

Ordinance No. 71

Ordinance Relating to Property Maintenance

The Common Council of the City of Fountain City, Wisconsin, do ordain as follows:

SECTION 1. Chapter 71 of the City of Fountain City Code of Ordinances is created to read as follows:

“CHAPTER 71

PROPERTY MAINTENANCE

- § 71-1 Purpose, scope and authority.
- § 71-2 Definitions.
- § 71-3 Exterior walls and foundations.
- § 71-4 Windows and doors.
- § 71-5 Fences.
- § 71-6 Stairs, porches and decks.
- § 71-7 Paint and exterior surfaces.
- § 71-8 Roofs and drainage.
- § 71-9 Exterior plumbing.
- § 71-10 Sidewalks and improved yard areas.
- § 71-11 Exterior areas.
- § 71-12 Lawns and weeds.
- § 71-13 Vacant residential property.
- § 71-14 Emergency orders.
- § 71-15 Enforcement; violations and penalties.
- § 71-16 Conflicting provisions.

§ 71-1 Purpose, scope and authority.

In order to decelerate the deterioration of properties and buildings and to prevent the depreciation of property values in Fountain City, and by its authority to protect the environment and preserve the health, safety and welfare of the public pursuant to *Wis. Stat. §66.0113*, the City of Fountain City adopts this chapter, which shall apply to the exteriors of all buildings and structures located in the City of Fountain City, as well as the properties on which they are located.

§ 71-2 Definitions.

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

A. Blighting Influence

Any condition having an adverse effect on properties, or on property values, in the City of Fountain City.

B. Debris

Includes, but is not limited to, broken concrete, bricks, blocks or other mineral matter, bottles, porcelain and other glass or crockery, boxes, lumber, posts, scrap wood, tree branches, brush,

yard trimmings, paper, rags, cardboard, rubber, plastic, wire, metal items, discarded toys, household goods and appliances, tar paper, residues from burning, and all similar materials which constitute health, fire and safety hazards or a blighting influence upon property in the City of Fountain City.

§ 71-3 Exterior walls and foundations.

Every exterior wall shall be free of holes (excluding designed gaps and naturally occurring holes such as knot holes), breaks, loose or rotting boards or timbers, and all other conditions which could admit rain or dampness to the interior portions of the walls or to the occupied spaces of a structure. Every foundation and exterior wall shall be reasonably weathertight and rodent-proof and shall be kept in a reasonably good state of maintenance and repair. The foundation elements shall adequately support the structure at all points, and any hazardous sagging or bulging of exterior walls or foundations shall be properly repaired to level or plumb position.

§ 71-4 Windows and doors.

Every window, screen, exterior door, and cellar hatchway shall be weathertight and rodent-proof and kept in proper repair. All window and exterior door hardware shall be installed and maintained in proper working condition.

§ 71-5 Fences.

All fences shall be properly maintained and kept in good repair or shall be removed. If paint or other preservatives have been applied to the exterior surface of a fence, the fence shall be repainted, resurfaced or otherwise treated in a reasonably skilled manner before its condition becomes a blighting influence on any property in the City of Fountain City.

§ 71-6 Stairs, porches and decks.

Every outside stair, porch, deck, and patio, and all structures and items attached thereto, shall be constructed so as to be safe to use and capable of supporting loads to which it will be subjected and shall be kept in sound condition and good repair. All stairways and porches shall be kept free of snow, ice and other obstructions to passage.

§ 71-7 Paint and exterior surfaces.

Exterior surfaces of buildings and structures shall be covered with a protective coating of paint or other suitable preservative when necessary to provide resistance to weathering. Any exterior surface treated with paint or other preservative shall be applied in a skilled manner and maintained in good condition. Parties who erect or maintain a building having a natural weathered look must have in their possession a duly issued building permit, issued by the City of Fountain City, which expressly allows for the creation and maintenance of a natural weathered look for buildings. All exterior surfaces of buildings, including but not limited to brick and vinyl siding, shall be maintained in a good state of repair.

§ 71-8 Roofs and drainage.

All roofs shall be maintained so as not to leak, and all water shall be drained and conveyed off of roofs so as not to cause damage to the exterior walls, eaves, soffits or foundation. Gutters and downspouts, when provided, shall be adequately secured and kept free of obstruction and in a good state of repair.

§ 71-9 Exterior plumbing.

Every exterior plumbing fixture and water or waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

§ 71-10 Sidewalks and improved yard areas.

A. Sidewalks, walks, drives and other concrete, asphalt, brick, gravel, stone, or similarly improved yard areas shall be kept in sound condition and good repair. Conditions resulting in dust, dirt, loose stones or other aggregate being deposited on adjacent public or private property shall not be permitted.

B. The owner of every lot or parcel of land shall keep the public sidewalk adjacent to said premises reasonably free and clear from snow and ice and shall clear the snow from such sidewalk within 24 hours following a snowfall. The owner shall make reasonable efforts to remove the snow and ice to private property and not to public streets or other public property.

