

Sequential Ordinance No. 1770 (1/12)

Codification Ordinance No. 750

AN ORDINANCE TO RECREATE PROPERTY MAINTENANCE ORDINANCE OF THE MUNICIPAL CODE OF ORDINANCES IN PAMPHLET FORM

WHEREAS, the Common Council of the City of Ashland has determined that it is necessary to repeal and recreate Ordinance No. 750 (1673): Property Maintenance Ordinance of the Municipal Code of Ordinances;

NOW, THEREFORE, the Mayor and the Common Council of the City of Ashland do ordain as follows:

SECTION I:

The “City of Ashland Property Maintenance Ordinance” is hereby adopted in pamphlet form, as authorized by Wisconsin State Statute 66.0103.

SECTION II:

The “City of Ashland Property Maintenance Ordinance” pamphlet shall be permanently on file and open to public inspection in the office of the Clerk after its adoption.

SECTION III:

Ordinance 750 (1673), Adoption of “City of Ashland Property Maintenance Ordinance” in pamphlet form, adopted in 2008, and subsequent amendments thereto, shall be repealed upon adoption of this amended ordinance.

SECTION IV:

This ordinance shall take effect upon passage and publication.

**City of Ashland
PROPERTY MAINTENANCE ORDINANCE**

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750. Property Maintenance

A. Administration

1. **Title.** This Ordinance shall be known, referred to, and cited as the Property Maintenance Ordinance of the City of Ashland, Wisconsin.
2. **Intent.** The intent of this section is to ensure public health, safety, and welfare to the degree that they are affected by the occupancy and maintenance of structures and premises. It is also the intent of this section to help prevent the continuation, extension, and aggravation of blight in Ashland.
3. **Legal Authority.** This Ordinance is enacted pursuant to the authorization contained in Section 62.23, Wisconsin Statutes.
4. **Effective Date.** This Ordinance shall take effect and be in force from and after its passage and publication.
5. **Applicability.** This section applies to all structures and premises in the City of Ashland. The provisions of this section shall not limit the authority of the City or other applicable jurisdictions to abate problems on improperly maintained and unsafe structures or premises pursuant to other applicable laws.
6. **Interpretation.**
 - a. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals, and general welfare.
 - b. Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable standards imposed by any other provisions of this Ordinance or of any other applicable law, Code, Ordinance, resolution, rule, or regulation of any kind, the regulation that is more restrictive or that imposes higher standards or requirements shall govern.
7. **Separability.** It is hereby declared to be the intention of the City Council of the City of Ashland that the several provisions of this Ordinance are separable in accordance with the following:
 - a. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment; and
 - b. If any court or competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
8. **Responsibility.** The responsible person, as defined herein, shall maintain their structures and premises in compliance with this Ordinance. A person shall not occupy, or permit another person to occupy, a structure or premises that does not comply with the provisions of this Ordinance. Occupants, including owner occupants and tenants, of a structure or premises are responsible for caring for and maintaining that part of the structure or premises that they occupy or control. All responsible persons shall be jointly and severally responsible for securing compliance of their structure or premises with this Ordinance.

*For questions on
Landlord and
Tenant Rights and
Responsibilities
see State Statute
704.*

9. **Inspection authority and access procedures.**
- a. **Persons authorized to conduct inspections.** Agents of the City authorized to conduct inspections pursuant to this section shall include the Building Inspector, Zoning Administrator, Police Department, Fire Department, Public Works Director or other designated agents to conduct inspections.
 - b. **Inspection with consent.** Authorized agents of the City, upon display of proper identification and the consent of the owner, owner's agent, occupant, or other responsible person, may enter any structure or premises (locked or unlocked) at any reasonable time to determine whether said structures or premises comply with the provisions of this Ordinance. No person shall obstruct or resist any authorized agent of the City acting in his or her official capacity and with lawful authority.
 - c. **Special inspection warrant.** The provisions of this Ordinance shall not be construed to allow an authorized agent of the City to inspect structures or premises without the consent of the owner, owner's agent, occupant, or other responsible person. If said person refuses to permit an inspection, an authorized agent of the City may apply to a court for a warrant to inspect the structure and premises pursuant to Section [66.0119](#), Wisconsin Statutes. In cases of emergency, a special inspection warrant shall not be required.
 - d. **Access by owner or operator.** The provisions of this section shall not restrict the owner, owner's agent, or other responsible person lawful access to structures or premises for the purpose of inspecting, maintaining, repairing, or altering the structure or premises as necessary to comply with the provisions of this Ordinance.
 - e. **Confidentiality of complaints.** In the event that the City receives a complaint regarding the maintenance of a structure or premises, the City may request contact information of the complainant. However, the City shall endeavor to keep the identity of all complainants confidential unless a complainant desires his or her name to be revealed. The City shall reveal a complainant's identity if so ordered by a court or required by law.
 - f. **Inspections resulting from anonymous complaints.** Anonymous complaints shall not cause the City to inspect the interior of a structure unless there is reason to believe there is immediate and grave danger to the occupants of the structure or to the occupants of structures on adjacent properties.
10. **Penalties for violation of this ordinance and failure to maintain property.**
- a. **Penalties.** If any responsible person, as defined herein, fails to comply with any provision of this ordinance a citation will be issued to the responsible person for the violation. The violation shall be referred to the City Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the City a penalty of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) per offense, together with the taxable costs of such action plus reasonable attorney's fees. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation may be enjoined, and the maintenance may be abated by action at suit of the City, the State of Wisconsin, or any citizen thereof. Any subsequent and similar violations of this Ordinance within a twenty-six (26) month period shall be considered a continued offense and as such may cause the usual penalty to double for each subsequent and continued offense up to the maximum allowed by this section.

b. Responsible person's liability to City for costs of correction of violation.

1) Notification of failure to maintain property. An authorized agent of the City shall serve written correction orders upon the owner, the owner's agent, or other responsible person, by certified mail or by delivering the order to him or her personally. In the event that the owner, his or her agent, or other responsible person cannot be found, an authorized agent of the City shall do one or more of the following:

- a) Deliver and describe the written correction order to a person of suitable age and discretion at the owner's or owner's agent's regular place of abode; and/or
- b) Post the written correction in a conspicuous place on the structure or property affected by the order.

2) Collection of costs incurred by the City. If any owner, owner's agent, or other responsible person fails to comply with this Ordinance; and after written notice given by an authorized agent of the City as described in the foregoing subsection, has not complied with the correction orders within the time specified in the written notice, the City may cause such maintenance to be performed. The Finance Director or other authorized agent shall certify to the County Treasurer of Ashland County, a statement of the cost incurred by the City to correct the deficiencies. Costs will include all expenses incurred associated with bringing the property into compliance with this Ordinance, including but not limited to administrative and clerical costs, notification and publication fees, equipment charges, tipping fees, contractor fees, and other related expenses. The cost thereof shall be a lien upon such real estate and shall be a personal liability of the owner of said real estate, collectable as any other money judgment. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and may be collected in the same manner as real estate taxes.

c. Enforcement of other ordinances and codes. The provisions in this Ordinance are intended to be coordinated with the enforcement of other City ordinances and codes including the adopted building codes.

11. Procedures for razing and vacating structures.

a. Razing structures. Pursuant to Section [66.0413](#), Wisconsin Statutes, the Common Council, Building Inspector, or other authorized agent of the City may order the owner of a structure to raze the structure if one or more of the following conditions exist:

- 1) A structure is dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, and unreasonable to repair.
- 2) There has been a cessation of normal construction of a structure for a period of more than two (2) years.

b. Reasonableness of repair. Except as provided in Section [66.0413 \(3\)](#), Wisconsin Statutes, and in the City's Historic Preservation Ordinance (No. 826), for the razing of historic buildings, if the Common Council or Building Inspector or other authorized agent determines that the cost of repairs of a structure ordered by the City would exceed fifty percent (50%) of the assessed value of the structure divided by the ratio of the assessed value to the recommended value as last

published by the City Assessor's Office, then the repairs are presumed unreasonable for the purposes of this Ordinance and the property will be ordered to be razed.

