



AGENDA
CITY OF STURGEON BAY
NATURAL LAWN AD HOC COMMITTEE
Monday, February 13, 2023
Community Room, City Hall, 421 Michigan Street
10:00 A.M.

1. Roll Call
2. Adoption of Agenda
3. Review of minutes from January 30, 2023.
4. Discuss changes to updated ordinance.
5. Discuss newly created Natural Landscape Registration Form.
6. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Notice is hereby given that if a quorum of one of the committees is not present, the committee with a quorum may meet and act upon the agenda subjects.

POSTED

Time: 2:25 p.m.

Date: 2-8-23

By: okd.

Natural Lawn Ad Hoc Committee Members:

Mike Barker, Chair

Mark Holey

Cathy Grier

Nick Lutzke

Karen Newbern

CITY OF STURGEON BAY
NATURAL LAWN AD HOC COMMITTEE MEETING MINUTES
Monday, January 30, 2023
Community Room, City Hall, 421 Michigan Street
10:00 A.M.

A meeting of the Natural Lawn Ad Hoc Committee was called to order at 10:00 P.M. by Chairperson Mike Barker, in the Community Room, City Hall, 421 Michigan Street.

Roll Call: Members present were Mike Barker, Mark Holey, Cathy Grier (via phone), Nick Lutzke, and Karen Newbern. Stephanie Servia, City of Sturgeon Bay's Planner/Zoning Administrator was also present.

Adoption of the Agenda: A motion was made by Mark Holey and seconded by Karen Newbern to adopt the agenda as shown below.

1. Roll Call
2. Adoption of Agenda
3. Introductions
4. Discuss purpose of committee.
5. Review and discussion of current ordinances for natural lawns and noxious weeds.
6. Review ordinances from different cities.
7. Identify weak points and discuss improvements to natural lawn ordinance.
8. discuss using the WI DNR's Native Plants publication NH0936 as a guide to allowable native plants.
9. Adjourn

All in favor. Carried.

Introductions: Each board member introduced themselves and gave some information on their experiences with natural lawns.

Discuss purpose of committee: Mike Barker read aloud what the CPS Committee had tasked the ad hoc committee with:

The committee would focus on:

- Define what would be considered a natural lawn
- Allowing only a certain percentage of a yard to be natural lawn
- Consider lot size when allowing natural lawn
- Address having lawn borders or parameters
- Advise what species grow well in the environment; only allow those.
 - Mike Barker stated the WI DNR has a guide on their website that could be used in accordance with this.

The goal is to have the ad hoc committee assembled by February, they will meet a few times and then report back to CPS in March.

Chief Henry stated a permit should be designed laying out the purpose of having an explanation of structure/expectation for upkeep; otherwise it won't be able to be enforceable.

Review and discussion of current ordinances for natural lawns and noxious weeds:

The following topics were discussed:

- It is important to have natural lawn ordinance and noxious weed ordinance that do not contradict each other.
- Would it be appropriate to change wording from "Natural Lawn" to "Natural Landscape"?
- There needs to be a clear definition of lawn.
- Any applications that would be required would need to be discussed when residents are taking out permits for building a home.
- Is it possible to place hyperlinks in the online ordinance?

Review ordinances from different cities: Ordinances from Madison and Green Bay were brought forward for discussion. Review included:

Madison's Ordinance:

- Closely resembled our current ordinance
- They laid out certain percentages that residents could plant in a natural lawn without any submitting a land management plan to the City.
- It listed only a select few grasses that could be planted which seemed quite restrictive.

Green Bay's Ordinance:

- The plan could be nearly mirrored to meet the needs of Sturgeon Bay.
- The "plant height at maturity" should be used in the newly recommended ordinance.
- The setbacks listed would give concerned, neighboring property owners some comfort.

Identify weak points and discuss improvements to natural lawn ordinance:

- Tree lawns should be specifically explained.
- There is no wording in ordinance that would allow any portion of lawn to be a natural lawn without getting approval from a committee. This could discourage a natural lawn/landscape and also uses valuable committee time on the issue.
- There is not a specific definition of a lawn, natural lawn, or natural landscape.