§ 71-11 Exterior areas.

A. All exterior areas of any premises shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible materials, debris, or similar material which could cause fire, safety or health hazards or which could have a blighting influence on any property in the City of Fountain City.

B. The provisions of this section shall not apply to materials stored in conjunction with any mercantile or manufacturing use or if stored temporarily incidental to residential use, provided that such materials are neatly stored, afford no rodent harborage, and meet the applicable fire and zoning restrictions. The provisions of this section also shall not apply to the outdoor storage of firewood, of recreational equipment which is usable and in good repair, or of building materials while construction or alterations are taking place on the premises, provided such storage does not impair visibility of traffic in vision triangles at intersections of streets in the City.

§ 71-12 Lawns and weeds.

A. Noxious weeds, including but not limited to Canada thistle, leafy spurge and field bindweed (creeping jenny), and any other such weeds as the City of Fountain City by ordinance or resolution declares to be noxious within its boundaries shall be destroyed.

B. Every owner of any premises having a lawn shall cut and maintain such lawn at a height not exceeding seven inches on such premises as well as the boulevard in front of or along such premises. No grass clippings or other yard debris, including leaves, may remain on any public street or other impervious surface making it susceptible to be discharged to the City storm sewer for a period of more than one hour.

C. After ten (10) days from the publishing of a notice given as stated in Subsection E. of this section, the City may cut the lawn on any premises or boulevard and assess the expenses therefor against such property as a special charge thereon.

D. The City of Fountain City Clerk shall annually, on or before May 15, cause to be published in the official newspaper a notice, once each week for two successive weeks, to the effect that lawns are required to be cut and maintained as provided in this section and that if

such lawns are not cut and maintained action will be taken pursuant to this section. At no time thereafter shall lawns exceed seven inches in height.

E. Special or additional notice upon any owner shall be made and served personally or by mail prior to any action taken by the City of Fountain City to cut the lawn on any premises or boulevard which is not in compliance with the provisions of this section.

§ 71-13 Vacant residential property.

The provisions of this chapter shall control the maintenance of vacant residential property as well as that of occupied property.

§ 71-14 Emergency orders.

If the Planning and Zoning Committee or City of Fountain City Mayor or other person authorized by the Mayor determines that a building or structure is in such condition that it constitutes a public nuisance or that there is great and immediate danger to the public health, safety and welfare, the Planning and Zoning Committee, City of Fountain City Mayor or other person authorized by the Mayor shall post a notice on the premises to that effect and shall order the building or structure, or that portion of it so affected, to be vacated, all in accordance with the terms of *Wis. Stat. §66.0413*, as are from time to time set forth therein. No person shall remove or deface any such notice which has been placed on any building or structure which has been declared unfit or unsafe for human habitation or use.

§ 71-15 Enforcement; violations and penalties.

A. Whenever it is determined that any building, structure, or other exterior area fails to meet the requirements as set forth in this chapter, the Planning and Zoning Committee, City of Fountain City Mayor, police officer, or other person authorized by the Mayor shall issue a notice of violation setting forth the applicable violations of this chapter and advising the property owner of the deadline for compliance with the provisions of this chapter. The amount of repair to be completed shall be taken into consideration when the deadline for compliance is determined.

B. Upon failure to comply with the provisions of this chapter with the deadline for compliance set forth in the notice of violation, the City of Fountain City shall issue a citation to the violator. Each day of continued violation after the deadline for compliance set forth in the notice of violation shall constitute a separate offense. Any property owner found guilty of maintaining buildings, structures, or premises in violation of this chapter shall be required to forfeit to the City of Fountain City not less than \$100 nor more than \$500 per offense.

C. Upon the failure of an owner to clear any sidewalk as required under § 71-10, the City of Fountain City shall cause the sidewalk to be so cleared and shall cause the cost thereof to be levied as a special charge against such lot or parcel of land to be collected like other taxes upon real estate, as prescribed in *Wis. Stat. §66.0627*.

D. Upon the failure of an owner to maintain any lawn as required under § 71-12, the City of Fountain City shall cause the lawn to be so mowed, or the weeds to be so destroyed, and shall cause the cost thereof to be levied as a special charge against such lot or parcel of land to be collected like other taxes upon real estate, as prescribed in *Wis. Stat. §66.0627*.

§ 71-16 Conflicting provisions.

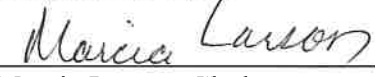
In any case where a provision of this chapter or of any regulation adopted pursuant hereto is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or other regulation of the City of Fountain City, the provision which establishes the higher standard for the promotion of public health and safety shall prevail.”

SECTION 2. This Chapter 71 shall take effect upon passage and publication as provided by law.

ADOPTED at a regular meeting of the City of Fountain City Common Council this 9th day of July, 2025.

CITY OF FOUNTAIN CITY

By: 
Ben Adank, Mayor

Attest: 
Marcia Larson, Clerk

Date adopted: 7-9-2025
Date published: 7-17-2025

