

# Village of Sister Bay Code of Ordinances

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## Chapter 30 Nuisances

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Please note that the entire chapter was renumbered by Ordinance No. 147-031709

Amended Ordinance 311-122022

Amended Ordinance 2023-013

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## Nuisances

### 1 **Sec. 30.1 Public Nuisances Prohibited**

2 No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the  
3 Village.

### 4 **Sec. 30.2 Public Nuisances Defined.**

5 (a) Generally. A public nuisance means a thing, act, occupation, condition or use of property which shall  
6 continue for such length of time as to:

- 7 (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- 8 (2) In any way render the public insecure in life or in the use of property;
- 9 (3) Greatly offend the public morals or decency;
- 10 (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for  
11 passage any street, alley, highway, navigable body of water or other public way or the use of  
12 public property.

13 (b) Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are  
14 hereby specifically declared to be public health nuisances, but shall not be construed to exclude other  
15 health nuisances coming within the definition of subsection (a) of this section.

- 16 (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the  
17 public.
- 18 (2) Carcasses of animals, birds or fowl not intended for human consumption or food, which are not  
19 buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- 20 (3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding,  
21 packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-  
22 carrying insects, rats or other vermin may breed.
- 23 (4) All stagnant water in which mosquitoes, flies or other insects can multiply.
- 24 (5) Garbage cans, which are, not fly tight.
- 25 (6) All noxious weeds and other rank growth of vegetation.
- 26 (7) All domestic animals running at large.
- 27 (8) The pollution of any public well or cistern, stream, lake, canal or other body of water by sew-  
28 age, creamery or industrial wastes or other substances.
- 29 (9) Any use of property, substances or things within the Village emitting or causing any foul, offen-  
30 sive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely  
31 repulsive to the physical senses of ordinary persons, which annoy, discomfort, injure or incon-  
32 venience the health of any appreciable number of persons within the Village.
- 33 (10) All abandoned wells not securely covered or secured from public use.
- 34 (11) Any use of property, which shall cause any nauseous or unwholesome liquid or substance to  
35 flow into or upon any street, gutter, alley, sidewalk or public place within the Village.

36 (c) Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions  
37 and things are hereby specifically declared to be public nuisances offending public morals and decen-  
38 cy, but such enumeration shall not be construed to exclude other nuisances offending public morals  
39 and decency coming within the definition of subsection (a) of this section:

- 40 (1) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or  
41 structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or  
42 gambling.
- 43 (2) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored,  
44 brewed, bottled, manufactured or rectified without a permit or license as provided for by ordi-  
45 nance.
- 46 (3) Any place or premises within the Village where ordinances or laws relating to public health,  
47 safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- 48 (4) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented  
49 malt beverages in violation of law or ordinance.

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1 (d) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and  
2 things are hereby declared to be public nuisances affecting peace and safety, but such enumeration  
3 shall not be construed to exclude other nuisances affecting public peace or safety coming within the  
4 provisions of subsection (a) of this section:

- 5 (1) All signs and billboards, awnings and other similar structures over or near streets, sidewalks,  
6 public grounds or places frequented by the public, so situated or constructed as to endanger pub-  
7 lic safety.
- 8 (2) All buildings erected, repaired or altered within the Village in violation of ordinances relating to  
9 materials and manner of construction of buildings and structures within such district.
- 10 (3) All unauthorized signs, signals, markings or devices placed or maintained upon or in view of  
11 any public highway which purport to be or may be mistaken as an official traffic control device  
12 or which because of its color, location, brilliance or manner of operation interferes with the ef-  
13 fectiveness of any such device, sign or signal.
- 14 (4) All trees, hedges, billboards or other obstructions, which prevent persons driving vehicles on  
15 public streets, alleys or highways from obtaining a clear view of traffic when approaching an in-  
16 tersection or pedestrian crosswalk.
- 17 (5) All limbs of trees, which project over and are less than seven feet above any public sidewalk,  
18 street or other public place.
- 19 (6) All trees which are a menace to public safety or are the cause of substantial annoyance to the  
20 general public.
- 21 (7) All use or display of fireworks except as provided by law and ordinance.
- 22 (8) All buildings or structures so old dilapidated or out of repair as to be dangerous, unsafe, unsani-  
23 tary or otherwise unfit for human use.
- 24 (9) All wires over streets, alleys or public grounds, which are, strung less than 15 feet above the  
25 surface thereof.
- 26 (10) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping,  
27 barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any  
28 considerable number of persons within the Village.
- 29 (11) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the  
30 streets, alleys, sidewalks or crosswalks, except as permitted by ordinances or which, although  
31 made in accordance with ordinances, are kept or maintained for an unreasonable or illegal  
32 length of time after the purpose thereof has been accomplished or do not conform to the permit.
- 33 (12) All open and unguarded pits, wells, excavations or unused basements freely accessible from any  
34 public street, alley or sidewalk.
- 35 (13) All abandoned refrigerators or iceboxes from which the doors and other covers have not been  
36 removed or which are not equipped with a device for opening from the inside.
- 37 (14) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of  
38 a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traf-  
39 fic and free use of the streets or sidewalks.
- 40 (15) Repeated or continuous violations of ordinance or law relating to the storage of flammable liq-  
41 uids.
- 42 (16) All snow and ice on the sidewalk not removed or sprinkled with a material, which accelerates  
43 melting or prevents slipping.
- 44 (17) All property use that involves the outside storage, dismantling, sorting or baling of junk within  
45 the Village.
- 46 (18) Prohibited noise, per Sec. 30.11 Loud Noises Prohibited

