



P.O. Box 352 • 150 S. Bridge St. • Markesan, WI 53946 • P: (920) 398-3031 • F: (920) 398-3991

## **PUBLIC PROPERTY & HEALTH COMMITTEE**

### **Markesan City Hall**

June 4, 2019  
6:30 PM

### **AGENDA**

Call to Order

Roll Call

Citizen's Comments

Public Works Report

- Discussion and Action on 650 North Margaret Street Raze Bids

Old Business

- Discussion and Action on Maintenance of "Memorial Trees" on Hwy 44

New Business

- Discussion and Action on Long Lawn Notices
- Discussion and Action on Beach Preservation

Adjournment

A quorum of the Markesan Common Council may be in attendance at this meeting to gather information about a subject over which they have decision making responsibility. Under Wisconsin Open Meeting Law, this may constitute a meeting of the Common Council pursuant to the Badtke Decision, however, the Council will not take action at this meeting.

Any person requiring special assistance to participate in this meeting should contact the Clerk-Treasurer at 398-3031 at least 24 hours prior to the meeting so appropriate accommodations can be made.

Posted: Markesan State Bank    City Hall  
Farmers State Bank    Post Office  
[www.markesanwi.gov](http://www.markesanwi.gov)

Dated June 3, 2019  
Elizabeth Amend, Clerk-Treasurer



Betsy Amend &lt;bamend@markesanwi.gov&gt;

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**Trimming Trees in the Terrace**

1 message

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**Daniel Sondalle** <dsondalle@sondallelaw.com>  
To: Betsy Amend <bamend@markesanwi.gov>

Fri, May 31, 2019 at 9:03 AM

Dear Betsy:

The City asked me to research and advise who is responsible for maintenance and trimming of trees or shrubs for the terrace area between a sidewalk and the road.

In reviewing the City Code, the following sections would apply:

1. Section 252-5 enumerates various public nuisances affecting peace and safety. Section 252-5(D) provides: "Obstruction of intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk."
2. Section 252-10 pertains to control of trees and shrubs over public ways. Section 252-10(A) provides: "Trimming required. The owner or occupant of any private property shall not permit any tree, bush, hedge or shrub to intrude onto a public street or sidewalk from such adjacent private property, nor shall such owner or occupant permit boughs or branches to overhang such public ways at a height of less than 10 feet over the sidewalk or at a height of less than 14 feet over the street."
3. Section 273-5 pertains to duties and responsibilities of owners and operators as to maintenance and appearance of exterior of premises. Section 273-5(E) provides "The premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and kept from becoming overgrown and unsightly where exposed to the public view. Premises shall include the areas between the sidewalk and the curb of the street."

Based on these sections of the City's ordinance, it is the property owners responsibility to maintain and prune shrubs or trees in the terrace area. Section 252-7 provides the procedure for abatement of public nuisances. The City shall provide notice to the property owners to abate the public nuisance. If they do not, the City may abate the nuisance and assess the cost onto the tax roll of the property owner. Likewise, pertaining to Chapter 273, Notice must be provided to the property owners pursuant to Section 273-8 to prune or remove the shrubs or trees which are obstructing the view from the highway. If the property owners does not remedy the situation as set forth in the notice, the City may do the proper work to abate the problem and assess the cost onto the tax roll of the property owner.

If you have any other questions regarding this issue, please contact me.

Daniel D. Sondalle/kjg

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## Chapter 273. Property Maintenance

### § 273-5. Duties and responsibilities of owners and operators as to maintenance and appearance of exterior of premises.

- A. The exterior of premises and all structures thereon shall be kept free of all nuisances, unsanitary conditions and any hazards to the safety of occupants, pedestrians and to the person utilizing the premises. Any of the foregoing shall be promptly removed and abated by the owner or operator.
- B. The exterior of the premises and surrounding yard shall be kept free of hazards which include, but are not limited to, brush, weeds, broken glass, stumps, roots, obnoxious growth, filth, garbage, trash, refuse and debris.
- C. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of fallings, and the same shall be kept structurally sound, in good repair and free of defects.
- D. The exterior appearance of all buildings shall reflect a level of maintenance in keeping with the standards of the neighborhood. It shall not constitute a blighting factor for adjoining property owners or an element leading to the progressive deterioration and downgrading of the neighborhood.
- E. The premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and kept from becoming overgrown and unsightly where exposed to the public view. Premises shall include the areas between the sidewalk and the curb of the street.
- F. In addition to Subsection E above, no grass upon any private premises within the City limits shall be allowed to grow in excess of an average length of six inches before being mowed, cut or trimmed, provided, however, that this provision shall not apply to land with a pitch greater than 30° from horizontal. [Amended 4-14-2015 by Ord. No. 233]
- G. Yards shall be kept substantially clear of debris and shall be provided with adequate lawn, ground cover or vegetation. Hedges or bushes shall be cut or trimmed as often as necessary to maintain a neat and attractive appearance. All area not covered by any of the foregoing shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.
- H. Every yard, court, driveway or other portion of the lot shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.
- I. Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites and other vermin infestation, and shall not permit the entrance of such rat, mice, termites and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control, except where more than one unit is infested at the same time and, in this instance, the owner shall also be responsible for extermination of the infestation.
- J. Every building shall have adequate refuse, garbage or rubbish storage facilities. No occupant shall accumulate rubbish, boxes, lumber, metal refuse or other materials which may provide a harborage for rodents or vermin.

- K. The exterior of every structure or accessory structure, residential and nonresidential, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted where necessary for purposes of preservation and appearance. The same shall be maintained free of broken loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance.
- L. Every dwelling and accessory structure, exterior walls, siding and roofs shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards and shall be so maintained as to be weather- and watertight. (The above applies to residential and nonresidential properties.)
- M. This chapter applies whether or not the premises are temporarily or continuously occupied or unoccupied, inhabited or uninhabited, commercial or noncommercial, and whether or not there is a structure, building or other improvement upon the premises.

City of Markesan, WI  
Monday, June 3, 2019

## Chapter 252. Nuisances

### Article I. Public Nuisances

#### § 252-8. Weed control.

- A. Noxious weeds and rank growth prohibited. No owner or occupant of any lot or parcel shall allow such property to become overgrown with any weeds or grass so as to constitute a public nuisance, as defined in § 252-3H of this article.
- B. Notification. The Mayor shall annually, on or before May 15, publish a Class 2 notice, under Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds and other rank growth of vegetation, as defined in § 252-3H of this article, on land in the City which he owns, occupies or controls.
- C. Enforcement. If a property owner fails to control the growth of such weeds or rank growth of vegetation on his property, the Weed Commissioner shall serve upon him notice of once per calendar year as to this fact. If such owner fails to abate this nuisance within five days after service of the notice, the Commissioner shall take action to abate such public nuisance.  
[Amended 4-26-2018 by Ord. No. 240]
- D. Costs. If the City causes a nuisance to be removed as provided in Subsection C above, the actual cost thereof, together with an administrative fee equal to 10% of the actual cost, shall be charged to the property owner. Any damage to city equipment will also be charged to the property owner. If such charges are not paid by November 1 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to § 66.0517, Wis. Stats.  
[Amended 4-14-2015 by Ord. No. 233; 4-26-2018 by Ord. No. 240]