

CHAPTER 390

REGULATING BUILDING DEMOLITION SITES AND DAMAGED BUILDINGS WITHIN THE CITY OF RICHLAND CENTER

[History: Ord 1987-11]

390.01 DECLARATION OF POLICY. The Common Council finds that lots upon which buildings have previously existed but which buildings have been demolished or are in the process of demolition and buildings which are damaged and unoccupied may pose a danger of injury to children and unsuspecting adults, a breeding place for disease-causing and/or disease transmitting instrumentalities and further that such properties, unless maintained, are unsightly and deleterious to the quality of life and value of properties in the surrounding neighborhoods and in the City at large.

390.02 DEFINITIONS. For purposes of this Chapter, certain words and terms are defined as follows:

(1) **LOT:** A parcel of land lying within the City limits of the City of Richland Center, regardless of whether such parcel is a platted lot or is described by metes and bounds.

(2) **UNIMPROVED LOT:** A lot upon which no building or structure has previously existed or upon which no building or structure has existed for a period of five (5) or more years last past.

(3) **RECLAIMED LOT:** A lot or part of a lot which was formerly a demolition site, upon which the demolition has been completed and no reconstruction or replacement construction is or has been commenced within sixty (60) days after the commencement of demolition of the former improvement.

(4) **DEMOLITION SITE:** A lot or part of a lot upon which a former building, structure or other improvement is in the process of removal.

(5) **DAMAGED AND UNOCCUPIED BUILDING:** A building or structure which has been damaged by fire, storm, explosion or other calamity, or by deterioration due to time, the elements and lack of maintenance or a combination thereof, such that the building or structure is no longer usable for dwelling, commercial, industrial or other use to which the building or structure was formerly adapted without substantial repairs, remodelling or reconstruction.

390.03 DEMOLITION SITES AND RECLAIMED LOTS. The owner of record of a demolition site within the City of Richland Center shall fulfill all of the following conditions in regard to such site or lot:

(1) Within sixty (60) days after the commencement of demolition of any building, structure or improvement on the lot, demolition shall be completed.

(2) During all times of day or night during the period of demolition, except when one or more

adult persons involved in the demolition is actually present on the site, the site shall be completely enclosed with snowfence, cyclone fence or a similar fencing or barrier reasonably sufficient to prevent small children from entering onto the site.

(3) Upon completion of demolition, the grade of the lot shall be brought to the level of any sidewalks abutting the lot by the placement of fill or levelling of the lot. Such fill may consist of soil, rock, gravel, brick or waste concrete, except that the topmost layer of fill shall consist of not less than 1 foot of clear soil unless the lot is paved with asphalt or concrete or with not less than five inches (5") of road gravel. If no sidewalk abuts such lot, the grade of the lot shall be brought to the level of the curb abutting the lot. If no sidewalk or curb abuts the lot, the grade of the lot shall be brought to within one foot (1') of the level of the street abutting the lot.

(4) Unless reconstruction or replacement construction is commenced on the lot within sixty (60) days after commencement of demolition, the lot shall be deemed to have become a reclaimed lot at the end of such sixty (60) days. The surface of any reclaimed lot shall be sown with lawn grass, which grass shall be kept mowed to within six inches (6") of the grade surface of the lot. Alternatively, the lot may be paved with asphalt or concrete or with not less than five inches (5") of road gravel; however, it shall not be sufficient to cover the lot with shale or with a shale/soil mixture.

(5) Where reconstruction or replacement construction on the site is contemplated, and where such reconstruction or replacement construction is commenced within the said sixty (60) days after commencement of demolition, it shall not be necessary to change grade per par. (3), but the site shall at all times be protected by fence or barrier per par. (2) until such reconstruction or replacement construction is completed.

