

AGENDA

CITY OF STURGEON BAY COMMUNITY PROTECTION & SERVICES COMMITTEE

Wednesday, March 1, 2023

4:30 p.m.

Council Chambers, City Hall – 421 Michigan Street

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from February 1, 2023
4. Public Comment on Agenda Items
5. Consideration of: Natural Lawns
6. Consideration of: Fines and Forfeitures Chapter of the Municipal Code
7. Discussion of: Street Lights
8. 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.

Posted:

Date: 02/24/23

Time: 3:00 p.m.

By: SSO

Committee: Community Protection & Services

Dan Williams, Chr.

Kirsten Reeths

Seth Wiederanders

COMMUNITY PROTECTION & SERVICES COMMITTEE
February 1, 2023

A meeting of the Community Protection & Services Committee was called to order at 4:30pm by Chairperson Williams in the Council Chambers, City Hall. **Roll Call:** Ald. Williams, Ald. Reeths and Ald. Wiederanders were present. Also present from City Departments were Chief Henry, Chief Dietman and Jim Stawicki.

Moved by Ald. Reeths, seconded by Ald. Wiederanders to adopt the following agenda:

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from January 4, 2023
4. Public Comment of Agenda Items
5. Consideration of: Wood Fired Furnaces
6. Discussion of: Street Lights
7. Adjourn

All Ayes. Carried.

Approval of Meeting Minutes

Moved by Ald. Wiederanders seconded by Ald. Reeths to approve the January 4, 2023 minutes. All Ayes. Carried.

Public Comment

None

Wood Fired Furnaces

There was previous discussion on the City prohibiting the use of outdoor wood fired furnaces; it was decided to develop an ordinance banning the use of them. An ordinance was presented and reviewed by the City Attorneys, and brought to the committee in order to move it forward.

Moved by Ald. Wiederanders seconded by Ald. Reeths to recommend the Common Council approve the changes as presented in Section 6.28 – Outdoor Wood Burning Furnaces Prohibited, of the City of Sturgeon Bay Municipal Code. All ayes. Carried.

Street Lights

Citizen concern over dark areas throughout the City, and whether certain areas could be revisited in the need for a light was the reason for this was brought back to committee.

Comments:

- Use of sidewalks on main roads lesson safety concerns. Pedestrian accident a few years ago was the only incident in a residential area with less lighting.
- Areas listed in citizen complaint included Michigan Street, 3rd Avenue to Memorial Drive and Lansing Avenue. Incidents regarding these areas were few.
- Some extended blocks with longer stretches between lights have been a topic of concern.

Ideas discussed include:

- Placing motion sensors on light poles; these are difficult to place and are expensive.
- Using solar power in winter there is not enough daylight to activate the lights at night.

The cost savings of taking the street lights out in 2009 and again in 2013 is around \$145,000 a year. Majority of lights are now LED, which is a savings on maintenance cost. Customers are able to put up their own street light which runs about \$110-\$120 a year, but might cost thousands of dollars to place because of the need to run electricity to the pole.

At this time the committee is requesting public safety workers (Police, Fire, EMS, Utilities, Street Dept.) to look to see if there are any areas they come across that might need additional lighting. This will be assessed within the next month and brought back to the committee for future discussion.

Moved by Ald. Wiederanders, seconded by Ald. Reeths to adjourn the meeting of the Community Protection & Services Committee. All ayes. Carried. The meeting was adjourned at 4:54pm.

Respectfully submitted,

Sarah Spude-Olson
Police Department Office Manager

Executive Summary

Date: February 21, 2023

Title: Update of Natural Landscape Ordinance

Background: On January 4th 2023, CPS Committee directed the Municipal Services Director to assemble an ad hoc committee to update the City's Natural Lawn ordinance. The committee was directed to focus on areas such as:

- 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 a natural lawn.
- Address having lawn borders or parameters.
- Advise what species grow well in the environment; only allow those.

The ad hoc committee was assembled with the following members:

Mike Barker, Chair	Mark Holey	Karen Newbern
Cathy Grier	Nick Lutzke	

The ad hoc committee assemble three times. It was decided that "Natural Landscape" is more appropriate when discussing natural plantings instead of "Natural Lawn". During the final meeting the recommended updated ordinance was agreed upon.

Recommendation: Staff recommends adopting the ordinance which makes it easier for residents to enjoy a natural landscape without bringing it forward for CPS approval.