### 47 **Sec. 30.4 Graffiti Vandalism Prohibited / Abatement.**

48 *(Amended Ordinance 149-031709)*

49 (a) Purpose and Intent. The purpose and intent of this section is to prohibit graffiti vandalism, and to pro-  
50 vide a procedure requiring the removal of graffiti from property within the Village. Graffiti contributes  
51 to blight and deterioration of surrounding properties, reduces the physical attractiveness to the neigh-  
52 borhoods, and is detrimental to the Village. Graffiti constitutes a public nuisance and must be abated

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promptly in order to alleviate the detrimental impact it has on the neighborhoods, businesses, surrounding properties, and citizens and the Village, in general.

(b) Graffiti Vandalism Defined.

“Graffiti” means any inscription, word, figure or design, marked, scratched, etches, drawn or painted with spray paint, liquid paint, ink, chalk, dye, markers or other similar substances, on buildings, fences, structures, signs and other similar places.

(c) Graffiti Vandalism Prohibited. No person may write, paint or draw any inscription, figure or mark of any type on any public or private building or other real or personal property owned, operated or maintained by any private person or public entity, agency, firm or corporation. This shall not be construed to prohibit the placement of temporary and easily removable chalk or other water soluble markings on public or private streets, sidewalks or other paved surfaces incident to youth activities such as hopscotch and various types of ball games or any lawful business activity.

(d) Penalty.

(1) Any person who violates subsection 30.4(c) shall be subject to a forfeiture of not less than \$500 per violation, in addition to any applicable fees, assessments and costs of prosecution. In addition, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property.

(2) Parental Liability. Pursuant to Section §895.035, Wisconsin Statutes, the parent(s) of an unemancipated minor may be liable for the damage of property caused by the willful, malicious or wanton act of such child; the liability shall not exceed the amount specified in §799.01(1)(d).

(e) Graffiti Abatement.

(1) Graffiti Prohibited. No private person or public entity, agency, firm or corporation who is the owner of any real or personal property where graffiti exists as defined in 30.4(b) of this chapter, may maintain or allow any graffiti to remain upon the property for a period of more than ten (10) days.

(2) Abatement Notification. Upon notification, the Zoning Administrator shall, within five (5) days of receiving said notification, serve any property owner whose property has been affected by the application of graffiti, a written Notice to Abate requiring the property owner to remove, restore, clean up or repair the property within ten (10) days of the date of the Notice.

(3) Content of Notice to Abate. The Notice shall identify the property affected, shall generally describe the location of the graffiti and direct that the graffiti be removed within ten (10) days of receipt of the Notice to Abate. The Notice shall also include that if the owner fails to remove graffiti within the time specified in the Notice, the owner may be subject to a forfeiture as provided in subsection (f).

(4) The Notice may be served personally by the Zoning Administrator, their authorized representative, or by registered, certified or regular mail, and service upon any one of joint or in-common owners shall constitute valid service upon all property owners.

(f) Penalty.

(1) Any person, entity, agency, firm or corporation who violates this subsection (e) shall be subject to a forfeiture of not less than \$100, nor more than \$500, together with the cost of prosecution.

(2) A violation of this section exists on the date that the citation is issued and continues to exist until remedied. Each day in which a violation continues shall be determined a separate and distinct offense.

(3) Payment of a monetary forfeiture does not relieve the owner or operator of the property of the duty to abate the graffiti nuisance.

(4) If, after thirty (30) days upon receipt of Notice to Abate, the property owner or operator fails to comply with the terms of the Notice, in addition to the penalties set forth under this subsection, the Village may cause the removal, restoration, clean up or repair of such property affected by the graffiti. Pursuant to Wisconsin Statutes Section 66.60(16), the Village may impose a special charge for services reflecting the actual costs of graffiti removal against the property.

### **Sec. 30.5 Fireworks.**

(a) Applicability. This section of Chapter 30 shall apply to all persons or entities selling or using fireworks within the incorporated municipal limits of the Village of Sister Bay. The Municipal Village

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1 Departments and their officers, while fulfilling their municipal responsibilities, shall be exempt from  
2 this ordinance.

