



## DEPARTMENT PUBLIC WORKS

September 11, 2018

Alison C Bradley  
1123 Sue Lane  
Milton WI 53563

Re: 1123 Sue Lane

Parcel # V-23-143A.35B

Dear Property Owner:

The Public Works Department and Ordinance Code Enforcement Officer have received complaints about the condition of your property. Upon inspection it is verified that your property is in disrepair. City Ordinance Sec 26-35(d)(3), Sec 26-35(d)(4), Sec 26-35(9)(h) and Sec 26-35(5) address requirements of property maintenance that need to be corrected. These items are considered a public nuisance. It is your duty to repair the following building conditions:

- Roof Repair-Soffit and Fascia
- Siding Repair
- Drainage Repair-Repair or replace drains to run away from the house.
- Roof Truss Repair-Replace or repair broken roof trusses.
- Electric Repair-Repair exposed electric wires.
- Concrete Patio Repair-Repair concrete so it drains away from the house.

City Ordinance Sec 26-36 Abatement and Sec 26-37 address the correction procedures the city will take if repairs are not completed. A reinspection fee will be issued October 11, 2018 if the repairs are not completed per Ordinance Sec 1-15 (attached). The city may file an action for abatement with the Rock County Circuit Court if the repairs are not timely completed.

Please contact us with your plan and/or schedule for repairs by 9/24/2018.

If you have any questions you can contact me at 608-868-6914 or [hrobinson@milton-wi.gov](mailto:hrobinson@milton-wi.gov). This letter is being copied to the adjacent condo owner(s).

Sincerely,

**150 Northside Dr (Mail to: 710 S Janesville St) - Milton, WI - 53563**  
**Tel: 608.868.6914 - FAX: 608.868.6929 - [hrobinson@milton-wi.gov](mailto:hrobinson@milton-wi.gov)**



**DEPARTMENT PUBLIC WORKS**

*Howard Robinson*

Howard Robinson  
Department of Public Works

*Blaine Larson*

Blaine Larson  
Code Enforcement Officer  
Milton Police Department

HRL/bm

Attachment: Reinspection Ordinance Sec 1-15  
City Ordinance Sec 26-35, Sec 26-36, Sec 26-37

Cc: Al Hulick, City Administrator  
Mark Schroeder, City Attorney  
William W & Evelyn Woodring, 1125 Sue Lane, Milton WI 53563



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### Sec. 1-15. Reinspection fee charges.

(a) Purposes. The purposes of this section are as follows:

(1) To assist the city in paying the cost of enforcing its housing, zoning, property-related and other codes;

(2) To promote the appropriate regulation and control of buildings and real estate in the city;

(3) To protect and provide for the public health, safety, and general welfare of the city;

(4) To help protect the character and the social and economic stability of the city;

(5) To help protect the value of land and building in the city;

(6) To help remedy problems associated with real estate related code violations in the city.

(b) Findings. In enacting the ordinance codified in this section, the common council finds that the cost of enforcement of the city codes related to zoning, housing and building regulation and other ordinances is greater than the estimated revenues from reinspection fees expected to be received under this section.

(c) Definitions. In this section the following words and phrases have the designated meanings.

(1) Inspection means the initial inspection of a condition.

(2) Reinspection means any inspection of a condition after the initial inspection of that condition.

(3) Property means a parcel of real property located within the city including real property owned by the city, such as the area between the curb or paved portion of a street and the lot line, adjoining a parcel of real property.

(d) Reinspection fees. **To compensate for inspection and administrative costs, a fee of \$150.00 may be charged for any reinspection by a city staff member, employee, or officer to determine compliance with an order or other written notice issued under the authority of the provisions of this Code directing that action be taken relative to a condition of or on property. Except that no fee shall be charged for the reinspection when compliance is recorded. A fee of \$200.00 may be charged for a second reinspection, a fee of \$300.00 for a third reinspection and a fee of \$400.00 for each subsequent reinspection for the same condition.** Fees shall be subject to adjustment by resolution of the common council. A reinspection fee may also be charged when a city staff member, employee, or officer finds a condition which is similar to a condition which was subject to an order or other written notice directing that action be taken within one year prior to the inspection. Reinspection fees shall be charged against the real estate upon which the reinspections were made or which is adjoining the public property upon which the reinspections were made, shall be a lien upon the real estate and shall be assessed and collected as a special charge. If there has been a change of ownership or occupancy of the subject property after the city issues an order or other written notice directing that action be taken, the city may waive the reinspection fee if, in the city's judgment, the new owner or occupant was not aware of the prior order or other written notice that action be taken relative to a condition of or on the property.