Prepared By:



Mike Barker
Municipal Services Director

Date: 21 Feb 2023

Reviewed By:



Marty Olejniczak
Community Development Director

Date: 21 Feb. 2023

Reviewed By:



Josh VanLieshout
City Administrator

Date: 21 Feb 2023

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 40 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

**CITY OF STURGEON BAY
NATURAL LAWN AD HOC COMMITTEE MEETING MINUTES
Monday, February 13, 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 Cathy Grier to adopt the agenda as shown below.

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

Mike Barker made a motion to add public into the agenda after review of minutes from January 30, 2023, Mark Holey seconded.

Amended agenda:

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

All in favor. Carried.

Public Comment: Chris Kelems, 120 Alabama Street,

Discuss changes to updated ordinance: The following topics were discussed:

- Updating Lawn definition to include turf grass
- Better define natural landscape to say turf grasses and include edible plants.
- Including noxious weeds into the ordinance was discussed, it was determined that it was in a different chapter.
- Clarify that only turf lawns over 10" are considered overgrown and in violation of the ordinance.
- Classify landscaped areas below 25% front and side lawns and below 50% for back yards as "no registration require".
- Classify landscaped areas below 50% front and side lawns and below 75% for back yards as "registration require".
- Require any areas beyond the above percentages go through CPS for approval.
- Remove property boundaries from setbacks.

Discuss newly created Natural Landscape Registration Form: The following topics were discussed:

- Include "contact the Weed Commissioner with any questions during the process".
- Remove #5 concerning abutting property owners.

Next Meeting Date: Monday, February 20, 2023 @ 10:00 A.M. – City Hall.

Motion to adjourn by Cathy Grier, seconded by Karen Newbern. All in favor. Carried. Meeting adjourned at 11:32 A.M.

Respectfully submitted,

Mike Barker
Director of Municipal Services

CITY OF STURGEON BAY
NATURAL LAWN AD HOC COMMITTEE MEETING MINUTES
Monday, February 20, 2023
Council Chambers, City Hall, 421 Michigan Street
10:00 A.M.

A meeting of the Natural Lawn Ad Hoc Committee was called to order at 10:01 P.M. by Chairperson Mike Barker, in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members present were Mike Barker, Mark Holey, Cathy Grier; Karen Newbern. Nick Lutzke was absent. 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 Cathy Grier to adopt the agenda as shown below.

1. Roll Call
2. Adoption of Agenda
3. Consideration of approving changes to ordinance for natural lawns.
4. Consideration of approving newly created application for registration of a natural lawn.
5. Adjourn

All in favor. Carried.

Consideration of approving changes to ordinance for natural lawns.: Discussion took place, it was requested to change the wording in 32.06.(3)(b)6 to from Prior to planting any plants, prairie area, or flowers that require burning, contact the Fire Chief. Open burning is not typically permitted unless done by a professional." To "Prior to choosing to implement periodic open burning to maintain any plants, flowers or prairie landscape, contact the Fire Chief. Periodic mowing is the preferred maintenance option and open burning is not typically permitted unless done so by a professional." A motion was made to approve the changes to the ordinance for natural lawns with the change in wording in 32.06.(3)(b)6 by Karen Newbern, seconded by Mark Holey. Carried

Consideration of approving newly created application for registration of a natural lawn: Discussion took place, it was requested to change the wording in the application Note from Prior to planting any plants, prairie area, or flowers that require burning, contact the Fire Chief. Open burning is not typically permitted unless done by a professional." To "Prior to choosing to implement periodic open burning to maintain any plants, flowers or prairie landscape, contact the Fire Chief. Periodic mowing is the preferred maintenance option and open burning is not typically permitted unless done so by a professional." A motion was made to approve the newly developed application for registration of a natural lawn with the change in wording in by Mark Holey, seconded by Cathy Grier. Carried

Motion to adjourn: A motion to adjourn was made by by Cathy Grier, seconded by Mark Holey. All in favor. Carried. Meeting adjourned at 10:22 A.M.

Respectfully submitted,

Mike Barker
Director of Municipal Services

32.04 Definitions.

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

- (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 turf grasses and is kept mowed.
- (12) *Natural Landscape.* An area that would typically be planted in turf grasses but is planted in natural and or native grasses, plants, edible plants, or ground cover which may exceed the maximum height outlined in this chapter. The term natural lawn can be substituted for natural landscape throughout this ordinance. **(A natural landscape is not an unkempt lawn.)**
- (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.
- (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.
- (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) Yards shall be provided with adequate lawn, ground cover or other acceptable decorative lawn treatment common in the Sturgeon Bay area unless areas are designated a natural landscape. Natural

landscaped areas shall comply with section (3) of this chapter. Yards shall be trimmed to maintain a neat appearance. Turf 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.