- c. Structures unfit for occupancy.** If the Building Inspector or other authorized agent of the City determines that a structure is dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy, or use, but is not in danger of structural collapse, then the Building Inspector or other authorized agent of the City shall post a placard on the premises pursuant to the provisions of this Ordinance. The Building Inspector or other authorized agent of the City shall prohibit use of the structure for human habitation, occupancy, or use until all necessary repairs have been made to the satisfaction of the City.
- d. Unlawful structures.** If any structure, or any part thereof, is occupied by more occupants than permitted under this Ordinance or is erected, altered, or occupied contrary to this Ordinance, such structure shall be declared an unlawful structure and the Building Inspector or other authorized agent of the City shall post a placard on the premises pursuant to the provisions of this Ordinance. No person shall again occupy said structure until it or its occupation, as the case may be, conforms to this Ordinance.
- e. Posting of placard.** The Building Inspector or other authorized agent of the City shall post a placard on any structure declared as unlawful or unfit for human occupancy. The placard shall include the following text:

 - 1) "City of Ashland, Wisconsin"
 - 2) Name of the authorized department having jurisdiction.
 - 3) The section of this Ordinance and the State Statute under which the placard is posted.
 - 4) An order that the structure be vacated and remain vacant until the order is withdrawn. The order shall include the statement: "This Building May Not Be Used for Human Habitation, Occupancy, or Use."
 - 5) The date the placard is posted.
 - 6) A statement of the penalty for defacing or removing the placard.
- f. Removal of placard.** A placard posted in accordance with this Ordinance shall be removed by the Building Inspector or other authorized agent of the City only after the defects upon which the placard action were based are eliminated. No other person shall deface or remove a placard from any structure that the City has condemned or declared unlawful or unfit for human habitation, occupancy, or use. Unauthorized removal of said placard shall be considered a violation of this Ordinance and prosecuted pursuant to the provisions of this Ordinance.
- g. Content of raze order.** Whenever the Building Inspector or other authorized agent of the City placards a structure as unlawful or unfit for human habitation, he or she shall notify the owner or owner's agent of said structure. The notice shall be in writing and shall include the following:

 - 1) A description of the real estate sufficient for identification.
 - 2) A description of the conditions to be corrected and the basis for the raze order.
 - 3) The time by which the conditions must be corrected.

- 4) The time by which the occupants must vacate the structure.
- h. Service of raze order.** A raze order pursuant to the provisions of this Ordinance shall be served on the owner of record of the structure that is subject to the order, or on the owner's agent if the agent is in charge of the structure, in the same manner as a summons is served in circuit court. A raze order pursuant to the provision of this Ordinance shall be served on the holder of an encumbrance of record by first class mail at the holder's last known address and by publication as a class 1 notice under Chapter 985, Wisconsin Statutes. If the owner and the owner's agent cannot be found or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the structure and by publishing it as a class 1 notice under Chapter 985, Wisconsin Statutes before the time limited in the order begins to run. The time limited in the order begins to run from the date of service on the owner or owner's agent or, if the owner and agent cannot be found, from the date that the order was posted on the structure.
 - i. Effect of recording raze order.** If a raze order issued under the provisions of this Ordinance is recorded with the Ashland County Register of Deeds, the order is considered to have been served, as of the date the raze order is recorded, on any person claiming an interest in the structure or the real estate as a result of a conveyance from the owner of record unless the conveyance was recorded before the recording of the raze order.
 - j. Failure to comply with the raze order.** If the owner of a structure fails to comply with a raze order issued under the provisions of this Ordinance within the time prescribed, the Building Inspector or other authorized agent of the City may proceed to secure the structure, or to raze the structure through any available public agency or by contract or arrangement with private persons. The cost of securing or razing the structure may be charged in full or in part against the real estate upon which the building is located, and if that cost is so charged it is a lien upon the real estate and may be assessed and collected as a special tax. Any portion of the cost charged against the real estate that is not reimbursed under Section 632.103 (2), Wisconsin Statutes, from funds withheld from an insurance settlement may be assessed and collected as a special tax.
 - k. Illegal occupation or use of structure.** Any person who rents, leases, or occupies a structure that has been condemned for human habitation, occupancy, or use under this Ordinance shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) per day of violation or imprisoned not more than thirty (30) days for each week of the violation, or both.
12. **Procedures for repairing or removing structures damaged by fire or structures being razed or removed with an approved demolition permit.** Whenever any structure is damaged by a fire or is being razed or removed for any reason, the owner or owner's agent shall obtain a demolition permit before removing any part of the structure. Utilities shall be capped or disconnected as necessary or as directed by the City. If the structure is partially burned, the owner or owner's agent shall, within thirty (30) days of the completion of the investigation by the Fire Department, remove from the premises all refuse, debris, and charred and partially burned lumber and material. If the structure is burned to the extent that it is incapable of being repaired, the owner or owner's agent shall, within sixty (60) days of the completion of the investigation by the Fire Department, remove from the premises all the remaining portion of the structure and fill the site with clean material to prevent the

possibility of standing or stagnant water. Any structure being demolished, razed or removed with an approved demolition permit shall be completely removed from the site and properly disposed of, including footings, foundations and floors. Utilities shall be capped as directed by the city. The site shall be filled with clean, suitable soil to prevent standing or stagnant water. If the structure is to be repaired, work shall begin within sixty (60) days and be completed within one hundred twenty (120) days of the completion of the investigation by the Fire Department. Exceptions to these timelines may be granted by the Building Inspector.

13. **Procedure for appealing decisions made by an authorized agent of the City.** In the event that an owner, an owner's agent, occupant, or other responsible person disagrees with a decision made by an authorized agent of the City in regard to the enforcement of this Ordinance, the responsible person may request in a letter to the City Administrator that the Common Council or other appropriate decision making body review and address the situation in question.

B. Clean, Safe, Sanitary, and Attractive Maintenance of Exterior Property

1. **Clean, safe, sanitary, and attractive.** All exterior property areas shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish, brush, clothing, garbage, recyclables or other refuse.
2. **Grading and drainage.**
 - a. All premises shall be properly graded and maintained to prevent soil erosion and to prevent the accumulation of stagnant water, except that approved retention and detention basins and rain gardens shall be permitted to hold water in accordance with their approved design and capacity. No wetland shall be filled or altered, except as permitted pursuant to the provisions of City Ordinances and State Statutes.
 - b. Existing drainage shall not be altered in a manner that causes, changes or creates drainage problems on adjoining properties.
 - c. No project that adds, removes, disturbs or redistributes more than 50 cubic yards of earth, 10,000 square feet of earth in the Future Development zoning district, or 3,500 square feet of earth in any other zoning district shall be permitted without an approved grading or fill permit pursuant to the provisions of this Ordinance, except that an approved grading plan in conjunction with an approved building permit or development permit or normal agricultural activities shall not require a grading or fill permit.
3. **Vegetation and landscaping.** Vegetation and landscaping shall present an attractive appearance in accordance with generally accepted landscaping practices and as follows:
 - a. Exposed soil, except exposed soil that is associated with a garden or cultivated farmland, shall be vegetated, landscaped, or paved consistent with this Ordinance to prevent soil erosion.
 - b. Grass lawns consisting primarily of Kentucky bluegrass, perennial rye grass, fescues, and other grasses generally associated with mowed and maintained grass lawns shall be maintained to a height not to exceed eight (8) inches. Native grasses and forbs that are part of a managed natural landscape are exempt from the height requirement of this provision.

See [Figure 750-A: Maintenance of vegetation](#), and [Figure 750-B: Natural landscape buffer](#), at the end of this section for an illustration of the key vegetation and landscaping provisions of this section.

If viewing this Ordinance electronically, clicking on the common names of the listed plants will direct you to one of several websites, which have photographs and other information about the species.