(e) [Compensation fees.] To compensate for inspection and administrative costs, a \$50.00 fee may be charged for any inspection or reinspection when a contractor or property owner requests an inspection for permit-related work and the work is not ready at the time of the



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requested inspection. Failure to pay reinspection fees after one notice may result in withholding future permits.

### ARTICLE III. - PROPERTY MAINTENANCE

#### Sec. 26-33. - Purpose of article.

It is hereby found and declared that there exist in the city residential structures and nonresidential structures which are, or may become in the future, substandard with respect to structure, upkeep or maintenance. Such conditions, including, but not limited to, structural deterioration, lack of maintenance, poor exterior appearance, infestation and the existence of fire and health hazards constitute a public nuisance, as well as a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the city and may further result in the deterioration of property values. If such conditions are not curtailed and removed, they will grow and spread and necessitate future expenditures of large amounts of public funds to correct and eliminate. The purpose of this section is to protect the public health, safety, morals and welfare and retain property values by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises.

(Ord. No. 420, § II, 6-21-2016)

#### Sec. 26-34. - Definitions.

For the purpose of this article, 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.

*Blighting influence* means a condition having an adverse effect on surrounding properties. An adverse effect upon surrounding properties is created when the value of surrounding properties are deteriorated, however slightly, by the condition of the subject property.

*Debris* means 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, including old clothing or discarded clothing; cardboard; excelsior; rubber; plastic; wire, tin and metal items; discarded furniture, household goods or appliances; junk lawn mowers; tar paper; residues from burning; or any similar materials which constitute health, fire or safety hazards or a blighting influence upon surrounding properties, the neighborhood or the city in general.

*Junk* means any old or scrap metal, metal alloy, synthetic or organic material or waste or any junked, ruined, dismantled, wrecked motor vehicle or machinery or any part thereof, whether salvageable or not or inoperable.

*Noncombustible material* means material that cannot be burned.

*Premises* means a lot, plot or parcel of real estate or land including all buildings and structures thereon.

*Refuse* means debris as defined above.



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*Rubbish* means combustible and noncombustible waste materials, except garbage, and the term includes 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, dust and other similar materials.

(Ord. No. 420, § III, 6-21-2016)

Sec. 26-35. - Applicability.

- (a) Every residential, nonresidential or mixed occupancy premises located within the corporate limits of the city, used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this section, whether or not the buildings and structures thereon were constructed, altered or repaired before or after the enactment of this section and irrespective of any permits or licenses which have been issued for the use or occupancy of the premises, for the construction or repair of the premises or for the installation or repair of equipment or facilities upon such premises prior to the effective date of this section.
- (b) In any case where the commands of this section create a higher standard than set by any other city ordinance or under the laws of the state, the standards set forth herein shall prevail.
- (c) No license, permit or other certification or indication of compliance with this section shall constitute a defense against violations of any other local ordinance applicable to any structure or premises nor shall any provision herein relieve any owner, operator or occupant from complying with any such other ordinance or preclude any official of the city from enforcing any such other ordinance.
- (d) *Exterior of premises.* The owner, occupant or lessee of every premises shall keep the exterior of such premises and all structures thereon in a clean and sanitary condition, free from any accumulation of combustible or noncombustible debris, junk, rubbish or refuse or any similar material which could or may cause fire, safety or health hazards or constitute a blighting influence upon surrounding properties and free of all nuisances and of any hazards to the safety of the occupant, pedestrians or other people utilizing the premises. Further, the exterior of every structure within the boundaries of the city shall be maintained in good repair by the owner, occupant or lessee. Such maintenance shall include, but not be limited to, the avoidance of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint, loose boards, exposed insulation or exposed tar paper or other conditions reflective of deterioration or inadequate maintenance. The purpose of such required maintenance is to eliminate safety and fire hazards, preserve the property and its value and protect adjoining properties from blighting influences and deteriorating values.
  - (1) *Foundations, walls and roof.* Every foundation, exterior wall, roof and other exterior surface shall be maintained and repaired in a workmanlike manner and shall be capable of excluding rodents.
  - (2) *Foundations.* The foundation elements shall adequately support the building at all points and shall be maintained plumb and free from open cracks and breaks.
  - (3) *Exterior walls and exterior surfaces.*