- 3 (b) Definitions. Under Wis. Stats. §167.10 “fireworks” shall mean anything manufactured, processed or  
4 packaged for exploding, emitting sparks, or combustion, which does not have another common use.  
5 For the purposes of this Chapter, the definition of fireworks shall also include 49 CFR 173.50 explo-  
6 sives labeled as 1.4g consumer fireworks, and 1.3g professional grade fireworks, with the exception of  
7 (13) and (14) below. The definition of fireworks does not include any of the following:

- 8 1) Fuel or a lubricant;
- 9 2) A firearm cartridge or shotgun shell;
- 10 3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of air-  
11 craft, watercraft or motor vehicle;
- 12 4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater;
- 13 5) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or  
14 possessed or sold for use in a device which prevents direct bodily contact with a cap when it is  
15 in place for an explosion;
- 16 6) A toy snake which contains no mercury;
- 17 7) A model rocket engine;
- 18 8) Tobacco and tobacco product;
- 19 9) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to pro-  
20 duce audible or visible effects;
- 21 10) A device designed to spray out paper confetti or streamers and which contains less than one-  
22 quarter grain of explosive mixture;
- 23 11) A fuse-less device that is designed to produce audible or visible effects and that contains less  
24 than one-quarter grain of explosive mixture;
- 25 12) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a con-  
26 trolled rate, and that produces audible or visible effects;
- 27 13) A cylindrical fountain that consists of one or more tubes and that is classified by the federal  
28 department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50;
- 29 14) A cone fountain that is classified by the federal department of transportation as a Division 1.4  
30 explosive, as defined in 49 CFR 173.50.

- 31 (c) Sales and Use.

- 32 1) Sales. No person shall sell fireworks to another individual, business or government body ex-  
33 cept as provided in Wis. Stats. §167.10, as it may be renumbered or amended, and other appli-  
34 cable law.
- 35 2) Use.
  - 36 a) The Village of Sister Bay prohibits any person from allowing or permitting fireworks to be  
37 stored, sold, or used or exploded on their premise or premises under their control except as  
38 authorized by Wis. Stats. §167.10 or a Village of Sister Bay Fireworks Permit;
  - 39 b) No fireworks shall be stored or exploded or displayed within 70 feet per inch of shell of  
40 any gasoline pump, filling station or bulk station, or any building which gasoline or vola-  
41 tile liquid is sold in quantities in excess of one gallon;
  - 42 c) Fireworks shall only be used on July 4 between the hours of 8:00 PM to 10:00 PM; on De-  
43 cember 31 from 8:00 PM to 12:30 AM on January 1; or upon special request to the Village  
44 Parks, Property & Streets Committee.

- 45 (d) Permits.

- 46 1) No person may possess or use fireworks in the Village prior to securing a Fireworks Permit from the  
47 Village of Sister Bay Village Clerk or Deputy Clerk. A permit may be issued to one of the following,  
48 and, the party shall only be permitted a maximum of two events per year:
  - 49 a. A public authority;
  - 50 b. A Park Committee;
  - 51 c. The Sister Bay Advancement Association;
  - 52 d. An agricultural producer for the protection of crops from predatory birds or animals.

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- 1 2) Permits must be secured at least ten (10) days prior to the day of the event; allow two weeks for pro-  
2 cessing a permit request.
- 3 3) The permit application must contain the following information: \*The name, local address and email  
4 address of the permit holder; \*The date, time and location of where the fireworks will be used; \*The  
5 type and quantity of fireworks to be used; \*Security measures in place to control unexpected explo-  
6 sion or fire; \*Copy of the Pyrotechnician's license or display operator certificate from a recognized  
7 Pyrotechnic training organization; \*Other special conditions prescribed by ordinance or permit.
- 8 4) The Village may require an indemnity bond with good and sufficient sureties or policy of liability in-  
9 surance for the payment of all claims that may arise by reason of injuries to person or property from  
10 the handling use or discharge of fireworks under the permit. The bond or policy shall be taken in the  
11 name of the Village and any person injured may thereby bring an action on the bond or policy in the  
12 person's own name to recover the damage the person has sustained, but the aggregate liability of the  
13 surety or insurer to all persons shall not exceed the amount of the bond or policy.
- 14 5) Permits shall be void should weather conditions become unfavorable; in such instance permits cannot  
15 be transferred to a different party, location, date or time, excluding Village events.
- 16 6) Fireworks permits shall not be issued to a minor.
- 17 7) A copy of all permits shall be delivered to the local fire chief and Door County Sheriff's Office upon  
18 issuance. All reasonable efforts shall be made to notify the public of the permit issuance, such as  
19 posting on the Village website.
- 20 8) The non-refundable fee for a permit shall be \$200, or per adopted Board Resolution, whichever is  
21 greater, payable in advance. Such fee shall cover Village expenses to process the application, notify  
22 the adjacent neighbors within 300' of the perimeter of the property for which a permit is sought, and  
23 notify the fire chief and law enforcement that a permit has been issued and the date, time and loca-  
24 tion of the fireworks display.

### 25 **Sec. 30.6 - 30.9 Reserved.**

### 26 **Sec. 30.10 Air Pollution.**

27 No person shall cause, permit, or allow the escape from any smokestack, chimney or open fire within the Vil-  
28 lage or within one mile there from into the open air of such quantities of smoke, ash, dust, soot, cin-  
29 ders, acid or other fumes, dirt or other material or noxious gases in such place or manner as to cause in-  
30 jury, detriment or nuisance to any person or to the public, or to endanger the health or safety of any  
31 such person or the public, or in such manner as to cause injury or damage to business or property, and  
32 such is declared to be a public nuisance and prohibited.

