dust and paved surfaces with cracks, potholes, or other breaks,

10. Property on which recyclable materials are openly stored. For the purposes of this chapter, "open storage" means storage on private property other than in a completely enclosed building. Materials shall be deemed to be held in "open storage" even though screened from public view, or view of residents of adjacent property, by a fence or other such partition.

11. Property which is not securely fenced or adequately lighted to prevent illegal access and activity related to the dumping of garbage, waste, debris and litter or any recyclable materials. "Recyclable materials" includes any materials, goods, vehicles, machinery, appliances, product or article, new or used, which is suitable for reuse.

(e) Property Which Creates a Dangerous Condition.

1. Property having a topography, or configuration which, as a result of grading operations, erosion control, sedimentation control work, or other improvements to said property, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems as to harm or pose a risk of harm to adjacent properties.

2. Property whereon any condition or object obscures the visibility of public street intersections to the public so as to constitute a hazard, including but not limited to, landscaping, fencing, signs, posts, or equipment.

3. Conditions which due to their accessibility to the public pose a hazard including, but not limited to, unused and broken equipment, abandoned wells, shafts, or basements, hazardous or unprotected pools, ponds, or excavations, structurally unsound fences or structures, machinery which is inadequately secured or protected, lumber, trash, fences or debris that may pose a hazard to the public, storage of chemicals, gas, oil, or toxic or flammable liquids.

(f) Parking, Storage or Maintenance of the Following Areas Zoned for Residential Use Prohibited.

1. Construction or commercial equipment, machinery, material, truck or tractor or trailer or other vehicle having a weight exceeding seven thousand (7,000) pounds.

2. Trailers, campers, recreational vehicles, boats, and other mobile equipment for a period of time in excess of seventy-two (72) consecutive hours in front yard areas. However parking of these vehicles will be allowed on driveways or parking pads located next to an accessory building or house.

(a) Any parking, keeping or storing of these items in the side or rear yard areas shall be in accordance with the provisions of the Village of Frederic Land Use Ordinance or in an area which provides for a five-foot setback from any property line.

(b) In addition to the setback requirement, fifteen hundred (1,500) square feet or at least sixty (60) percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

(c) No item shall be parked, stored or kept within five feet of any required exit, including existing windows.

(g) *Inoperable Vehicles.*

1. Definitions. For the purpose of this section the following definitions shall be:

(a) Inoperable Motor Vehicle means any motor vehicle which satisfies one or more of the following criteria:

1. That is missing a tire, a wheel, a window, motor or transmission, or which has been so damaged as to appear not safely operable.

2. That is not capable of legal operation on public streets in accordance with applicable state law. The fact that a vehicle is not equipped with license plates required by State law shall mean that it is not capable of legal operation on public streets.

3. That is untitled.

4. That is unlicensed.

5. That is partially dismantled, wrecked or deteriorating to such an extent that its continued presence would create a negative impact on property values and/or create a blighting influence on the neighborhood.

6. That has become a habitat for rodents, vermin or insects.

7. That in any other way constitutes a threat to the public health or safety.

(b) Motor Vehicle means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, all-terrain vehicles, mopeds, motor scooters, motorcycles, motorized campers, snowmobiles, tractors and tractor trailers.

(c) Motor Vehicle Accessories means any part or parts of any motor vehicle.

(d) Private Property means any real property not owned by the federal government,

(e) Removal means the physical relocation of a motor vehicle to an authorized location.

2. Storage Prohibited. (a) It shall be unlawful for any person to allow, or any private property owner to allow, to be kept any inoperable motor vehicle, motor vehicle accessories, on private property within the Village of Frederic.

(b) No person, after notification to remove any inoperable motor vehicle, motor vehicle accessories from any private property has been given pursuant to this section, shall move the same to any other private property upon which storage is not permitted or onto any public highway or public property for purposes of storage.

3. Exceptions. (a) This section shall not apply to any motor vehicle, motor vehicle accessories, stored within an enclosed building, garage, outbuilding, or like structure.

(b) This section shall not apply to any motor vehicle, motor vehicle accessories, on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area when necessary to the operation of such business enterprise.

(c) Garden tractors and lawn mowers may be stored in the rear yard not less than 10 feet from any property line.