- c. Natural landscapes shall be permitted in all zoning districts. However, unmanaged vegetation that constitutes a nuisance or hazard shall be prohibited. The Building Inspector/ Zoning Administrator or other authorized agent shall determine whether an existing landscape is a natural landscape or unmanaged vegetation that constitutes a nuisance or hazard. Natural landscapes include existing wooded areas, wetlands, prairies, and similar areas that are generally characterized by a diversity of species native to the area. Natural landscapes also include restored and managed plant communities and wildlife habitats that are comprised primarily of native ferns, grasses, forbs, aquatic plants, trees and shrubs. Where a natural landscape abuts a property or right-of-way that does not have a natural landscape, the property owner with the natural landscape shall provide an adequate grass lawn buffer or other acceptable buffer between the natural landscape and the adjacent property or right-of-way so as to prevent the natural landscape from being a nuisance or hazard. An authorized agent of the City may require up to a ten (10) foot wide buffer if necessary. If requested by the property owner of the natural yard, a waiver may be obtained to allow less than the ten (10) foot buffer between properties. Waiver(s) shall be signed and dated by the adjoining property owner(s). Adjoining property owner(s) may request the Planning and Development Department to revoke the waiver at any time. Wherein the City is an adjoining property owner, the Public Works Director or other authorized agent shall act as a signatory to the waiver, so long as the vision triangle, public safety, and visibility of public infrastructure are not impacted.
 - d. Vegetation that may impede the proper functioning of a drainage swale shall be removed unless specifically approved in writing by an authorized agent of the City.
 - e. Vegetation (including gardens) shall be properly and routinely maintained or removed so that it does not present a hazard to structures, persons, or vehicles, impact vision triangles, and visibility/utility of public infrastructure.
 - f. Diseased, dying or dead trees shall be managed according to Ordinance 454.
 - g. The owner, owner's agent, or other responsible person shall maintain the vegetation and landscaping within the public right-of-way adjacent to the parcel line. No tree or shrub shall be planted or removed within the public right-of-way or on public property without the approval of an authorized agent of the City, as per Ordinance 454.
 - h. Fertilizers, grass clippings, leaves, twigs, and similar yard wastes or products shall not be directed onto public streets, alleys, sidewalks, and onto other areas where they may enter the storm water system or public waters untreated.
- 4. Noxious Weeds, Nuisance Weeds and Invasive Species.**
- a. The species listed herein are not native to Ashland and have a tendency to prohibit the successful growth of native plant communities. These plants are not naturally occurring in Ashland and become capable of spreading and developing a significant population that destroys ecologic relationships, habitats, and create an overall loss in plant diversity.
 - b. As listed herein, some of these species are prohibited while others are encouraged to be eradicated. In situations where the Building Inspector/ Zoning Administrator or other authorized agent determines that a plant is causing or has the potential to cause negative impacts on neighboring properties, said plant(s) shall be properly removed and disposed.

- c. **Noxious Weeds.** Pursuant to Section [66.0407](#), Wisconsin Statutes, a person owning, occupying, or controlling land shall destroy all noxious weeds on said land. Noxious weeds include the following:
- 1) [Canada thistle](#) (*Cirsium arvense*) and all other thistle varieties;
 - 2) [Field bindweed](#) also known as creeping Jenny (*Convolvulus arvensis*);
 - 3) [Leafy spurge](#) (*Euphorbia esula*); and
 - 4) Any additional noxious weeds that may be enumerated in Section [66.407](#), Wisconsin Statutes.
- d. **Nuisance Weeds.** Pursuant to Section 23.235, Wisconsin Statutes, it is prohibited to sell, distribute, plant, or cultivate Nuisance Weeds. Nuisance weeds include the following:
- 1) Any nuisance weeds that may be enumerated in Section [23.235](#), Wisconsin Statutes; and
 - 2) All other weeds, which, in the judgment of an authorized agent of the City, are creating a nuisance.
- e. **Prohibited Invasive Species.** Pursuant to *NR 40*, Wisconsin Administrative Code, the following species of terrestrial plants are currently not found in Wisconsin with the exception of small pioneer stands and are prohibited. They shall be eradicated from properties and may not be transported, possessed, transferred (including sale), or introduced.
- 1) [Japanese honeysuckle](#) (*Lonicera japonica*);
 - 2) [Amur honeysuckle](#) (*Lonicera maackii*);
 - 3) [Chinese yam](#) (*Dioscorea oppositifolia*);
 - 4) [Japanese hops](#) (*Humulus japonicus*);
 - 5) [Black swallow-wort](#) (*Vincetoxicum nigrum*);
 - 6) [Pale swallow-wort](#) (*Vincetoxicum rossicum*);
 - 7) [Celandine](#) (*Chelidonium majus*);
 - 8) [European swamp thistle](#) (*Cirsium palustre*);
 - 9) [Giant hogweed](#) (*Heracleum mantegazzianum*);
 - 10) [Japanese hedge-parsley](#) (*Torilis japonica*);
 - 11) [Spreading hedge-parsley](#) (*Torilis arvensisjaponica*);
 - 12) [Hill mustard](#) (*Bunias orientalis*);
 - 13) [Poison hemlock](#) (*Conium maculatum*);
 - 14) [Wild chervil](#) (*Anthriscus sylvestris*);
 - 15) [Yellow star thistle](#) (*Centaurea solstitialis*);
 - 16) [Japanese stiltgrass](#) (*Microstegium vimineum*);
 - 17) [Hairy willow herb](#) (*Epilobium hirsutum*);
 - 18) [Kudzu](#) (*Pueraria lobata*);
 - 19) [Lyme grass](#) (*Leymus arenarius*);
 - 20) [Mile-a-minute vine](#) (*Polygonum perfoliatum*);
 - 21) [Perennial pepperweed](#) (*Lepidium latifolium*);
 - 22) [Porcelain berry](#) (*Ampelopsis brevipedunculata*);
 - 23) [Princess tree](#) (*Paulownia tomentosa*);
 - 24) [Sawtooth oak](#) (*Quercus acutissima*);
 - 25) [Scotch broom](#) (*Cytisus scoparius*);
 - 26) [Sericea lespedeza](#) (*Lespedeza cuneata*);
 - 27) [Tall manna grass](#) (*Glyceria maxima*);
 - 28) [Wineberry](#) (*Rubus phoenicolasius*)

f. **Restricted Invasive Species.** Pursuant to *NR 40*, Wisconsin Administrative Code, the following species of terrestrial plants are already established in the state and are restricted. They may not be transported, transferred (including sale), or introduced. If they are already on your property, you are encouraged, but not required to remove them.

- 1) *Common buckthorn* (*Rhamnus cathartica*);
- 2) *Glossy buckthorn* (*Rhamnus frangula*);
- 3) *Autumn olive* (*Elaeagnus umbellata*);
- 4) *Russian olive* (*Elaeagnus angustifolia*);
- 5) *Tree-of-heaven* (*Ailanthus altissima*);
- 6) *Bella honeysuckle* (*Lonicera x bella*);
- 7) *Morrow's honeysuckle* (*Lonicera morrowii*);
- 8) *Tartarian honeysuckle* (*Lonicera tatarica*);
- 9) *Multiflora rose* (*Rosa multiflora*);
- 10) *Oriental bittersweet* (*Celastrus orbiculata*);
- 11) *Cattail hybrid* (*Typha x glauca*);
- 12) *Narrow-leaved cattail* (*Typha angustifolia*);
- 13) *Common tansy* (*Tanacetum vulgare*);
- 14) *Creeping bellflower* (*Campanula rapunculoides*);
- 15) *Dame's rocket* (*Hesperis matronalis*);
- 16) *Garlic mustard* (*Alliaria petiolata*);
- 17) *Hemp nettle* (*Galeopsis tetrahit*);
- 18) *Hound's tongue* (*Cynoglossum officinale*);
- 19) *Giant knotweed* (*Polygonum sachalinense*);
- 20) *Japanese knotweed* (*Polygonum cuspidatum*);
- 21) *Purple loosestrife* (*Lythrum salicaria*);
- 22) *Spotted knapweed* (*Centaurea biebersteinii*);
- 23) *Common teasel* (*Dipsacus fullonum*);
- 24) *Cut-leaved teasel* (*Dipsacus laciniatus*);
- 25) *Bull thistle* (*Cirsium vulgare*);
- 26) *Musk thistle* (*Carduus nutans*);
- 27) *Plumeless thistle* (*Carduus acanthoides*);
- 28) *Wild parsnip* (*Pastinaca sativa*);
- 29) *Common reed grass* (*Phragmites australis*);
- 30) *Helleborine orchid* (*Epipactis helleborine*);
- 31) Any additional nuisance weeds that may be enumerated in Section [23.235](#), Wisconsin Statutes; and
- 32) All other weeds and invasive woody plants, which, in the judgment of an authorized agent of the City, are creating a nuisance.

5. **Composting.** Composting shall be allowed in all zoning districts subject to the following conditions. Future Development zoned parcels with an area of at least five (5) acres shall be exempt from the following conditions:

- a. Composting shall be conducted within an enclosed container (or containers) not to exceed a sum total of one hundred fifty (150) cubic feet per parcel. A compost container shall be of durable material such as wood, block, plastic, or sturdy metal fencing and shall have been constructed exclusively for composting.
- b. Compost containers shall not present an aesthetic, health, or odoriferous nuisance to neighboring properties.