### 33 **Sec 30.11 Loud Noises Prohibited.**

34 *(Amended Ordinance 153-060909)*

- 35 (a) It shall be unlawful for any person in the Village to engage in unreasonably loud and raucous yelling,  
36 screaming, shouting, whistling or singing between the hours of 10:00 p.m. and 7:00 a.m. A noise shall  
37 be presumed to be unreasonably loud and raucous if:
  - 38 (1) it is plainly audible within a single-family or two-family residence, which is not the building,  
39 structure or property from which the sound originates,
  - 40 (2) or from a distance of fifty (50) feet in the case of noise originating on public property or a pub-  
41 lic right-of-way,
  - 42 (3) or from a distance of fifty (50) feet in the case of noise originating inside multifamily residential  
43 buildings of three (3) units or more.
- 44 (b) It shall be unlawful for any person to make any of the below-listed noises that are unreasonably loud  
45 and raucous:
  - 46 (1) The sounding of any horn or noise emitting device on any automobile, motorcycle, bus or other  
47 vehicle at continuous and frequent intervals.
  - 48 (2) Unless permitted elsewhere in the Municipal Code, the playing of any radio, stereo, musical in-  
49 strument or other device used for amplifying, producing or reproducing sound with such volume

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- 1 as to be unreasonable between the hours of 10:00 p.m. and 7:00 a.m. Said noise shall not exceed  
2 75 decibels, as measured as an average throughout a period of 30 seconds. [Ord 311-122022]
- 3 (3) Allowing any animal, bird or fowl to bark, howl or make other noises or at continuous and fre-  
4 quent intervals.
- 5 (4) The use of an automobile, motorcycle or other vehicle, machinery or equipment so out of repair,  
6 or in such manner as to create loud, grating, grinding, rattling or other noises, including unrea-  
7 sonable acceleration, deceleration or racing of motors whether in motion or at rest.
- 8 (5) The discharge into the open air of the exhaust of any steam engine, stationary internal combus-  
9 tion engine, motor vehicle, motorboat engine or other power device in constant operation, ex-  
10 cept through a muffler or other device, which will effectively prevent loud or explosive noises.
- 11 (6) The creation of any unreasonably loud and raucous noise on any street adjacent to any school,  
12 retirement facility or church while it is in session, which unreasonably interferes with the work-  
13 ings or sessions.
- 14 (7) The creation of unreasonably loud and raucous noise in connection with the loading of garbage  
15 or trash on a compactor truck or with the loading or unloading of any vehicle or the opening or  
16 destruction of bales, boxes, crates or other containers between the hours of 8:00 p.m. and 7:00  
17 a.m.
- 18 (8) The operation on private property or on a public way in any residential or business district of  
19 any power equipment generating unreasonable noise that is used for home or building repair or  
20 grounds maintenance, between the hours of 10:00 p.m. and 7:00 a.m. Such power equipment  
21 shall include, but not be limited to, lawn mowers, garden tools, electric or chain saws or any  
22 power tools or other equipment used for home or building repair or grounds maintenance.
- 23 (c) It shall be unlawful for any person to make any of the below-listed noises that are unreasonably loud  
24 and raucous:
- 25 (1) The construction, demolition, alteration or repair of any building other than between the hours  
26 of 7:00 a.m. and 8:00 p.m., during weekdays and Saturdays, and 9:00 a.m. and 7:00 p.m. on  
27 Sundays and national holidays.
- 28 (2) Grading, excavation, blasting, demolition, roadway construction or underground utility con-  
29 struction other than between the hours of 8:00 a.m. and 8:00 p.m., during weekdays and Satur-  
30 days except in cases of urgent necessity in the interest of public health and safety. If the Village  
31 Administrator determines that, the public health and safety will not be impaired by these activi-  
32 ties he/she may grant permission for such work to be done during other hours on application be-  
33 ings made at the time the permit for the work is awarded or during the progress of the work.
- 34 (d) Exemptions. The following activities shall be exempt from the terms of this Section:
- 35 (1) Any ambulance, any officer of the law while engaged in necessary public business or any vehi-  
36 cle in the Village while engaged in necessary public business.
- 37 (2) Excavations or repairs on streets, highways, waterlines or sewer lines by or on behalf of the Vil-  
38 lage, the county or the state, during the nighttime when the public welfare and convenience ren-  
39 ders it impracticable to perform such work during the day.
- 40 (3) The reasonable use of amplifiers in the course of public address which are noncommercial in  
41 nature and when such use is outside the downtown business district of the Village.
- 42 (4) Any use of noise-emitting devices or the creation of any noise where permit has been obtained  
43 from the Village Administrator, but only to the extent as provided in the permit.
- 44 (5) Any organized sporting events or fairs, carnivals or like activities.
- 45 (e) Penalties. Penalties for violations of this Section shall be as follows:
- 46 (1) This Section shall be subject to the enforcement provisions of Section 30.32. Violations of this  
47 Section shall be subject to forfeitures in an amount within a range as shown in Chapter 1 of the  
48 Municipal Code for each day that a violation exists.
- 49 (2) In any proceedings for the violation of this Section, the tenants, owners and/or occupants, after  
50 proper notice of the violations, shall be considered equally responsible for committing or allow-  
51 ing to commit a violation from the location or occupancy under their control.