Discuss using the WI DNR's Native Plants pub NH0936 as a guide to allowable native plants: When this was discussed, it was determined that using this as an allowable plant list would not be the appropriate way forward. Although it lists native plants, it would limit the use of other plants. It would be more appropriate to use the WI DNR 140 which lists invasive species.

Next Meeting Date: Monday, February 13, 2023 @ 10:00 A.M. – City Hall.

Motion to adjourn by Nick Lutzke, seconded by Mark Holey. All in favor. Carried. Meeting adjourned at 11:15 A.M.

Respectfully submitted,

Mike Barker
Director of Municipal Services

Chapter 32 PROPERTY MAINTENANCE

32.01 Purpose.

The city council has found that maintenance of buildings, structures and premises in the City of Sturgeon Bay affects the health, safety, and general welfare of the residents of the community. The general purpose of this chapter is to protect and enhance the public health, safety, and general welfare of the residents of the city by establishing minimum standards for maintenance of buildings, structures and premises.

To further its general overall purpose, this chapter has the following specific objectives:

- (1) To protect the character and stability of all areas within the city.
- (2) To provide minimum standards of maintenance necessary to protect the health, safety and general welfare of persons occupying or using land, buildings and structures in the city.
- (3) To provide minimum standards for the exterior maintenance of all land, buildings and structures, and to thus prohibit the spread of slums and blight.
- (4) To declare that land, buildings, structures and adjacent property which have become or are becoming deteriorated, dilapidated, neglected, fire hazards, a vermin or rodent harborage, or unsanitary may constitute public nuisances, fail to meet the standards of this chapter and are detrimental to the health, safety and general welfare of the residents of this community.
- (5) To preserve the value of land, buildings and structures throughout the city.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.02 Applicability.

This chapter shall be known as the "Property Maintenance Ordinance for the City of Sturgeon Bay". This chapter shall apply to all land, buildings and structures in the city, without regard to its class or its date of construction, alteration, or repair. The owner and operator of same shall be responsible for insuring that the land, buildings and structures conform to the requirements of this chapter.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.03 Interpretation.

This chapter is not intended to replace or modify standards otherwise established for the construction, replacement or repair of buildings and structures. However, in the event of any inconsistency or conflict between the provisions of this chapter and any other existing Ordinance, the more restrictive provisions shall apply.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.04 Definitions.

For the purpose of this chapter, the following words and phrases will be defined as follows:

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- (1) *Accessory structure.* A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
 - (2) *Basement.* That portion of a building, the floor line of which is below the surface of the ground immediately adjoining it and its ceiling not more than four feet above lot grade.
 - (3) *Building.* A combination of materials to form a construction adapted to permanent or temporary use for residence, business or storage.
 - (4) *Deterioration.* The condition or appearance of a building or structure or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or neglect.
 - (5) *Dwelling.* Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.
 - (6) *Extermination.* The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health commissioner or county health department.
 - (7) *Fence.* An independent structure forming a barrier at grade or between lots, between a lot and a street or an alley, or between portions of a lot or lots and includes a wall or lattice work screen but excludes a hedge or natural growth, or a barrier of less than eighteen inches in height which is used to protect plant growth.
 - (8) *Garbage.* Garbage is all waste, animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption.
 - (9) *Infestation.* The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
 - (10) *Junk.* Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. An un-licensed motor vehicle, at the discretion of local law enforcement officers, may be construed to be a junked motor vehicle.
 - (11) *Lawn.* An area within the property that is planted in grasses and is kept mowed.
 - (12) *Natural Landscape.* An area that would typically be planted in grasses but is planted in natural and or native grasses, plants, or ground cover which may exceed the maximum height outlined in this chapter. Natural lawn can be substituted for natural landscape throughout this ordinance
 - (13) *Nuisance.*
 - (a) Any public nuisance known at common law or in equity jurisprudence, or as provided by the statutes of the State of Wisconsin, or in the ordinances of the City of Sturgeon Bay.
 - (b) Any attractive nuisance which may prove detrimental to the health or safety of children in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, oak sumac, which may prove a hazard for inquisitive minors.
 - (14) *Occupant.* Any person occupying or having use of a building, structure or premise or any part thereof.
 - (15) *Operator.* Operators shall mean any person who has charge, care or control of a building, structure or premise or a part thereof.