- c. Compost containers are prohibited in any front yard. Compost containers shall not be located in any drainage swale.
 - d. Only kitchen wastes that break down in compost containers and yard waste (free of logs, large branches, and diseased plants) may be placed in compost containers.
 - e. Meat, bones, fat, oil, dairy products and other kitchen wastes that do not break down in compost containers, as well as plastic synthetic fibers, and human or pet waste shall not be placed in compost containers.
 - f. Compost shall be maintained within the container to keep the material aerated, minimize odor, reduce potential rodent harborage, and promote effective decomposition of the material.
6. **Harborage of pests.** All premises shall be kept free from non-domesticated rodents, vermin, insect infestation, rock doves (feral pigeons), starlings, skunks and other pests as determined by the Building Inspector or other authorized agent of the City. Where such pests are found, they shall be promptly exterminated or removed in a lawful manner that will not be injurious to human health. After extermination, proper precautions shall be taken to control harborage of pests and to prevent reinfestation. Bats shall be removed from a structure as determined by the Building Inspector or Zoning Administrator when they cause a health or structural issue to a residence. However, eradication methods of bats shall be consistent with WDNR rules.
7. **Animals, animal enclosures, and feces.**
- a. All animal pens, runs, exercise areas, fenced areas, structures, and enclosures shall comply with the provisions of this Ordinance and shall be kept clean, sanitary, and free from odor, feces, insects, and other unsightly or objectionable matters, which constitute a public nuisance or are otherwise detrimental to public health, safety, or welfare.
 - b. Unless fully contained within an approved fence, no animal shall be regularly chained or kept in a front yard or corner side yard in a manner that causes the destruction of the surrounding vegetation or allows the animal to approach to within ten (10) feet of the public right-of-way.
 - c. Domestic animal feces shall be removed and properly disposed of within twenty-four (24) hours.
8. **Accessory structures.** All accessory structures, including detached garages, carports, sheds, storage buildings, and other accessory structures, shall be maintained in good repair and shall not create a hazard or aesthetic nuisance. Accessory structures shall be protected from the elements by periodic painting, staining, or other waterproofing or surface protection.
9. **Fences.** All fences shall be maintained in good repair and be structurally sound and plumb. Fences shall be free of rust, corrosion, deterioration, decay, missing parts, and peeling, flaking, and chipped paint. Wood surfaces, other than decay-resistant wood, must be protected from the elements and decay by paint or other protective covering or treatment.
10. **Storage of detached truck toppers.** No person may leave or store a detached truck topper in any front yard or corner side yard. All detached toppers shall be stored inside an enclosed structure or they shall be stored in a rear or side yard in a manner that does not create a hazard or an aesthetic nuisance. No detached truck toppers shall be used as a compost container, accessory storage structure, animal enclosure,

or any other use that is contrary to the designed and originally intended use customarily associated with a truck topper.

11. **Miscellaneous storage.** All furniture, furnishings, appliances, household goods (except those items designed and intended for outdoor use), clothing, tires, vehicle parts, tools, equipment, construction materials (except items being used for a current construction project on said property), and similar items shall be stored within a completely enclosed structure or properly and promptly disposed of. Furniture may be placed for use on a covered porch, so long as said furniture is protected from the elements and kept in good repair.
12. **Exterior clothes drying.** Exterior clothes drying shall be performed in an organized manner on structures designed for said function.
13. **Graffiti.** The existence of graffiti on public or private property is in violation of this Ordinance and is expressly declared to be a public nuisance. Therefore, it is the responsibility of the owner, owner's agent, occupant, or other responsible person of the property to which the graffiti has been applied, to at all times, keep the property clear of graffiti, pursuant to the removal provisions of this Ordinance.
 - a. **Removal of graffiti by the perpetrator.** Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours. Such removal shall be done in a manner acceptable to the Building Inspector, Police Chief, Zoning Administrator, Public Works Director or other authorized agent of the City. Any person applying graffiti shall be responsible for the removal or the payment of the removal. Failure of any person to remove graffiti or pay for the removal of graffiti shall constitute an additional violation of this Ordinance. Where graffiti is applied by an unemancipated minor, the parents or legal guardians shall also be responsible for such removal or for the payment for the removal.
 - b. **Property owner responsibility.** If graffiti is not removed by the perpetrator according to this Ordinance, the owner, owner's agent, or other responsible person shall remove the graffiti within ten (10) days.
14. **Firewood storage.** Firewood storage associated with permitted outdoor sales shall be consistent with the outdoor sales provisions of the appropriate zoning district. All other stored firewood shall be used on premises and shall be stored pursuant to the following conditions:
 - a. All firewood (in unprocessed, uncut, split, or quartered segments) shall be stored in straight, orderly, and safe stacks not to exceed eight (8) feet in overall height.
 - b. All firewood that is stored outside shall be used within a reasonable time. Decaying or rotting firewood shall be properly disposed of.
 - c. Any accessory or covered structure used to shield or protect any firewood stack shall be consistent with the accessory structure provisions of this and other City Ordinances. Any tarp or similar material used to cover a firewood pile shall be made of durable and wind/water resistant materials, shall be properly tied or anchored down, and shall be repaired or replaced when necessary.
 - d. Within twelve (12) months of delivery to the premises, unprocessed logs (typically eight (8) feet in length) shall be cut, split, and properly stacked for use as firewood. Sawdust, tree bark, and other waste wood products shall be properly disposed of. Parcels five (5) acres or more in size may be exempt from this requirement if

reasonably shielded from view as determined by the Zoning Administrator, Building Inspector or other authorized agent.

15. **Outdoor wood-fired furnace.** Outdoor wood-fired furnaces may be installed and used in any zoning district. All outdoor wood-fired furnaces shall comply with the following provisions:
 - a. An outdoor wood-fired furnace shall burn only clean firewood. All other materials including, but not limited to the following, shall not be burned in an outdoor wood-fired furnace:
 - 1) Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
 - 2) Waste oil or other oily wastes.
 - 3) Asphalt and products containing asphalt.
 - 4) Treated or painted wood, including, but not limited to, plywood, composite wood products or other wood products that have been painted, varnished, or treated with preservatives.
 - 5) Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, or plastic containers.
 - 6) Rubber, including rubber tires or synthetic rubber-like products.
 - 7) Newspaper, corrugated cardboard, container board, office paper, and other materials.
 - b. An outdoor wood-fired furnace shall meet the setback requirements for an accessory structure in the applicable zoning district.
 - c. An outdoor wood-fired furnace shall have a chimney that extends at least fifteen (15) feet above the ground surface. The chimney shall be constructed of block or of a galvanized-type metal that will not rust.
 - d. An outdoor wood-fired furnace shall be separated from adjoining properties by a fence that is a minimum of six (6) feet in height.
 - e. An outdoor wood-fired furnace installed prior to July 21, 1993 or an outdoor wood-fired furnace on property zoned for agriculture use that has an area of five (5) acres or more, shall be exempt from the chimney and fencing provisions of this section.
 - f. If the use of an outdoor wood-fired furnace creates a human health hazard or a public nuisance as determined by the Building Inspector, Zoning Administrator, or other authorized agent of the City, continued use of said outdoor wood-fired furnace shall be prohibited until all necessary corrections have been made to the satisfaction of the City.
 - g. Refer to Ordinance 978 for additional restrictions.

16. **Fuel Tanks.** Fuel tanks shall not be stored in any front or corner side yard.

17. **Dumping and littering.** Dumping of any garbage, rubbish, furniture or furnishings, brush, junk, stone, construction materials, appliances, grease, solvents, petroleum products, vehicle and vehicle parts, in any place and in any manner is prohibited unless such dumping is within an approved landfill or recycling center.
18. **Rubbish in Public Rights-of-Way.** To protect the City’s storm water system, pedestrian safety and vehicular traffic in public rights-of-way, dirt, mud, rocks and/or rubbish of any kind may not be dropped, deposited, or directed towards the public rights-of-way. Dirt, mud, rocks, and/or other rubbish unintentionally directed towards the public rights-of-way shall be removed and properly disposed of.
19. **Driveways, sidewalks, and steps.**
 - a. All driveways and parking areas shall be composed of durable, hard-surfaced areas adequate for parking a motor vehicle with room for opening doors on both sides, together with a clear, properly related access to a public street or alley.
 - b. All driveways and off-street parking areas shall comply with the design standards of this and other City Ordinances, shall be maintained in good repair, and shall not pose a hazard to public health and safety.
 - c. All driveways and parking areas shall be graded and maintained to prevent the accumulation of stagnant water and shall be kept free of weeds or other noxious plant materials. Gravel or limestone bases shall be contained within the designated driveway and parking area.
 - d. All sidewalks and steps shall be maintained in good repair and shall not pose a hazard to public health and safety. Sidewalks within the public right-of-way shall be maintained pursuant to Ordinance 530: Sidewalk Construction and Maintenance.
20. **Snow removal and storage.** Snow shall not be thrown, plowed, or moved onto adjacent properties without the written consent of the adjacent property owner. Snow shall not be piled or stored in a manner that creates runoff or drainage problems for adjacent properties, nor shall it be stored in a manner that creates safety hazards for motorists or pedestrians. In no case shall snow be pushed onto public rights-of-way.
21. **Vehicles.**
 - a. **Parking and storage of vehicles in all zoning districts.**
 - 1) **Parking and storage of registered, licensed, and operable vehicles.** In all districts, parking or storage of registered, licensed and operable vehicles, including automobiles, vehicles and trailers used for recreational purposes over twenty (20) feet in length (not including trailer tongue) and commercial vehicles under twenty (20) feet in length, shall be consistent with the following:
 - a) All vehicles shall be parked or stored inside an attached or detached garage or accessory structure, or on a driveway or parking area pursuant to the provisions of this Ordinance.
 - b) No person shall park or store, or permit any other person to park or store, a vehicle on lawn, except that parking on frozen lawns shall be permitted.
 - 2) **Parking of vehicles and trailers under twenty (20) feet in length.** Vehicles and trailers under twenty (20) feet in length (not including trailer tongue) not required by the State of Wisconsin to be licensed or registered,