### **Sec 30.12 Compression Brakes Prohibited**

*(Amended Ordinance 153-060909)*

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- 1 (a) No person shall operate motor vehicle brakes within the Village limits of the Village of Sister Bay to  
2 cause unreasonable and excessive noise levels or that are in any way activated or operated by the com-  
3 pression of the engine of any such motor vehicle or any unit or part thereof, except under emergency  
4 conditions.
- 5 (b) Any person violating the provisions of the ordinance shall have committed a traffic offense and a pen-  
6 alty shall be imposed as provided in Section 30.32 of the Municipal Code of the Village of Sister Bay,  
7 with a minimum forfeiture of \$125 and a maximum forfeiture of \$250 for each offense.
- 8 (c) The Parks Superintendent is authorized and directed to post appropriate signs consistent with the pro-  
9 vision of this ordinance.

### 10 **Sec. 30.13-19 Reserved.**

### 11 **Sec. 30.20 Exterior Property Maintenance Code.**

12 *(Amended Ordinance 148-031709)*

13 This Section shall be known as the Village of Sister Bay Exterior Property Maintenance Code.

14 (a) Applicability. The provisions of this section shall apply uniformly to the maintenance of all buildings  
15 or structures and surrounding areas, irrespective of when or under what condition or conditions such  
16 building were originally constructed.

17 (b) Definitions.

18 The following words, terms and phrases, when used in this article, shall have the meanings ascribed to  
19 them in this section, except where the context clearly indicates a different meaning.

20 Accessory Building means any building except the principal building on a lot, and located on the same  
21 lot as the principal building. In the case of a house and detached garage on a lot, the accessory  
22 building is the garage.

23 Approved means approved by the local authority having such administrative authority.

24 Basement means a portion of the building partly underground but having less than half its clear height  
25 below the average grade of the adjoining ground.

26 Blight means an impaired condition leading to deterioration.

27 Blighting influence means a condition having an adverse effect on surrounding properties.

28 Blighted property means any property within the Village, whether residential or non-residential, which  
29 by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions for ventila-  
30 tion, light, air or sanitation, high density of population and overcrowding, or the existence of  
31 conditions which endanger life or property by fire and other causes, or any combination of such  
32 factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency  
33 or crime, and is detrimental to the public health, safety, morals or welfare.

34 Building means any structure having a roof supported by columns or walls used or intended to be used  
35 for the shelter or enclosure of persons, animals, equipment, machinery, vehicles or materials.

36 Commercial building means a structure enclosed within exterior walls or fire walls, built, erected and  
37 framed of component-structured parts designed for non-residential purposes and for the genera-  
38 tion of income, including multi-family buildings as defined herein.

39 Debris means broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass  
40 or crockery; boxes; lumber (new or used), posts, sticks or other wood; tree branches., brush, yard  
41 trimmings, grass clippings, and other residues; paper, rags, cardboard, excelsior, rubber, plastic,  
42 wire, tin and metal items; discarded goods or appliances, tar paper, residues from burning, or any  
43 similar materials which constitute health, fire or safety hazards or a serious blighting influence  
44 upon the neighborhood or the Village in general.

45 Deterioration means the condition or appearance of a building or structure, characterized by breaks,  
46 holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or  
47 neglect.

48 Dilapidated means a condition of decay or partial ruin by neglect or misuse.

49 Junk means any old scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ru-  
50 ined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvagea-  
51 ble or not. An unlicensed motor vehicle shall be construed to be a junked motor vehicle. An unli-  
52 censed motor boat shall be construed to be a junked boat.



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1 Multi-family building for purposes of this ordinance means multi-family residential buildings with  
2 three or more dwelling units.

3 Noxious weeds means as defined in Section 66.0407, Wis. Stats.

4 A premise means lot, plot or parcel of land, including the buildings or structures or any part of the  
5 land.

6 Reasonably tight means that the item so described shall fit so as to exclude wind, rain or moisture or  
7 vermin, pests, bugs, insects, rodents or other similar items.

8 Refuse means the same as debris.

9 Rubbish means combustible and noncombustible waste materials, except garbage; and the term shall  
10 include the residue from the burning of wood, coal, coke and other combustible materials, paper,  
11 rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard clippings, tin cans,  
12 metals, mineral matter, glass, crockery and dust, and other similar materials.

13 Workmanlike means accomplished in a reasonably skillful manner.

14 Yard means an open space at grade on the same lot as the building or structure located between such  
15 building or structure and the adjoining lot line, and/or the street line.

16 (c) Intent and Purpose.