(6) Any person who is the owner of property which is in violation of the provisions of paragraphs (1), (3) or (4) of this section may apply to the Common Council for an extension of the time limits allowed under said paragraphs (1), (3) or (4). The Common Council may, if it finds that an unusual hardship will result from strict enforcement of such time limits, grant an extension of time to the applicant. The maximum extension of such time shall not exceed one (1) year beyond the time limits set forth elsewhere in section 390.03. In no event shall the time for conformity with the requirements of paragraph (2) be extended.

390.04 DAMAGED AND UNOCCUPIED BUILDINGS. The owner of record of a lot or lots within the City of Richland Center upon which there exists one or more damaged and unoccupied buildings shall fulfill all of the following conditions in regard to such lot or lots:

(1) All doors, windows or holes having an area of one hundred and forty four (144) square inches or more shall be tightly secured either by locks, nails or by plywood or particleboard sheeting nailed or otherwise securely fastened over the entirety of all such openings. This requirement applies to all such openings, regardless of whether the opening is at ground level or in an upper story.

(2) The damaged and unoccupied building shall be either demolished and removed within ninety (90) days after the damage was incurred or the building ceased to be occupied, subject to all of the requirements of sec. 390.03, or repairs, reconstruction or alteration of the building sufficient to make the building fit for reoccupancy shall be commenced. Such repairs, reconstruction or alteration of the building shall be completed within six (6) months after the damage was incurred or the building ceased to

be occupied. Such repairs, reconstruction or alteration of the building shall be subject to all other provisions of the ordinances of the City of Richland Center and of any applicable codes.

(3) An owner of a lot or lots upon which there is one or more damaged and unoccupied buildings may apply for an extension of time where the owner can demonstrate affirmatively that such extension is required for the purpose of further investigation or litigation of an insurance claim relating to the causation of valuation of the damage, engineering studies relating to the feasibility of repairs or similar legitimate reasons for allowing the building or buildings to remain in damaged condition beyond the time set forth above, but no such extension of time shall exceed ninety (90) additional days for either demolition and removal or for completion of construction.

390.05 PENALTY. (1) Any person who shall violate or fail or refuse to comply with any section of this Chapter shall, upon conviction thereof, forfeit to the City of Richland Center not less than \$25.00 nor more than \$400.00, together with the costs of prosecution and any applicable penalty assessment, and in the event such forfeiture, costs and assessment are not paid, such person may, by order of the Circuit Court, be imprisoned in the Richland County Jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days. Each day that a violation is maintained or permitted to exist shall constitute a separate offense.

(2) The imposition of a forfeiture pursuant to par. (1) above shall not be deemed to constitute a waiver by the City of Richland Center of any right it may have to proceed via action to seek injunctive relief or to pursue any other remedy under the laws of the State of Wisconsin or under any other provision of any ordinance of the City of Richland Center to abate a nuisance or to otherwise deal with properties in violation of this Chapter or of any other provision of any ordinance or of state law.

390.06 EXTENSION OF TIME FOR COMPLIANCE BY CITY OF RICHLAND CENTER WITH REQUIREMENTS. In the case of lands owned by the City of Richland Center, where the literal enforcement of the time limits imposed by this Chapter would result in an expenditure of municipal funds, which could be either avoided or eligible for reimbursement by an extension of the time limit set forth herein, the Common Council may, by resolution, extend any such time limits. Such extension of time limits shall only be available in the case of lands owned by the City of Richland Center.

390.07 EFFECTIVE DATE; TRANSITIONAL PROVISION. This Chapter shall be in full force and effect upon its passage and publication. Any property, lot or parcel which on the effective date of this Chapter is in violation hereof shall be brought into conformity with the provisions of this Chapter within thirty (30) days after publication hereof, and if not so brought into conformity within said time the owner thereof may be prosecuted for the violation. Proof that a condition which is in violation of this Chapter has existed for any period of time prior to the enactment of this Chapter shall be no defense to any action to impose or collect a forfeiture or for any other relief based upon a violation of this Chapter.