Refer to Figure 750-C: *Vehicle parking and storage*, for an illustration on the key vehicle provisions of this section.

including cargo trailers, travel trailers, boats and other such items, as well as registered and licensed vehicles and trailers used for recreational purposes, including snowmobiles and all-terrain vehicles, shall not be parked on front or corner side yards in any zoning district, unless parked on a driveway or parking area pursuant to the provisions of this Ordinance.

3) Parking or storage of unregistered, unlicensed, or inoperable vehicles.

- a) Private premises.** Any unregistered, unlicensed, or inoperable vehicle (including an automobile, motorized boat, snowmobile, all-terrain vehicle, motor home, or similar vehicle) shall not be stored for more than forty-eight (48) hours, unless the vehicle is stored in an enclosed structure. This section does not apply to premises for which this Ordinance permits the storage of unregistered, unlicensed, or inoperable vehicles outside of an enclosed structure, nor does it apply to legally licensed or permitted vehicle sales and vehicle repair facilities.
- b) Public property.** Except as permitted on State of Wisconsin property, no person shall park any unregistered, unlicensed, inoperable vehicle upon any public street, alley, highway, or other public property.

4) Abandoned vehicles.

- a) Public premises.** The City of Ashland Police Department shall be responsible for removal and disposition of vehicles abandoned on public premises. Vehicles abandoned on public property shall be disposed of per Section [342.40](#), Wisconsin Statutes. A vehicle is abandoned on public property if the vehicle is parked and left unattended in the same place for forty-eight (48) consecutive hours and the vehicle is left without the permission of a public official in charge of the premises.
- b) Private premises.** Property owners shall be responsible for the removal and disposition of vehicles abandoned on private premises. The Police Department's involvement is limited to issuing appropriate parking tickets. A vehicle is abandoned on private premises if the vehicle is parked and left unattended for forty-eight (48) consecutive hours and the vehicle is parked without the permission of the owner of the premises, and the vehicle is in public view.
- c) Penalty for violation.** Any person who abandons a vehicle on public or private premises may be punished by imposition of a forfeiture as provided in Section [750.A.10.b](#), [penalty for failure to maintain property](#), of this Ordinance.

5) Responsibility for parking violations on premises.

The registered owner of a vehicle shall be responsible for any violation of the parking provisions of this Ordinance. If a vehicle has been abandoned or the owner of the vehicle is unknown, then the owner of the property on which the vehicle is located shall be responsible for any violation of the parking provisions of this Ordinance.

6) Storage of machinery, implements, and equipment.

No person shall park or store, or permit any other person to park or store, any machinery, implements, or equipment designed for use in agriculture, construction, or other commercial enterprise, unless the machinery, implements or equipment is stored in an enclosed structure. This section does not apply to premises for which this Ordinance specifically permits outdoor storage, display, or sale of machinery, implements or equipment. Nor does this section apply to Future Development zoned parcels that have an area of five (5) or more acres or premises in industrial zoning districts.

7) Vehicles or trailers used for storage of goods.

No vehicle or trailer shall be used for the storage of goods, unless the vehicle is licensed, operable, and is being used on regular basis for the transporting of goods.

b. Parking and storage of vehicles in residential zones and/or on a parcel where a residential dwelling is a primary use. (The following requirements are in addition to those 21a.)

1) Parking and storage of commercial motor vehicles/trailers over twenty (20) feet in length.

a) No person shall park or store, or permit any other person to park or store any oversized commercial motor vehicle (designed for use in agriculture, construction or other commercial enterprises) in any area zoned for residential purposes without the approval and issuance of a Conditional Use Permit (CUP) pursuant to this ordinance.

b) Exceptions to items 750 B (21)(b)(i) are the following:

i. Commercial trailers/vehicles that are parked for no longer than six (6) hours:

- For the purpose of loading and unloading cargo on or in said commercial trailer/vehicle;
- Delivering materials to or from the subject parcel;
- Being used to perform a service on the subject parcel.

ii. Commercial trailers/vehicles that are parked for no longer than forty-eight (48) hours for the purpose of loading and unloading items related to moving an occupant to or from a subject parcel.

iii. An emergency as authorized by the Zoning Administrator or Designated Authorized Agent, or the Police Department, if such vehicle/trailer is unable to travel or travel safely because of unforeseen circumstances beyond the driver's control.

c) If issued a Conditional Use Permit to allow parking of an oversized commercial vehicle/trailer, all owners and occupants must comply with the following standards. Failure to comply with these standards will subject the CUP to immediate revocation.

i. The vehicle shall be parked or stored on a hard surface driveway off the City streets and right-of-way.

ii. While parked on the property, an oversized commercial vehicle cannot be left idling or running for a total time of more than thirty (30) minutes between the hours of 7:00 A.M. and 10:00 P.M. No oversized

commercial vehicle shall be left to idle or run for any length of time between the hours of 10:00 P.M. and 7:00 A.M.

- iii. No major onsite mechanical work may be performed on the vehicle.
- iv. The vehicle shall be kept fully operational, licensed, and used on a regular basis.
 - v. The vehicle shall be parked and stored in a neat and orderly fashion and shall be kept clean.
 - vi. Oil and other vehicle fluids shall not be permitted to spill onto the ground, which may create an aesthetic nuisance or migrate into the City's right-of-way or sewer system.
- vii. In no case shall the sound pressure of the vehicle be allowed to exceed 80dB(A) as measured at that point on the property boundary or right-of-way boundary closest to the vehicle and located between the vehicle's proposed regular parking location and the principal use or structure of any adjacent parcel(s) selected by the Zoning Administrator. For purposes of this clause: the "right-of-way boundary" shall be the outermost edge of a platted City right-of-way and no the street curb or edge of pavement, and an "adjacent parcel" shall be any parcel located opposite the vehicle's parcel regardless of separation by a right-of-way. Sound shall otherwise be measured in accordance with Chapter 202.
- viii. Conditional Use Permits required under this Section shall be authorized by the Plan Commission and City Council and administered by the Zoning Administrator in accordance with all applicable authorities, procedures and standards of Ordinance 781: Unified Development Ordinance.

2) Major overhaul of vehicles.

No person shall perform a major overhaul of any vehicle, or permit any other person to perform a major overhaul of any vehicle, unless the following conditions are met:

- a) The person performing the overhaul is the occupant of the premises;
- b) The person performing the overhaul is the owner of the vehicle; and
- c) The work is done inside an enclosed structure.

- c. Parking and storage of vehicles in all zoning districts, excluding residential zones and excluding parcels where a residential dwelling is a primary use. (The following requirements are in addition to those in 21a.)

1) Parking or storage of commercial trailers over twenty (20) feet in length.

- a) All vehicles shall be parked or stored inside an attached or detached garage or accessory structure, or on a driveway or parking area pursuant to the provisions of this Ordinance. Parcels greater than five (5) acres located in the Future Development zoning district are exempt from this requirement.
- b) No person shall park or store or permit any other person to park or store, a vehicle on a lawn, except that parking on frozen lawns shall be permitted.

Parcels greater than five (5) acres located in the Future Development zoning district are exempt from this requirement.

2) Major overhaul of vehicles.

No person shall perform a major overhaul of any vehicle, or permit any other person to perform a major overhaul of any vehicle, unless the following conditions are met:

- a) The person performing the overhaul is the occupant of the premises.
- b) The person performing the overhaul is the owner of the vehicle.
- c) The work is done inside an enclosed structure.
- d) The major overhaul has been permitted as an approved use.