17 Purpose. The purpose of this Section is to recognize the private and public benefits resulting from the  
18 safe, sanitary, and attractive maintenance of commercial, multi-family buildings and residential build-  
19 ings, structures, yards, or vacant areas. Attractive and well- maintained property will enhance the  
20 neighborhood and Village and provide a suitable environment for increasing physical and monetary  
21 values.

22 (d) Unsafe and Dangerous Conditions. It is recognized that there may now be or may, in the future, be  
23 commercial buildings, multi-family buildings and residential buildings, structures, yards, or vacant  
24 areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inade-  
25 quately maintained so as to constitute a menace to the health, safety, and general welfare of the people.  
26 The establishment and enforcement of minimum exterior property maintenance standards is necessary  
27 to preserve and promote the private and public interest.

28 (e) Safe, Sanitary, and Attractive Maintenance of Property. Every owner or operator shall improve and  
29 maintain all property under their control to comply with the following minimum requirements:

30 (1) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert wa-  
31 ter away from any building or structure so as to prevent the accumulation of stagnant water on  
32 any such surface. Driveways shall be maintained in good condition and repair.

33 (2) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this  
34 Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform the  
35 weed cutting or arrange for the weed cutting and process the charge therefore as a special as-  
36 sessment against the benefitted property.

37 (3) Debris. Every building or structure and shall have adequate refuse, garbage or rubbish storage  
38 facilities. Garbage containers shall all have tight covers and shall be kept in place at all times.  
39 No occupant shall accumulate rubbish, boxes, lumber, metal, animal feces, junk or other materi-  
40 als, which may provide harborage for rodents or vermin. All domestic animal feces shall be re-  
41 moved within twenty-four (24) hours.

42 (4) Fence and Retaining Wall Requirements. No person shall allow or permit any fence or retaining  
43 wall to deteriorate to a condition that is not in accord with the following provisions:

44 a. All fences shall be properly maintained and kept in good repair or shall be removed. If  
45 paint or other preservatives have been applied to the exterior surface, it shall be repainted,  
46 resurfaced or other-wise treated in a workmanlike manner when its conditions is a serious  
47 blighting influence on surrounding property.

48 b. Retaining walls shall be structurally sound. No retaining wall shall be constructed or  
49 maintained in such a manner as to cause the repeated spillage of mud, gravel or debris  
50 upon any public sidewalk, street, alley or adjoining property.

51 (5) Exterior Surfaces.

52 a. Exterior Walls and Foundation. Every exterior wall shall be free of holes, breaks, loose or  
53 rotting boards or timbers, and any other conditions, which might admit rain or dampness  
54 to the interior portions of the walls or to the occupied spaces of the building and shall be

# Village of Sister Bay Code of Ordinances

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1 capable of affording privacy. Every foundation and exterior wall shall be reasonably  
2 weather tight, rodent proof and insect proof. The foundation elements shall adequately  
3 support the building at all points. Any hazardous sagging or bulging shall be properly re-  
4 paired to a level or plumb position. All chimneys and breaching shall be constructed and  
5 maintained so as to insure that it safely and properly removes the products of combustion  
6 from the building.

7 b. Paint Exterior surfaces of buildings and structures not inherently resistant to deterioration  
8 shall be treated with a protective coating of paint or other suitable preservative, which  
9 will provide adequate resistance to weathering and maintain an attractive appearance.  
10 Any exterior surface treated with paint or other preservative shall be maintained so as to  
11 prevent chipping, cracking or other deterioration of the exterior surface or the surface  
12 treatment and to present an attractive appearance. All paint or other preservative shall be  
13 applied in a workmanlike fashion when its condition is a serious blighting influence on  
14 surrounding property.

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

19 d. Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a  
20 condition that is not in accord with the following: yard areas shall be kept in a clean and  
21 sanitary condition, free from any accumulation of combustible or non-combustible mate-  
22 rials (which are not used as an integral part of the authorized business carried out on the  
23 premises), junk, debris, or refuse. Unless in a properly zoned district and screened by a  
24 visual barrier at least five (5) feet high, yards shall not be used to store appliances, fur-  
25 naces, hot water heaters, water softeners, or building material not used within five (5)  
26 days, or any unsightly bulk items, unless these items are raw materials used in the busi-  
27 ness carried out on the premises. Exterior areas in a natural state shall be kept free of  
28 dead, diseased or fallen tress, branches, brush, debris and noxious weeds.

### (6) Sidewalks, Walks and Drives.

29 a. Sound Condition and Good Repair. Sidewalks, walks, drives, parking areas and other  
30 concrete, asphalt, bricked, graveled, stoned or similarly treated areas shall be kept in  
31 sound condition and good repair. Conditions resulting in dust, dirt, loose stones or other  
32 aggregate being repeatedly deposited upon the adjacent public or private property shall be  
33 corrected. Approved walks shall provide all-weather access to buildings or structures.

