

CHAPTER 20

Commercial Exterior Maintenance Code

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20.01 TITLE. This Chapter shall be known as the Commercial Exterior Maintenance Code.

20.02 INTENT AND PURPOSE.

- (1) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic, and monetary values.
- (2) 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.

20.03 APPLICABILITY.

- (1) **Application of Other Ordinances.** Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Village of Hales Corners Municipal code. Repairs, additions or alterations to a structure shall be done in accordance with the procedures of State law and Chapter 3 of the Village of Hales Corners Municipal Code.

20.04 RULES AND DEFINITIONS.

- (1) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
 - (a) Words used in the present tense shall include the future.
 - (b) Words used in the singular number shall include the plural number, and the plural the singular.
 - (c) The word "shall" is mandatory and not discretionary.
 - (d) The word "may" is permissive.
 - (e) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (2) **Definitions.**
 - (a) Adequate. "Adequate" shall mean adequate as determined by the Zoning Administrator or his/her designee under the regulations of this Chapter or adequate as determined by an

authority designated by law or this Chapter. "Adequately" shall mean the same as adequate.

- (b) Approved. "Approved" shall mean approved by the Zoning Administrator or his/her designee under the regulations of this Chapter or approved by an authority designated by law or this Chapter.
- (c) Attractive Appearance. "Attractive appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the Village and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
- (d) Building. "Building" means a combination of material to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Code, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
- (e) Building-related Equipment. Includes heating and air-conditioning equipment, chimneys and vents, signs, antennae, gutters and downspouts, metal awnings, canopies and similar overhang extensions, fences, steps, shutters, lights, garages, sheds and accessory storage structures.
- (f) Commercial. "Commercial" shall mean not residential.
- (g) Commercial Use. "Commercial use" shall mean any nonresidential use.
- (h) Good Working Condition. "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (i) Imminent Hazard. A condition which could cause serious or life threatening injury or death at any time.
- (j) Impervious to Water. "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Zoning Administrator or his/her designee, and having tight-fitting joints.
- (k) Mixed Occupancy. "Mixed occupancy" shall be occupancy of a building in part for commercial use and in part for some other use not accessory thereto.
- (l) Occupant. "Occupant" means one who occupies or has actual possession of usable space.
- (m) Operator. "Operator" shall mean any person who has charge or control of a commercial property or part thereof.
- (n) Owner. The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the Village, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.
- (o) Person. A "person" shall mean and include any individual, firm, corporation, association, or partnership.
- (p) Premises. Any lot, whether or not improved with a principal or accessory structure. When a lot is improved with a structure, the lot and premises shall be jointly referred to as premises.
- (q) Properly. "Properly" shall mean as deemed proper by the Zoning Administrator or his/her designee under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (r) Provided. "Provided" shall mean furnished, supplied, paid for, or under control of the owner.

- (s) **Structure.** "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (t) **Supplied.** "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

20.05 SAFE, SANITARY, AND ATTRACTIVE MAINTENANCE OF PROPERTY.

- (1) **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 Village and provide a suitable environment for increasing physical and monetary values.
- (2) **Maintenance Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
 - (a) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure. Adjacent ground surface shall be sloped away from any building or structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs, and downspout extensions.
 - (b) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by 15.03(4) of this Code of Ordinances.
 - (c) **Debris.** All exterior property areas and adjacent public ditches and right-of-ways 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 twenty-four (24) hours.
 - (d) **Fences and Walks.** Fences, other minor construction, and walks shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to buildings or structures.
 - (e) **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.
 - (f) **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 non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
 - (g) **General Requirements.** Every foundation, exterior wall, roof, canopy, overhang and chimney 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 portion of the building shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

- (h) Windows and Doors. Every window, exterior door, interior 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.
- (i) 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.
- (j) Waste Containers and Dumpsters.
 1. The occupant shall be responsible for preventing or correcting any overflow of waste from the waste containers or dumpsters.
 2. Enclosures required under Section 8-2-3(1) shall be installed and maintained in accordance with approved plans.
 3. Waste containers and dumpsters shall be maintained in sound structural condition and in good repair.
 4. Waste containers and dumpsters shall be located so as not to create a nuisance.
- (k) Removal of Debris.
 1. 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 Village, except at approved disposal sites.
 2. No land owner 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 twenty-one (21) days.
 3. 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.
- (l) Buffers. All required and existing buffers shall be maintained in such a manner as to afford proper screening heights and densities of plantings and to be attractive and well-maintained. Such maintenance shall include, but not be limited to, cutting, trimming and fertilizing, if necessary. Replacement shall be required for any subsequent destroyed, eroded or dead plantings in order to preserve the screening/buffering between properties.
- (m) Driveway, Parking and Loading Areas. All driveway, parking, loading and outside storage areas on properties used for commercial purposes shall be surfaced and maintained as set forth in the approved site plan for the property and shall have smooth surfaces in good repair. Paved areas must be repaired or replaced when any deterioration occurs to the extent that the road rock or sub-base is visible.
- (n) Signage. All signage shall be maintained in the originally permitted and constructed condition.
- (o) Lighting. Exterior lighting shall be in conformance with approved site plan and/or the Village of Hales Corners Municipal Code. All lighting shall be maintained in the originally permitted and constructed condition.

20.06 FIXING THE 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.

20.07 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.

- (1) Whenever the Zoning Administrator or his/her designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore.
- (2) The property owner shall notify the Zoning Administrator or his/her designee upon completion of repairs so that a re-inspection may be made.
- (3) If a violation has not been corrected within the time limits allowed by the Zoning Administrator or his/her designee, the Zoning Administrator or his/her designee shall issue a citation on the property owner regarding such violation. For noxious weed violations, pursuant to Wisconsin Statute 66.98 the Zoning Administrator or his/her designee shall have the alternative option to instruct the Weed Commissioner and/or Department of Public Works to correct said violation and charge the actual costs incurred against the property owner. If such charges are not paid by November 1 of the year in which they are billed, such charges shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to 66.98 Wis. Stats.

20.08 APPEALS. Any person feeling himself aggrieved by any order or ruling of the Zoning Administrator may appeal in writing to the Board of Appeals of the Village of Hales Corners within thirty (30) days of the alleged act or omission of said Zoning Administrator pursuant to § 62.23, Wisconsin Statutes, and to the rules of the Board of Appeals, Article XII of Chapter 1 of the By-Laws.

The appellant shall annex to the notice of appeal such plats, surveys, plans or specifications which are of probative value in the determination of the appeal together with the name and address of the appellant. Upon filing of such notice with the Village Clerk, the appellant shall receive a copy of the rules of the Board of Appeals. Upon the filing of notice of appeal, an appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that by reason of the facts stated in a certificate a stay would, in his opinion, cause imminent peril to life or property. Upon filing such notice of appeal, the Board of Appeals shall fix a time and place for the hearing of the appeal not less than 10 nor more than 30 days from the date of such filing.

20.09 PENALTIES. Any person who shall violate any provision of this Chapter or of any rule or regulation adopted pursuant thereto shall be subject to a penalty as provided in Section 19.04 of the Village of Hales Corners Municipal Code.