C. Exterior Structure

- 1. **General maintenance of exterior structure.** 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 support points and shall be maintained plumb and free from open cracks and breaks.
- 3. **Exterior walls and exterior surfaces.**
 - a. Every exterior wall shall be maintained structurally sound, weatherproofed, and free of holes, breaks, loose or rotting boards or timbers, and any other conditions that might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All repairs shall be completed in a workmanlike manner and harmonious with the existing materials, architecture, and colors. All exterior materials shall be commonly accepted materials for final exterior treatment including wood, vinyl, or aluminum siding, stucco, and similar materials. Building wrap, sheathing, and similar materials shall not constitute a permitted final exterior treatment. All exterior materials shall be consistent with the provisions of all applicable building codes.
 - b. All exterior surfaces that require a protective coating to prevent deterioration shall be properly coated by paint, or other manufacturer 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 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 and roof drainage.**
 - a. All roofs and flashing shall be structurally sound, tight, and have no defects that admit water. All roofs (including underlayment materials) shall be maintained, repaired, or replaced in workmanlike manner. All repairs shall be harmonious with the existing roofing material.

- b. All water shall be conveyed from the roof to prevent dampness in the walls, floors, and ceilings of all stories, including attics and basements. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Water conveyed from the roof 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.
 - c. Roof drainage shall not be permitted to enter the sanitary system pursuant to Ordinance 711.
- 5. Exterior stairs, porches, front porch skirts, and railings.**
- a. Stairs and other exit facilities shall comply with the provisions of all applicable building codes and shall be maintained in a workmanlike manner.
 - b. Every outside stair, porch, and every appurtenance attached thereto shall 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 (1/2) inch per foot.
 - c. Every flight of stairs that has more than three (3) risers shall have handrails pursuant to all applicable building codes. 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.
 - d. All openings between floors, open sides of landings, platforms, balconies, or porches, which are more than twenty-four (24) inches above grade or a floor, shall be provided with guardrails as required by all applicable building codes.
- 6. Windows, doors, and hatchways.**
- a. Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.
 - b. Every window sash shall be fully supplied with a glass windowpane or an approved substitute that is without open cracks or holes.
 - c. Every window sash shall be in good condition and fit reasonably tight within its frame.
 - d. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.
 - e. Every exterior door, door hinge, and door latch shall be maintained in good repair and capable of tightly securing the door.
 - f. Every exterior door, when closed, shall fit reasonably well within its frame.
 - g. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction to prevent rain and wind, as completely as possible, from entering the dwelling or structure.
 - h. Every basement hatchway shall be constructed and maintained to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or structure.
 - i. Every basement window that is capable of being opened shall be supplied with a mesh screen, with not more than one-sixteenth (1/16th) inch mesh openings, or with other material affording equivalent protection against the entry of rodents.

7. **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 maintained in conformance with the requirements in Ordinance 781: Unified Development Ordinance.
8. **Chimneys and towers.** All chimneys, towers, smoke stacks, antennas and similar appurtenance shall be maintained structurally safe and shall not pose a hazard to health and safety. All exposed metal or wood surfaces shall be surface coated to prevent rust and deterioration.
9. **Exhaust vents.** Pipes, ducts, conductors, fans, and blowers discharging gases, steam, vapor, hot air, grease, smoke, or other gaseous or particulate wastes shall be constructed and located so as not to discharge directly upon abutting or adjacent public or private property.

D. Interior Structure

1. **Basements and crawl spaces.** Basements and crawl spaces shall be maintained reasonably free from dampness that may be conducive to decay or deterioration of the structure and shall be structurally sound.
2. **Structural members.** The supporting structural members of every building shall be maintained structurally sound and showing no evidence of deterioration that would render them incapable of carrying the imposed loads in accordance with the provisions of all applicable building codes.
3. **Interior stairs and railings.** Stairs shall be provided in every structure pursuant to all applicable building codes and according to the following standards:
 - a. All interior stairs of every structure shall be maintained in sound condition and good repair. Treads and risers that are broken, warped, loose, or excessively worn shall be replaced. Every inside stair shall be constructed and maintained to be safe and capable of supporting the load required by all applicable building codes.
 - b. Every stairwell and every flight of stairs that has more than three (3) risers shall have handrails or railings pursuant to all applicable building codes. Every handrail or railing shall be firmly fastened and maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads pursuant to all applicable building codes, shall be placed on the open portions of stairs, balconies, landings, and stairwells.
4. **Bathroom and kitchen floors.** Every toilet, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit such floor to be easily kept in a clean and sanitary condition.
5. **Sanitation.** The interior of every dwelling and structure shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish, garbage, or other refuse. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities approved for garbage disposal.
6. **Insect, rodent, and vermin infestations.**
 - a. All structures shall be kept free from insect, rodent, and vermin infestation. Whenever insects, rodents, or vermin are found in a structure, they shall be promptly exterminated in a lawful manner that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

- b. Every owner of a two-family or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists in two (2) or more of the dwelling units or in the shared or public parts of the structure.
 - c. The occupant of a dwelling unit in a two-family or multi-family dwelling shall be responsible for extermination within the occupant's dwelling unit, if the occupant's dwelling unit is the only dwelling unit in the building that is infested.
Notwithstanding the previous sentence, whenever rodent infestation is caused by the owner's failure to maintain any two-family or multi-family dwelling in a rodent-proof condition, the owner shall be responsible for extermination of such rodents.
7. **Interior surfaces.** All interior walls, ceilings, floors, windows, and doors shall be structurally sound, in good repair, painted or decorated, and free from defects. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. Severe mold problems shall be corrected to eliminate unsafe conditions.
8. **Smoke and Carbon Monoxide detectors.** Smoke and Carbon Monoxide detectors shall be installed and maintained pursuant to all applicable Wisconsin statutes and building codes. The Building Inspector or other authorized agent of the City may inspect the common area of dwellings and, at the request of the owner or renter, may inspect the interior of a dwelling unit to ensure compliance with this section.

E. Basic Facilities

1. **Sanitary facilities.** The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe, and working condition:
- a. Every dwelling unit shall contain a room that affords privacy and is equipped with a water closet and lavatory.
 - b. Every dwelling unit shall contain a room that affords privacy and is equipped with a bathtub or shower.
 - c. Every dwelling unit shall contain a kitchen sink apart from the required lavatory.
 - d. All sinks, lavatories, bathtubs, showers, and water closets shall be properly connected to a public water and sewer system, or to an approved private water and sewer system, and shall be supplied with hot and cold running water pursuant to all applicable building code.
 - e. Every dwelling unit shall be supplied with water heating facilities that are installed in a code compliant manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water pursuant to this Ordinance. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, bathtub, shower, laundry facility, and other similar units, at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.
2. **Heating facility.** Every dwelling shall have a heating facility. The heating facility shall be installed in a code compliant manner and be properly maintained in good working condition. The heating facility shall be capable of safely and adequately

heating all habitable rooms, bathrooms, and toilet rooms in the structure to a temperature of at least an average of 68 degrees Fahrenheit with an outside temperature of 10 degrees below zero. The owner shall at all times maintain a minimum average room temperature of 68 degrees Fahrenheit in all rented habitable rooms, bathrooms and toilet rooms on the basis of 10 degrees below zero outside. The temperature shall be measured at five (5) feet above the floor level and three (3) or more feet from an exterior wall.

3. **Operation of heating facilities and incinerators.** Every heating or water heating facility and incinerator shall be installed and shall operate in accordance with the requirements of all applicable building codes and other ordinances of the City.
4. **Rubbish and garbage storage.**
 - a. In a building consisting of four (4) or fewer dwelling units, each owner or occupant shall provide an adequate number of solid waste, rubbish and lidded trash containers. Containers shall not be stored in the front yard or on the front porch in public view, or along a corner side yard except during those hours when the containers are lawfully placed at the curb for solid waste and/or recycling pickup.
 - b. The owner of every building or premises consisting of five (5) or more dwelling units shall supply the occupants of the building or premises with adequate lidded garbage storage containers and facilities. Containers shall not be stored in the front yard or on the front porch in public view. The garbage storage containers and facilities shall be regularly emptied and constructed and located in accordance with all applicable city codes and ordinances.