34 b. Snow and Ice Removal. The owner, occupant or person in charge of a building in the Vil-  
35 lage, fronting upon or adjoining any street, and the owner or person in charge of any un-  
36 occupied building or lot, fronting or adjoining any street, shall remove and clear away or  
37 cause to remove and clear away, all snow and ice from the public sidewalk and any curb  
38 ramps for the handicapped, in front of or adjoining the building or unoccupied lot, as the  
39 case may be, within 24 hours after the snow or ice has ceased falling; provided that when  
40 ice has formed on any sidewalk that it cannot be removed, then hazard shall be mini-  
41 mized by the use sand, abrasive material or any product designed to prevent ice from  
42 forming or hasten melting so as not to be injurious to the health and safety of the public,  
43 until removal can be completed.

44 c. Dumping Snow. No person shall plow or dump snow on any public street, alley or public  
45 property or upon the property of another, without the express permission of the owner of  
46 the property.

47 (7) Extermination of Pests. Whenever insect or rodent infestation occurs in a single dwelling unit,  
48 the occupant of such dwelling unit shall be responsible for the extermination. When-ever insect  
49 or rodent infestation occurs in more than one dwelling unit in a building or in any commercial  
50 unit of a building, the owner of the building shall be responsible for the extermination.

51 (8) Erosion. Whenever erosion of the soil repeatedly causes the soil to spill over into the sidewalk,  
52 street, alley or adjoining property, the condition shall be corrected as necessary through: errec-  
53

# Village of Sister Bay Code of Ordinances

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- 1 tion a retaining wall; grading; installation of sod; and the planting of grass or other suitable  
2 ground cover.
- 3 (9) Windows and Doors. Every window, storm-window or door combination, screen, exterior door,  
4 and basement hatchway shall be weather tight, watertight and rodent proof and kept in sound  
5 condition and in proper repair. All door and window hardware shall be installed and maintained  
6 in proper working condition. Exterior doors, when closed, shall fit reasonably well within their  
7 frames. Every window sash shall be fully supplied with glass windowpanes, glazing or an ap-  
8 proved substitute, which is without open cracks or holes. Windows, other than fixed windows,  
9 shall be easily opened and shall be held in position by window hardware. Every basement  
10 hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building  
11 or structure.
- 12 (10) Outside Stairs and Porches. Every outside stair, every porch, and every appurtenance thereto  
13 shall be so constructed as to be safe to use and capable of supporting the load that normal use  
14 may cause to be placed thereon, and shall be kept in proper condition and repair and shall pre-  
15 sent an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall  
16 comply with the requirements specified in the Wisconsin Administrative Code and shall have  
17 rail and balustrade firmly fastened and maintained.
- 18 (11) Accessory Structures. Every accessory structure shall be kept in good condition and repair, shall  
19 not obstruct access of light or air to doors or windows, shall not obstruct a safe means of access  
20 to any building or structure, shall not create fire or safety hazards and shall not provide rat or  
21 vermin harborage. All accessory structures, which are in, deteriorated condition and which are  
22 not repairable shall be removed.
- 23 (12) Removal of Debris.
- 24 a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris  
25 from land development, building construction, street grading, or installation of under-  
26 ground utilities upon the surface of any land in the Village, except at approved disposal  
27 sites.
- 28 b. No landowner shall allow an accumulation of dirt, rocks, trees, stumps, waste building  
29 material or other debris from land development, building construction, street grading, or  
30 installation of underground utilities upon the surface of his/her land for a period of more  
31 than ten (10) days.
- 32 c. All land filling operations shall be leveled off to permit the mowing of the weeds between  
33 June 1 and November 1. This includes the removal of stones, bottles, wire, and other de-  
34bris that will interfere with mowing operations.
- 35 (13) Vandalism and/or Dilapidation.
- 36 a. Danger of vandalism and/or dilapidation. If it is found upon inspection of any vacated  
37 building within the Village that the building is in danger of vandalism and/or dilapidation  
38 by the weather or elements, the Village shall order the owner to make the building secure  
39 against vandalism and/or dilapidation in a workmanlike manner.
- 40 b. Restoration. Damaged or vacant buildings need to be restored to comply with this Code  
41 within the period of time established by the Zoning Administrator of the original damage  
42 or vacation.
- 43 c. Windows. Boarded-up windows will not be allowed except in the case of fire, natural  
44 disaster or an emergency. In the case of an emergency, the boarded-up windows will only  
45 be allowed for a three-month period.
- 46 (14) Chimneys and Towers. All chimneys, towers, cooling towers, smoke stacks and similar appurte-  
47 nances shall be maintained in a structurally safe condition and in good repair.
- 48 (15) Overhead Extensions. All canopies, marquees, signs, metal awnings, fire escapes, stand pipes,  
49 exhaust ducts and similar overhead extensions shall be maintained in good repair and be prop-  
50 erly anchored so as to be kept in a safe condition.
- 51 (f) Fixing Responsibility Owners, Operators and Occupants. Every owner, operator, or occupant of a  
52 property, or part thereof shall maintain that portion of the exterior of the property controlled by  
53 him/her.
- 54 (g) Enforcement, Service of Notices and Orders and Hearings.