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- (16) *Owner.* Any person who alone, jointly, or severally with others, shall hold title to a building, structure or premise, or who shall be in actual possession of, or have charge, care or control of a building, structure or premises as an employee or agent of the title holder, or who shall be trustee or guardian of the estate or person of the title holder. For purposes of providing notice under this chapter, the city may rely on the presumption that the owner is the person or persons designated on the tax roll with respect to the premises.
- (17) *Person.* The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or associations. The word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.
- (18) *Premises.* When used herein, the word "premises" shall include land, buildings, structures or any part thereof.
- (19) *Refuse.* All solid waste (except body waste) including but not limited to: garbage, rubbish, ashes, street cleanings, abandoned, nonlicensed or inoperable motor vehicles and solid market and industrial wastes.
- (20) *Repair.* To restore to a state of operation, serviceability or appearance in conformity with this chapter.
- (21) *Replace.* To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.
- (22) *Rubbish.* Rubbish is the miscellaneous waste material, combustible and noncombustible, resulting from housekeeping and ordinary mercantile enterprises, and includes but is not limited to boxes, cartons, excelsior, paper ashes, cinders, tin cans, bottles and broken glass, rubber, grass clippings, brush, leaves and garden plants.
- (23) *Structure.* Anything construed or erected which requires location on the ground or is attached to something having location on the ground, including a building, fence free standing wall, sign or other advertising medium, whether detached or projecting.
- (24) *Substandard.* All buildings which do not conform to the minimum standards established by this chapter and by any other provisions of this Code or Ordinances or by the State of Wisconsin Administrative Code.
- (25) *Weathering.* Deterioration, decay, or damage by exposure to the elements.
- (26) *Yard.* An open space at grade on the same lot as a building or structure located between such building or structure and the adjoining lot line, and/or street line.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.05 Compliance is responsibility of owners and operators.

- (1) Each owner of land, buildings and structures (collectively, "premises") shall have an independent responsibility for compliance. All owners shall be jointly and severally responsible for performance of the duties and obligations prescribed in this chapter. No owner shall be relieved from any such duty or obligation because another person is also responsible for performance of such duty or obligation. No owner shall be relieved from liability under this chapter because said person has contracted said responsibility to an operator or other person.

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- (2) Operator(s) of land, buildings and structures (collectively, "premises") in the City shall also have responsibility for compliance. Operator(s) shall be jointly and severally responsible with owner(s) for performance of the duties and obligations prescribed in this chapter.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.06 Duties and responsibilities of owners and operators.

- (1) *Maintenance and appearance of exterior of buildings and structures.*
- (a) The exterior of buildings and structures shall be free of all nuisances, unsanitary conditions, and hazards to the safety of occupants, pedestrians and other persons utilizing premises.
 - (b) The exterior appearance of all buildings and structures shall reflect a level of maintenance in keeping with the standards of the neighborhood, and shall not constitute a blighting factor or an element leading to the progressive deterioration of the neighborhood.
 - (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 of every building and structure, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted as necessary for purposes of preservation and appearance. Buildings and structures shall be maintained free of broken, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance.
 - (e) 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.
 - (f) Every building and structure on the premises shall be adequately protected against rats, mice, termites, and other vermin infestation, and shall not permit the entrance of such rats, mice, termites, and other vermin. Owners and operators shall be responsible for the extermination of such vermin from that part of the premises under their exclusive control.
 - (g) Every building shall have adequate refuse, garbage or rubbish storage facilities, no owner or operator shall allow occupant to accumulate rubbish, boxes, lumber, metal refuse or other materials which may provide a harborage for rodents, or vermin.
- (2) *Maintenance and appearance of land.*
- (a) The land surrounding the buildings and structures shall be kept free of hazards and clear of debris including, but not limited to, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse, old tires, and junk. The sole exception is where said debris has been properly placed for pickup by the city's waste disposal contractor, or other permitted outdoor storage pursuant to chapter 20 of the Municipal Code.
 - (b) Except with prior registration and approval of a natural landscape by the Director of Municipal Services, yards shall be provided with adequate lawn, ground cover or other acceptable decorative lawn treatment common in the Sturgeon Bay area. Yards shall be trimmed to maintain a neat appearance. Lawns allowed to grow ten inches or taller shall be considered overgrown and in violation of this chapter. Any temporarily exposed areas shall be treated to prevent dust or the blowing or scattering of dust particles.