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- a. *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.
  - b. *Exterior surfaces.* All exterior surfaces which require a protective coating to prevent deterioration shall be properly surface-coated by paint or other manufacture approved protective coating applied in accordance with the manufacturer's specifications. All front doors, front porches and front porch skirts and railings shall be surface-coated with paint or other protective coating. 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. Paint and other protective coatings shall be applied in a workmanlike manner.
- (4) *Roofs.* All roofs shall be structurally sound, shall have no defects which might admit rain and shall be maintained in a workmanlike manner.
  - (5) *Roof drainage.* All water shall be conveyed from the roof so as to prevent dampness in the walls, floors and ceilings of all stories, including attics and basement. Water shall not be allowed to fall or flow upon any public sidewalk. Where such a condition already exists, provision shall be made to carry the water under the sidewalk to the gutter or to the storm sewer.
  - (6) *Stairs, porches, front porch skirts and railings.* Stairs and other exit facilities shall be adequate for safety as provided in the building code, shall be maintained in a workmanlike manner and shall comply with subsections (c)(7) and (8) of this section. The area beneath a front porch floor shall be securely enclosed by a durable weather resistant skirt. The skirt shall be securely attached to the porch in a workmanlike manner and shall be designed to prevent entry of trash or debris. A wood skirt shall be surface-coated with paint or other protective coating.
  - (7) *Structural safety.* Every outside stair, porch, and every appurtenance attached thereto shall be so constructed as to be safe to use; capable of supporting the load to which it is subjected; and shall be kept plumb, in sound condition and in good repair. Porch floor slopes shall not exceed one-half-inch per foot.
  - (8) *Handrails and guardrails.*
    - a. Every flight of stairs which has more than three risers shall have handrails which shall be located and designed as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition. Handrails shall be provided on all open sides of stairways.
    - b. All openings between floors, open sides of landings, platforms, balconies or porches which are more than 24 inches above grade or a floor shall be protected with guardrails of such design as required by the building code.
  - (9) *Windows, doors and hatchways.*
    - a. *General maintenance.* Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.
    - b. *Windows to be glazed.* Every window sash shall be fully supplied with a glass window pane or an approved substitute which is without open cracks or holes.



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- c. *Windows to be tight.* Every window sash shall be in good condition and fit reasonably tight within its frame.
  - d. *Windows to be openable.* Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.
  - e. *Door hardware.* Every exterior door, door hinge and door latch shall be maintained in good repair and capable of tightly securing the door.
  - f. *Doors to fit in frame.* Every exterior door, when closed, shall fit reasonably well within its frame.
  - g. *Window and door frames to fit in wall.* Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.
  - h. *Basement hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling or structure.
  - i. *Guards and screening.* Guards and screens shall be supplied for protection against rodents and insects and in accordance with the following requirements:
    - 1. *Guards for basement windows.* Every basement window which is openable shall be supplied with a mesh screen, with not more than one-sixteenth-inch mesh openings or with other material affording equivalent protection against the entry of rodents.
    - 2. *Insect screens.*
      - (i) Every swinging screen door shall have a self-closing device in good working condition.
      - (ii) Every window used for ventilation purposes shall be supplied with a combination storm and screen window or separate storm and screen window installed year-round and maintained in good repair. Window screens shall be in place from May 15 to October 15 of each year. Other outside openings shall be screened year-round.
      - (iii) All screening shall be one-sixteenth-inch mesh or less. Pane glass is considered a storm window.
      - (iv) No building containing a central heating furnace and air-conditioning equipment for mechanically ventilating the building year-round is required to have screens on door or window openings. Buildings cooled by window air-conditioning units are not included in the exception.
- (10) *Street numbers.* Every structure to which a street number has been assigned shall have the number displayed in a conspicuous place so that the number can be read from the public right-of-way. All numbers shall be at least three inches in height and one-half-inch in width.
- (11) *Chimneys and towers.* All chimneys, towers, smoke stacks, antennas and similar appurtenance shall be maintained structurally safe and in such condition as not to pose a



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hazard to health and safety. All exposed metal or wood surfaces shall be surface coated to prevent rust and deterioration.