# Village of Sister Bay Code of Ordinances

## Nuisances

- 1 (1) Enforcement. The Zoning Administrator shall enforce the provisions of this article and is au-  
2 thorized and directed to make inspections in response to a complaint or when he/she has good  
3 reason to believe a violation is being committed. Whenever the Zoning Administrator deter-  
4 mines that there are reasonable grounds to believe that there has been a violation of any provi-  
5 sion of this Chapter or of any rule or regulation adopted pursuant thereto, he/she shall give no-  
6 tice of such alleged violation to the person or persons responsible therefore and commence an  
7 enforcement action as set forth in this subsection or through Chapter 30 of this Code.
- 8 (2) Entrance onto and into Property. For the purpose of making inspections, the Zoning Administra-  
9 tor is authorized to enter onto property to examine and survey at all reasonable times the exteri-  
10 or portions of all buildings, structures or premises. If the Zoning Administrator is denied access  
11 to a premise, he/she may apply to the circuit court for a special inspection warrant.
- 12 (3) Notice of Violation. Whenever the Zoning Administrator determines that any building or struc-  
13 ture and/or other exterior area fails to meet the requirements as set forth in this article, he/she  
14 shall issue a notice in writing setting forth the alleged failures or violations and advising the  
15 owner, occupant or agent that such failures or violations must be corrected, and specifying a  
16 specific date for their correction. Notice shall be sent by certified mail.
- 17 (4) Enforcement. The Zoning Administrator shall enforce the provisions of this article by forfeiture  
18 action and/or injunction.
- 19 (5) Appeals. Any person aggrieved by an order of the Zoning Administrator in the enforcement of  
20 this article may, within twenty (20) days from the date of receipt of such order, appeal to the  
21 Board of Zoning Appeals of the Village. Jurisdiction over such appeals is granted to the Board  
22 of Zoning Appeals. The appeal shall be made and shall be governed by the provisions of law re-  
23 lating to appeals to the Board of Zoning Appeals under the Zoning Code.

### 24 **Sec. 30.21 Inspection Fee.**

25 To compensate for inspection and administrative costs, a fee may be charged for any re-inspection to deter-  
26 mine compliance with an order to correct conditions to conform with the provisions of the Section 31.20 un-  
27 der the jurisdiction of the Village Zoning Administrator or assigned to the Village Building Inspector, except  
28 no fee shall be charged for the re-inspection when compliance is recorded. An increased fee may be charged  
29 for a second re-inspection, and a further increased fee may be charged for each subsequent re-inspection. Re-  
30 inspection fees shall be charged against the real estate upon which the re-inspections were made, shall be a  
31 lien upon the real estate, and shall be assessed and collected as a special charge. All re-inspection fees per-  
32 taining to this chapter are adopted by separate resolution and are hereby adopted by reference as if fully set  
33 forth herein and may be amended from time to time by the Village Board.

### 34 **Sec. 30.22-29 Reserved**

### 35 **Sec. 30.30 Abatement of Public Nuisances.**

- 36 (a) Enforcement. It shall be the duty of the Village Fire Chief and Village Administrator to enforce those  
37 provisions of this Chapter that come within the jurisdiction of their offices and they shall make period-  
38 ic inspections and inspections upon complaint to ensure that such provisions are not violated. No ac-  
39 tion shall be taken under this section to abate a public nuisance unless the officer shall have inspected  
40 or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself  
41 that a nuisance does in fact exist. (*Amended Ordinance 107-020805*)
- 42 (b) Summary Abatement.
  - 43 (1) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within  
44 the Village and that there is danger to the public health, safety, peace, morals or decency, the  
45 Village President or Village Administrator may direct the service of notice on the person caus-  
46 ing, permitting or maintaining such nuisance or upon the owner or occupant of the premises  
47 where such nuisance is caused, permitted or maintained and to post a copy of such notice on the  
48 premises. The notice shall direct the person causing, permitting or maintaining such nuisance or  
49 the owner or occupant of the premises to abate or remove such nuisance within 24 hours or the  
50 time period established by the Village Administrator and shall state that unless the nuisance is so  
51 abated, the Village will cause the nuisance to be abated and will charge the cost thereof to the

# Village of Sister Bay Code of Ordinances

## Nuisances

owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.  
(*Amended Ordinance 107-020805*)

(2) Abatement by Village. If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance. (*Amended Ordinance 107-020805*)

(c) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall file a written report of findings with the Village President and the Village Administrator. The Village President, Village Administrator or Village Board may cause an action to abate such nuisance to be commenced in the name of the Village in the Circuit Court in accordance with the provisions of Wis. Stats., Chapter 823. (*Amended Ordinance 107-020805*)

(d) Other Methods Not Excluded. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with law.

### **Sec. 30.31 Cost of abatement.**

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

### **Sec. 30.32 Penalty.**

(a) Any person who shall violate any provision of this chapter shall be subject to a penalty provided as follows:

(b) First offense. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. (*Amended Ordinance 147-031709*)

(c) Second offense. Any person found guilty of violating this chapter or part of this chapter who shall previously have been convicted of a violation of this chapter shall, upon conviction thereof, forfeit not less than \$500 nor more than \$1,000 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not to exceed six months. (*Amended Ordinance 147-031709*)

(d) Each violation a separate offense. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of this chapter.

(e) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.