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- (c) Every yard, court, driveway or other portion of the land 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.

(3) *Natural Landscape*

- (a) Registration Required. Any owner of record of a property, may implement a planned natural landscaping area on their property upon approved registration with the Municipal Services Department. Registration shall include the following information:
1. Natural landscapes must be registered and approved through the City's Municipal Services Director prior to the natural lawn being installed. The registration application form is on the City's website and is available in the office.
 2. A plan of the property drawn to scale, indicating the location of all property boundaries, structures, sidewalks, driveways, and roadways, and the boundaries of the proposed planned natural landscaping area. No boundary survey is required. Property boundaries and other information may be indicated on an aerial photograph or other suitable and readily available base map.
 3. A clear description, illustration, or photograph of the type(s) of edging proposed, including materials, height, and proposed placement. A raised edging is not required. A shoveled edge maintained by mowing and/or trimming is acceptable.
 4. A planting plan indicating the plant species and/or seed mixes to be used.
 5. Any proposed change in grade or excavation required beyond standard excavation and soil replacement for establishment of the planned natural landscaping area.
- (b) Natural landscaped areas must adhere to the following standards:
1. Types of plantings:
 - a) Plantings may include forbs, grasses, edible plants, shrubs, or trees
 - b) Plantings may be designed as rain gardens with plantings and grading specifically designed to receive and infiltrate rainwater or clear water flows.
 - c) Plantings shall be deliberately selected and arranged as part of a coherent overall plan. Overgrowth of conventional turf grasses or weeds, or any other unmanaged vegetation growth, shall not constitute a planned natural landscaping area.
 - d) No species listed on the Wisconsin Department of Natural Resources' Regulated Invasive Plants list, whether designated as Prohibited or Restricted, shall be permitted.
 - e) Edging required. A planned natural landscape area must have a distinct and clearly defined border. The border may consist of any combination of mowed grass, fencing up to three feet in height, a permitted fence installed along a property line, or natural materials neatly arranged to create the appearance of an edge to contain the planned natural landscape.
 - f) Plant height at maturity. Plant height shall be maintained at the appropriate maximum height at maturity for the specific species. University of Wisconsin Horticulture, Division of Extension shall be consulted in the event of dispute as to the appropriate maximum height for a particular plant.
- (c) Location and maximum areas:
1. The natural landscaped area located in the front and/or side yard(s) is limited in size to less than fifty percent (50%) of the total square footage of the front and side yards.

2. The natural landscaped area located in the back yard or setback behind the rear plane of the principal building is limited in size to less than seventy-five (75%) of the back yard area.
3. A minimum distance of six feet (6') from the edge of property boundaries (unless there is a permitted fence on the boundary, then the fence may be the edge), streets, public sidewalks, shared driveways and fire hydrants. If the natural landscape extends into this area, it must be maintained at a height not to exceed ten inches (10").
4. If two abutting property owners would like to combine natural landscape areas it would be allowable if both note the combined effort on their registration forms. This would allow the property owners use the natural landscape up to their property boundaries to make a continuous natural landscape.
5. Planned natural landscaping areas are strictly prohibited within City right of way.
6. Natural landscape areas shall not obstruct the vision triangle at intersection as outlined in Chapter 11.02(4)(v)2.

(d) Review and enforcement.

1. The City may at any time determine that a planned natural landscaping area violates the terms of this section. If this determination is made, the Weed Commissioner will notify the property owner in writing of the violation and give the property owner twenty-one (21) days to make corrections. The property owner will be required to contact the Weed Commissioner within ten (10) days to discuss the plan to correct the violation. If the Weed Commissioner finds an ongoing violation of the terms and conditions of the registered plan (fails to correct issues after notification), or if the Weed Commissioner determines that the planned natural landscaped area is harboring vermin or other pests, a **citation (Clint please provide information here)** shall be issued to the property owner for the planned natural landscaped area.