F. Installation and Maintenance of Equipment and Fixtures

1. **Construction, installation and maintenance of equipment and fixtures.** All required equipment and fixtures in every structure shall be constructed, installed and maintained to properly and safely perform their intended functions in accordance with the provisions of the Building, Electrical and Plumbing Codes.
2. **Maintained clean and sanitary.** All equipment and fixtures shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects or rodents or produce dangerous or offensive gases or odors.
3. **Plumbing fixtures.** Water lines, plumbing fixtures, vents and drains shall be properly installed, connected, and maintained in working order and shall be kept free from obstructions, leaks, and defects and be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with all applicable building or plumbing codes.
4. **Plumbing system.** Every plumbing stack, waste, and sewer line shall be installed and maintained to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration or health hazards, refer to Ordinances 705, 711 and 712. All repairs and installations shall be made in accordance with the provisions of all applicable building or plumbing codes.
5. **Cooking and heating equipment.** Each space heating, cooking, and water heating device located in a building or structure shall be properly installed, connected, and maintained and shall be capable of performing the function for which it was designed in accordance with the provisions of all applicable building codes.

6. **Electrical outlets and fixtures.** Every electrical outlet and fixture shall be installed, maintained, and connected to the source of electric power in accordance with all applicable building and electrical codes.
7. **Electrical system.** Every room of every dwelling unit and all public and common areas shall be supplied with electric service, over current protection devices, electric outlets, and electric fixtures which are properly installed in compliance with the National Electrical Code. All electrical equipment shall be maintained in a safe working condition, and shall be energized by an approved source of electric power and in compliance with the applicable ordinances and codes of the city and the state. All branch circuits shall have sufficient capacity to safely serve the normally anticipated loads resulting from everyday living. When the Building Inspector determines the electrical system in a building constitutes a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring, improper installation, deterioration or damage, or other reasons, he or she shall require the defects to be corrected to eliminate the hazard.

G. Definitions

1. Construction of words and phrases.

- a. **Interchangeability.** In this Ordinance words used in the present tense include the future; the singular number includes the plural, and the plural the singular.
- b. **Words and phrases not defined.** When words or phrases are not defined in this Ordinance, they shall have ascribed to them their ordinarily accepted meanings, as the context may imply.

2. Definitions of words and phrases.

Abandoned vehicle. Any vehicle that has been left unattended without the permission of the property owner for more than forty-eight (48) hours. Refer to Section [342.40](#), Wisconsin Statutes, for a more detailed definition.

Approved. To give formal or official sanction to by the Building Inspector, Zoning Administrator, Plan Commission, City Council, or other responsible entity.

Basement. That portion of a building that is partly or completely below grade.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Building. A structure erected on a permanent foundation and designed for human habitation or occupancy.

Building code. The building code officially adopted by the City Council or such other code as may be officially designated by the City Council for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings and structures.

Building Inspector. The City of Ashland Building Inspector.

Commercial trailer. A vehicle for transporting commercial goods. Usually associated with a semi truck.

Corner side yard. The yard extending from the front yard to the rear yard and lying between an open public right-of-way and the principle structure.

Detached truck topper. A removable top or cap intended to cover the cargo portion of a truck or vehicle. When the truck topper is not attached to the truck, it is a detached truck topper.

Driveway. A private road giving access from a public way to a premises.

Dwelling unit. One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

Enforcement officer. The City Administrator and his/her authorized representatives charged with the responsibility of enforcing this Ordinance.

Equipment. The implements used in an operation or activity

Exterior property areas. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rodents, or other pests by:

- Eliminating their harborage places.
- Removing or making inaccessible materials that may serve as their food.
- Poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Family. An individual or married couple and the children thereof with not more than two (2) other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five (5) unrelated persons, living together as a single housekeeping unit in a dwelling unit.

Forb. A broad-leaved herb other than a grass.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Graffiti. Graffiti shall mean any drawing, inscription, writing, figure or mark made upon a wall or other exposed surface, including but not limited to any house, garage, rock, bridge, fence, gate, tree, monument, motor vehicle, sidewalk, street, lamp post, street sign, underpass or retaining wall, whether publicly or privately owned, with paint, chalk, dye, ink, pencil, wax or other similar substance or by etching, scratching, cutting, burning or carving without the express consent of the owner of said wall or other exposed surface.

Gross floor area. The total area of all habitable space in a building or structure.

Grass lawn. A lawn consisting primarily of Kentucky bluegrass, perennial rye grass, fescues, and/or other grasses generally associated with mowed and maintained grass lawns.

Habitable room. A room or enclosed floor space arranged for living, eating or sleeping purposes, not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways, and other accessory floor spaces.

Habitable space. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hard surface parking area. Hard surfaced parking areas shall be defined as having asphalt, concrete, paving brick, block, compacted gravel or limestone, or pervious pavers.

Hotel. A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

Implements. A device used in the performance of a task.

Incinerator. A device for burning waste substances in which the combustion factors: temperature, retention time, turbulence and combustion air, may be controlled.

Infestation. The presence of insects, rodents, vermin or other pests within or contiguous to a structure or premises.

Inoperable vehicle. A vehicle which is incapable of operation or use, or which has no resale value except as a source of parts or scrap.

Machinery. Machines in general or as a functioning unit; a mechanically, electrically, or electronically operated device for performing a task;

Major overhaul. The repair, alteration or restoration of a motor vehicle that involves the removal of the paint or major parts of the disassembly of major parts of a motor vehicle, including, without limitation because of enumeration, the following major parts:

- Engine.
- Body.
- Interior seats.
- Interior equipment necessary for the operation of the vehicle.
- Drive train.

Motel. An establishment providing sleeping accommodations for transients.

Motor vehicle. A vehicle, including a combination of two (2) or more vehicles, or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. See Section [340.01](#), Wisconsin Statutes, for more detailed information.

Multi-family (or multiple-family) dwelling. A building containing more than two (2) dwelling units.

Natural landscape. Any land managed to preserve or restore primarily native Wisconsin grasses, forbs, wildflowers, shrubs, trees, and aquatic plants.

Occupant. Any person living or sleeping in a building or having possession of a space within a building.

One-family (or single-family) dwelling. A building containing one dwelling unit with not more than five (5) lodgers or boarders in addition to a family.

Openable area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

Oversized commercial motor vehicle. A motor vehicle greater than ten (10) feet high or eight (8) feet wide or greater than ten thousand (10,000) pounds gross vehicle weight (GVW) when empty. Commercial vehicles are used for commercial use rather than the private use.

Owner. The owner or owners of the freehold estate of the premises or lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, a receiver, a personal representative, a trustee.

Parcel. Usually composed of one or more lots in platted areas of the City, or a plot of land, usually a division of a larger unplatted area.

Park. To park means causing a vehicle to stand unattended for any amount of time or to stand attended for five (5) minutes within thirty (30) feet of the same point, or to permit a vehicle so to stand when it is within one's power to prevent it from so standing. In determining whether a vehicle is parked, it is immaterial whether or not its motor is running. A vehicle is attended when its driver is inside it or within twenty (20) feet of it.

Parking area. A durable, hard-surfaced area permitted for the parking of vehicles with room for opening doors on both sides, together with a clear, properly related access to a public street or alley, and maneuvering room which shall be located totally outside of any street or alley right-of-way.

Person. An individual, firm, corporation, association, partnership or other group acting as a unit.

Plumbing or plumbing fixtures. Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines or other similar equipment, catch basins, drains, vents or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

Premises. A lot, plot, or parcel of land including the buildings or structures thereon.

Responsible person. The owner, operator, manager, occupant, or tenant of any structure or premises.

Residence building. A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided, except an institution.

Rooming house. A building arranged or used for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a 2-family dwelling.

Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking.

Rubbish. Combustible and noncombustible waste materials, including but not limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, clothing, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

Structure. That which is built or constructed, including, but not limited to, buildings, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open-grade steps, sidewalks, stairways, tents and anything erected and framed of component parts which is fastened, anchored or rests on a permanent

foundation or on the ground, including a mobile home, manufactured home, modular home or travel trailer.

Supplied. Installed, furnished or provided by the owner or operator.

Turf-grass. Grass commonly used in regularly cut lawns or play areas such as but not limited to, blue grass, fescue, and rye grass blends.

Two-family dwelling. A building containing two dwelling units and designed to house one family in each unit.

Vehicle. Every device in, upon, or by which any person or property may be transported or drawn upon.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike. Executed in a skilled manner; for example, plumb, level, square, in line, undamaged, done without marring adjacent work and done by using materials that match adjacent work.

Yard. An open space on the same lot with a building.

The following figures are intended to help illustrate key provisions of this section. Refer to the applicable provisions of this Ordinance for additional information and detailed language. In the event that a conflict exists between the figures and the provisions of this Ordinance, the provisions of the Ordinance shall take precedence.