(12) *Graffiti abatement.*

a. *Real property.*

1. *Definition.* "Graffiti" means any inscription, work, figure or design marked, scratched, etched, drawn or painted with spray paint, liquid paint, ink, chalk, dye or other similar substances on buildings, fences, structures and similar places without the express permission of the owner or operator of the property.
2. *Public nuisance.* The existence of graffiti on any real property within the city is expressly declared to be a public nuisance affecting public health, safety and welfare.
3. *Graffiti prohibited.* No owner of any real property within the city shall allow any graffiti to remain upon any structure located on the owner's property when the graffiti is visible from the street or from other public or private property.
4. *Notification of violation.* Whenever a police officer or the building inspector determines that graffiti on any building or structure within the city is visible from the street or from other public or private property, the police officer or building inspector shall issue an order to the owner of the property to abate the graffiti in a timely manner.
5. *Compliance.* A property owner shall be deemed to have complied with an order to abate graffiti if it is obliterated by a primary paint and matching building paint or by such other means as shall obliterate the graffiti.
6. *Failure to comply.* If the property owner fails to comply with the order to abate the graffiti, the chief of police or the building inspector may cause the graffiti to be abated either by city employees or by independent contractor. The city and the independent contractor are expressly authorized to enter upon the property and abate the graffiti upon exterior walls, fences, billboards and other structures abutting public streets, property or right-of-way. The city or private contractor will take all reasonable precautions to avoid causing damage to the property where the graffiti is abated. Any paint used to obliterate graffiti shall be as close as practicable to the background color or colors in the area where the graffiti is abated. The cost of abating the graffiti shall, pursuant to Wis. Stats. § 66.0627, be imposed as a special charge against the real property for the cost of the services provided. If the special charge is not paid within 30 days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under Wis. Stats. ch. 74.

b. *Solid waste containers.*

1. Every solid waste container shall be clearly marked noting the name and phone number of the company responsible for maintenance of the container.
2. Graffiti on solid waste containers shall be removed within three working days following notification by the police department or the building inspector or within three working days of the last time the container is emptied.



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(e) *Litter control.*

- (1) Litter shall mean and include any uncontainerized waste which, if not deposited in a litter receptacle, tends to create a danger to public health, safety and welfare or impairs the environment of the people of the city. Litter includes, but is not limited to, garbage, trash, refuse, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic, paper, motor vehicle parts or other nauseous and offensive matter.
- (2) Every owner, occupant or lessee of a premises used for residence, business or commercial purpose shall maintain litter collection and storage areas if present on the premises in a clean condition and insure that all litter is properly stored in containers. Such litter containers shall have sealed covers to avoid distribution of the litter by animals or the elements.
- (3) The owner or person in control of any public premises including, but not limited to, restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, hospitals and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises.

(f) *Maintaining sidewalks and alleys.* Persons owning, occupying or in control of premises shall keep the sidewalks and alleys adjacent to such premises free of litter, refuse, garbage and other debris. Owners, occupants or those in control of such premises shall sweep or rinse off the sidewalks abutting their premises as often as may be required to keep the walk reasonably free from such materials. Owners, occupants or those in control of such premises shall also edge the grass along the sidewalks and shall keep the sidewalks free of weeds and grass.

(Ord. No. 420, § IV, 6-21-2016)

### ARTICLE IV. - ABATEMENT

#### Sec. 26-36. - Abatement.

(a) *Inspection of premises.* Whenever a complaint is made to the city public administrative officials that a public nuisance exists within the city, the public administrative officials shall promptly notify the chief of police or building inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the mayor. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the clerk.

(b) *Summary abatement.*

- (1) *Notice to owner.* If the inspecting officer shall determine that a public nuisance exists within the city and that there is great and immediate danger to the public health, safety, peace, morals or decency, the mayor may direct the chief of police to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of such notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the city will cause the same to be abated and



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will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

- (2) *Abatement by city.* If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the building inspector, in case of health nuisances, and the chief of police, in other cases, shall cause the abatement or removal of such public nuisance.
- (c) *Abatement by court action.* If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the mayor who shall cause an action to abate such nuisance to be commenced in the name of the city in the county circuit court in accordance with the provisions of Wis. Stats. ch. 823.
- (d) *Other methods not excluded.* Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with any of the laws of the state.

(Code 1968, § 13.03; Ord. No. 420, § VI, 6-21-2016)

**Editor's note**— Section VI of Ord. No. 420, adopted June 21, 2016, renumbered former § 26-33 as § 26-36.

Sec. 26-37. - Cost of abatement.

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. If notice to abate the nuisance has been given to the owner, such cost, if not already paid, shall be assessed against the real estate as a special charge and included in the tax roll.

(Code 1968, § 13.04; Ord. No. 420, § VII, 6-21-2016)

**Editor's note**— Section VII of Ord. No. 420, adopted June 21, 2016, renumbered former § 26-34 as § 26-37.

Sec. 26-38. - Penalties for violation of article.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in section 1-14. A separate offense shall be deemed committed on each day on which a violation of any provision of this article occurs or continues to occur.

(Code 1968, § 13.05; Ord. No. 420, § VIII, 6-21-2016)



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**Editor's note**— Section VIII of Ord. No. 420, adopted June 21, 2016, renumbered former § 26-35 as § 26-38.