2. Appeal.

- a) The subject of the citation **(Clint please provide information here)**

3. Noncompliance. In the event of noncompliance with the citation, the Weed Commissioner may cause the premises to be mowed, or otherwise maintained and shall report the cost thereof in writing to the clerk-treasurer. This cost shall be entered on the tax roll as a special tax to be collected in the same manner as other taxes. If noncompliance continues, the Community Protection and Services Committee may order the revocation of the registration of the natural landscaped area.

(e) Natural lawns larger than described areas. Waivers for natural lawns beyond the maximize size outlined in 3.(c) of this chapter will be considered on a case by case basis. If a resident would like to apply for a waiver the following steps must be followed.

1. Application for natural lawn. Any owner of land in the City of Sturgeon Bay may apply for approval of a land management plan for a natural landscape, one where grasses exceed the inches in height and are of a size larger than outlined in 3.(c) of this chapter, with the City Clerk. Approvals, conditional approvals or denials of the land management plan shall be by majority of the community protection and services committee.

- a) Land management plan means a written plan relating to management of the lawn which contains a description of the area of the lawn upon which the grass ground covering will exceed ten inches in height, a statement of intent and purpose for said area, a general description of the vegetation types, plants, and plant succession involved, and the specific management and maintenance

techniques to be employed. The land management must include provisions for maintaining areas within the setbacks as outlined in 3.(c) of this chapter.

- b) *Revocation of the land management plan.* The land management plan may be revoked for failure to comply with the general requirements of this chapter, solely as modified by an approved land management plan. Notice of intent to revoke a land management plan may be issued by majority vote of the community protection and services committee. The community protection and services committee's decision may be appealed to the Common Council. All applications for appeal shall be submitted to the City Clerk's office within 15 days of notice of intent to revoke a land management plan, or the right of appeal shall be deemed waived.
 - c) *Application requirements.* Each application for a land management plan shall be on an application form provided by the city clerk. A copy of the application shall be mailed by the city clerk or given personally by the city clerk to each of the owners of record, as listed in the office of the city assessor, who are owners of the property situated in whole or in part within 200 feet of the boundaries of, the properties affected. The city clerk shall certify that such owners have been duly notified. The notified property owners shall have 15 days from the date of notice to file written objections to the application with the city clerk. Following said 15-day period, the city clerk shall refer the application materials and objections, if any, to the community protection and services committee for hearing and decision at the next regularly scheduled community protection and services committee meeting. The applicant and those property owners who filed written objections shall be notified of the meeting. Notice shall be by the city clerk mailing copies of the agenda to said persons no less than five days prior to the meeting. If there is insufficient time to mail such notice, the hearing and decision shall be set over to the next subsequent meeting unless the applicant provides written waivers of notice from the applicant and the objecting property owners.
 - d) *Application for appeal.* The owner or operator of land in the City of Sturgeon Bay may appeal a decision of the board of appeals refusing to grant a land management plan. The fee for appeals shall be set by resolution of the common council. All appeals shall be to the board of appeals which shall hear such appeals as necessary. All applications for appeal shall be submitted within 15 days of notice of denial of the land management plan, or the right of appeal shall be deemed waived.
2. *Application to all premises.* 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 on the land.
 3. (Ord. No. 1109-1003, § 1, 10-21-03)

32.07 Inspection by enforcement officer.

Prior to making an inspection of the interior of the premises, an enforcement officer of the City of Sturgeon Bay shall give written notice to the owner, operator or occupant of the premises. Notice may be given in person and shall be deemed to have been given within five days of the date notice has been deposited, postage-paid, in the U.S. mail and addressed to the name and address on the tax rolls for the premises.

Following such notice, the owner, operator and/or occupant shall give the enforcement officer full access to the land and the exterior of the buildings and structures so that the enforcement officer is able to conduct an exterior inspection of the premises. Failure of an owner, operator or occupant to permit such assess shall constitute a violation of this chapter, and may also result in the building inspector obtaining a special inspection warrant from Door County Circuit Court.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.08 Private enforcement.