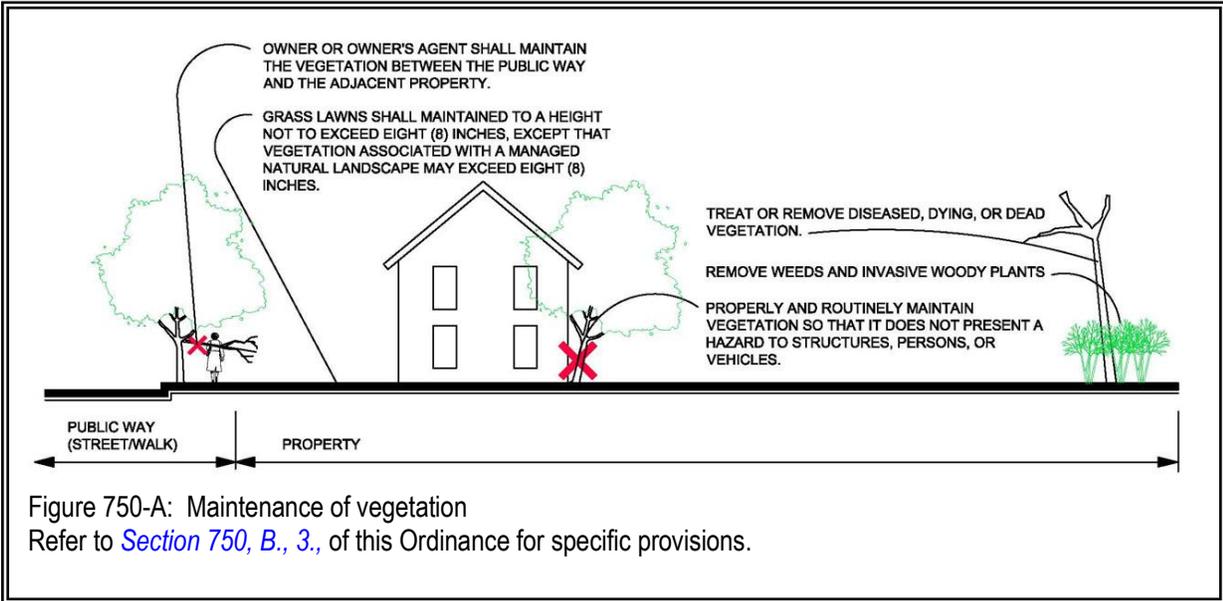


Figure 750-A: Maintenance of vegetation
Refer to [Section 750, B., 3.](#), of this Ordinance for specific provisions.

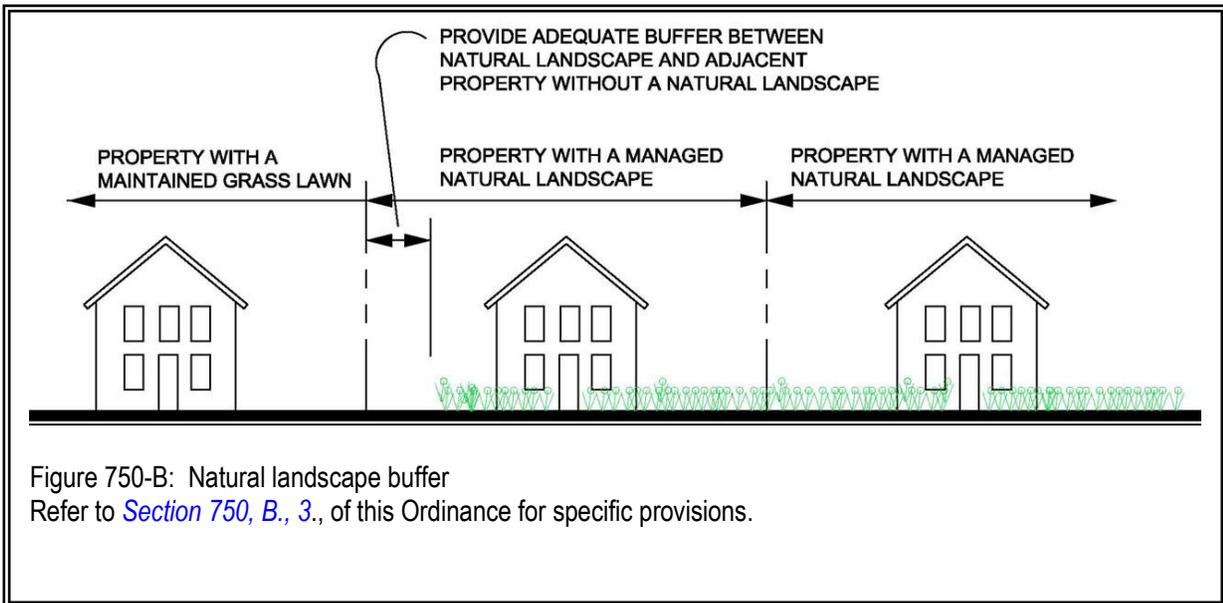


Figure 750-B: Natural landscape buffer
Refer to [Section 750, B., 3.](#), of this Ordinance for specific provisions.

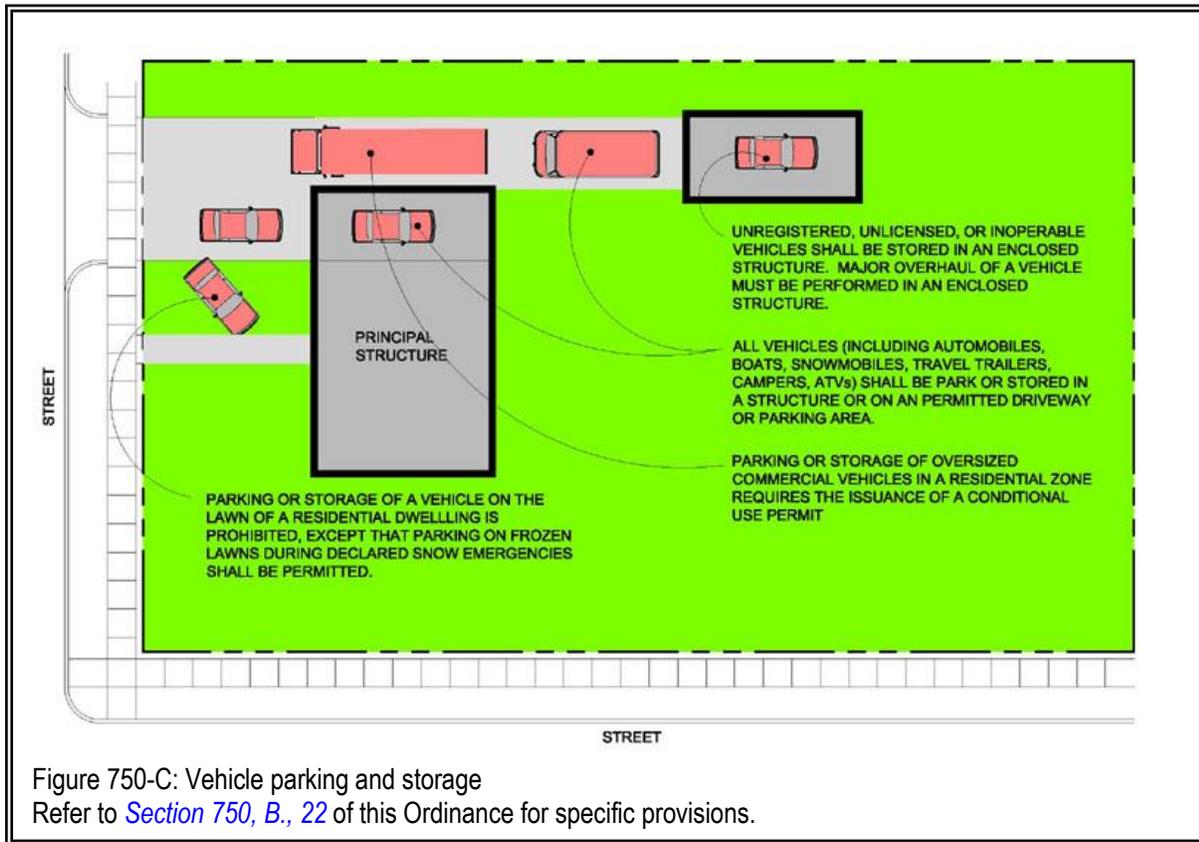


Figure 750-C: Vehicle parking and storage
Refer to [Section 750, B., 22](#) of this Ordinance for specific provisions.