This chapter may be enforced by any member of the public, without inclusion of the City of Sturgeon Bay in the enforcement proceeding, in order to secure compliance with the provisions of this Code. Any private enforcement action shall not include the remedies of obtaining a fine or forfeiture, costs of prosecution or attorney fees in the enforcement proceedings. The sole remedy available for private enforcement is injunctive relief.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.09 Administrative provisions.

- (1) The enforcement officer is the individual or person in the position directed by the common council to enforce and administer this Code section. The enforcement officer is hereby made responsible for the enforcement of this chapter. All inspections, enforcement, orders or matters relating to violations of this chapter shall be under their direction and supervision. They may request such other public officials or employees of the city to perform duties they deem necessary to the enforcement.
- (2) The enforcement officer shall be supplied with official identification and shall exhibit such identification to the owner, operator or occupant upon request.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.10 Notice of violation.

If, following the initial inspection, the enforcement officer determines that there are grounds to believe that there has been a violation of any provisions of this chapter, notice of such the violation shall be given to the owner(s). The notice of violation shall:

- (1) Be in writing;
- (2) Indicate the nature of the alleged violation(s);
- (3) Indicate the time for the correction or abatement of the alleged violation and/or submission of a plan to correct the alleged violation;
- (4) Be served upon the owner in the following manner:
 - (a) Given to the owner by the enforcement officer or their designated representative; or
 - (b) Sent by certified mail to the owner's last known address, as said address appears on the tax rolls. The certified mail receipt and an affidavit of mailing shall be sufficient evidence of service, which service shall be deemed effective on the third day after the date of mailing.
- (5) Advise the owner of the owner's right to request a hearing before the community protection and services committee within five business days of the date of service and further advise the owner that the owner's failure to make such a request shall result in the notice of violation being deemed order of violation.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.11 Placard on building.

- (1) The enforcement officer shall cause to be placed upon a building, structure or premises a "red tag" placard, which shall provide notice of the violations, whenever all of the following occur:
 - (a) Any building, structure or premises does not substantially comply with the requirements of this chapter; and
 - (b) The enforcement officer has given notice of the violation involved as provided for in section 32.09 herein; and
 - (c) The owner, occupant or operator has failed to timely correct, or timely provide a satisfactory plan to correct, the violations set forth in said notice; and
 - (d) The enforcement officer has determined that the building, structure, or premises are so damaged, decayed, dilapidated, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public and is therefore unfit for use of occupancy.
- (2) The form of the "red tag" placard shall be determined by the enforcement officer, with assistance from the building inspector, and shall substantially state the specific violations of this chapter.
- (3) No person shall deface or remove the "red tag" placard from any building, structure or premise which has been placed by the enforcement officer until removal of such placards is authorized by the enforcement officer.
- (4) When the enforcement officer determines that a "red tag" placard should be placed on premises, and places same on the premises, then, notwithstanding other provisions herein, the occupants shall vacate the premises within ten days of the date that the "red tag" placard has been placed on the premises.
- (5) No premises that have been so vacated shall be used or reoccupied until such time as the owner obtains written approval from the enforcement officer. The enforcement officer shall grant such approval and remove the "red tag" placard when the violations have been corrected and the enforcement officer determines that the premises are again fit for use of occupancy.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.12 Noncompliance, remedy of defects; abatement.

- (1) The owner, operator or occupant of the premises shall have the time specified in the notice of violation to remedy the violations.
- (2) The enforcement officer shall, in his or her discretion, have the ability to extend the time for corrections if the circumstances warrant an extension and the owner, operator or occupant is making a good faith effort to correct the violations.
- (3) If the owner, operator or occupant of the premises, after notice of violation and order, fails or refuses to timely remedy the violations, the City, at its sole option, may cause such work to be done. Prior to commencing such work, the Enforcement Officer shall do the following:
 - (a) Provide notice to the owner and occupant that the city will abate the violations along with an estimate of the approximate dates and times during which abatement will occur; and
 - (b) Have the city clerk certify the approximate cost for any such work done, including reasonable costs for administration and inspections fees (collectively, "costs of abatement"), and provide notice of same to the owner, with a copy to the occupant.

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- (4) Following such notice, the owner, operator and/or occupant shall give the persons designated by the city full access to the land and the exterior of the buildings and structures to abate the violations. Failure of an owner, operator or occupant to permit such access shall constitute a violation of this chapter, and may also result in the city obtaining an injunction from Door County Circuit Court. Reasonable costs of obtaining the injunction shall be added as administration to the costs of abatement and notice of the additional costs shall be provided to the owner.
 - (5) If the owner fails to pay the costs of abatement within 30 days of the notice from the city clerk, interest shall accrue against the balance due at the rate of one percent per month and the total balance due shall become a lien against real estate on the next tax roll in accordance with law.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.13 Transfer of ownership of noncomplying building.

It shall be unlawful for the owner of any building, structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making corrections or repairs required by such compliance order or notice of violation. To assure compliance with this provision, the city may file a lis pendens against the real estate.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.14 Penalties.

- (1) A violation of any section or subsection of this chapter shall be punishable by a fine or forfeiture no less than \$20.00 and no greater than \$200.00 for each violation committed hereunder, plus reasonable costs of inspection and prosecution.
- (2) Each day a violation exists after the notice of violation has been received and which becomes an order of the enforcement officer shall constitute a separate violation of this chapter.
- (3) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this chapter or otherwise.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.15 Deferrals for financial hardship.

- (1) *Purpose.* The purpose of this subsection is to establish a method of providing for the deferral of costs of abatement assessed against property owned by worthy, indigent, qualified individual residents of the City of Sturgeon Bay.
- (2) *Review of deferral requests.* Review of deferral requests shall be made by the community protection and services committee.
- (3) *Authority of community protection and services committee.* The community protection and services committee may recommend to the city council that the costs of abatement to be charged against the real estate of any worthy, indigent, qualified individual resident within the city be deferred as provided herein. In order to exercise its authority, the community protection and services committee may establish application deadlines and draft application and informational materials which it deems necessary. Applications shall be

accepted only for those individuals who are obligated to pay costs of abatement and who reside in owner-occupied residential dwellings within the city. The community protection and services committee is authorized to review those applications and information, conduct hearings and investigations, interview applicants and witnesses. The community protections and services committee may require any person to whom provisions of this section relate to submit financial or other relevant data at any time before or after the city council has directed the deferral of any tax.

- (4) *Approval by city council.* Following a determination and recommendation by the community protection and services committee that an applicant is worthy, indigent, qualified individual resident in the city, the city council may, by resolution, defer any costs of abatement or portion thereof, legally to be assessed against the real estate of any worthy, indigent, qualified individual resident herein.
- (5) *Lien created; interest required.* A lien created under this section shall be recorded so as to have priority over any subsequent liens except tax certificates or prior liens or charges for the amount deferred with interest set by the city council at a rate no higher than the legal rate. Upon transfer of title of the property by any means or, if the city council finds a person no longer to be a worthy, indigent qualified resident under this section, the amount of deferred costs of abatement previously accrued hereunder, or any portion thereof, and legal interest accrued may be extended by the city council upon the next available tax roll, and when extended upon the tax roll, shall be considered a tax upon the property subject to all proceedings in relation to collection, return and sale of property for delinquent real estate taxes. Should a person no longer reside in the real property for which taxes have been deferred hereunder by the city, the amount of taxes accrued, or any portion thereof, and legal interest accrued shall be extended to the next available tax roll and be due and payable at such time.
- (6) *Discharge of lien by owner.* The owner of the property, his heirs, personal representatives or assigns, may discharge the lien at any time by paying the amount of the lien with accrued interest to the treasurer-comptroller.
- (7) *Discharge of other lienholders.* The holder of any subsequent lien may purchase the lien by payment to the city clerk of the amount owing plus accrued interest.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.16 Imposition of special charges for current services.

Any charges incurred by the City of Sturgeon Bay which may be recovered under § 66.0627, Wis. Stats., special charges for current services, including weed elimination, repair of sidewalks, curb and gutter, garbage and refuse disposal, stormwater management, tree care, and removal and disposal of dead animals may be charged to the owner of the property as a special charge for current services under the provisions of § 66.0627, Wis. Stats.

(Ord. No. 1109-1003, § 1, 10-21-03)