- (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) No registration required. Any owner of record of a property, may implement a planned natural landscaping area on their property up to 25% of front and side yard, and 50% of the back yard without registration or approval from the Weed Commissioner.
- (b) Registration required. Any owner of record of a property, may implement a planned natural landscaping area on their property up to 50% of front and side yard and 75% of the back yard upon approved registration with the Weed Commissioner. Registration shall include the following information:

1. Natural landscapes must be registered and approved through the City's Weed Commissioner (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 Municipal Services 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.
6. Prior to choosing to implement periodic open burning to maintain any plants, flowers, or prairie landscape, contact the Fire Chief. Periodic mowing is the preferred maintenance option and open burning is not typically permitted unless done by a professional.

- (c) 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.

(d) 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 streets, public sidewalks, shared driveways and fire hydrants.
4. Planned natural landscaping areas are strictly prohibited within City right of way.
5. Natural landscape areas shall not obstruct the vision triangle at intersection as outlined in Chapter 11.02(4)(v)2.

(e) 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.
2. 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.
3. Appeal.

- a) Appeals may be made by submitting a letter in writing to the City Clerk asking for this issue to be reviewed by the Common Council.

(f) Natural landscapes larger than described areas. Waivers for natural landscapes beyond the maximize size outlined in 3.(d) 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 landscape. 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.(d) 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 landscaped area which contains a description of the area of the lawn upon which the 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.(d) 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.

(Ord. No. 1109-1003, § 1, 10-21-03)

Chapter 25 CONSTRUCTION AND EFFECT OF ORDINANCES

25.01 Rules of construction.

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

- (1) *Wisconsin Statutes.* All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the Wisconsin Statutes for the years 1993-94.
- (2) *Gender, singular and plural.* Every word in this Code and in any ordinance imparting the masculine specific gender may extend and be applied to females other genders as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.
- (3) *Person.* The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities capable of being sued, unless plainly inapplicable.
- (4) *Acts of agents.* When a provision requires an act to be done which may, by law, as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(Code 1992, § 25.01)

25.02 Conflict and separability.

- (1) *Conflict of provisions.* If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- (2) *Separability of Code provisions.* If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The mayor and city council hereby declare that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

(Code 1992, § 25.02)

25.03 Clerk-treasurer to file documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the city clerk-treasurer is hereby directed and required to file, deposit and keep in his/her office a copy of the Code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the clerk-treasurer's office hours, subject to such orders or regulations which the clerk-treasurer may prescribe for their preservation.

(Code 1992, § 25.03)

25.04 Penalty provisions.

- (1) *General penalty.* Whenever so provided in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (a) *First offense.* Any person who shall violate any provision of this Code, other than subparagraph (c) below or except as otherwise provided in this Code, shall, upon conviction thereof, forfeit not less than \$1.00 nor more than ~~\$200.00~~, 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.
1. Any person who violates chapter 10.20 of the City of Sturgeon Bay Municipal Code, while in the person's permanent residence, shall upon conviction thereof forfeit not more than \$0.00, together with the costs of prosecution and in default 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.
- (b) *Second offense.* Any person found guilty of violating any provision of this Code, other than subparagraph (c) below or except as otherwise provided in this Code, who has previously been convicted of a violation of the same provision shall, upon conviction thereof, forfeit not less than \$10.00 nor more than ~~\$200.00~~ for each such offense, 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 six months.
1. Any person who violates chapter 10.20 of the City of Sturgeon Bay Municipal Code, while in the person's permanent residence, shall upon conviction thereof forfeit not more than \$0.00, together with the costs of prosecution and, in default of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.
- (c) *Violations of chapters 15, 16, 17, 20 and 27.*
1. *First offense.* Any person who shall violate any provision of chapter 15 (Building Regulations), chapter 16 (Plumbing Code), chapter 17 (Electrical Code), chapter 20 (Zoning Code) or chapter 27 (Sign Code) of this Code, except as otherwise provided in those chapters, shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 for each such offense, 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.
2. *Second offense.* Any person who shall violate any provision of chapter 15 (Building Regulations), chapter 16 (Plumbing Code), chapter 17 (Electrical Code), chapter 20 (Zoning Code) or chapter 27 (Sign Code) of this Code, except as otherwise provided in those Chapters, who has previously been convicted of a violation of the same provision shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 for each such offense, 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 six months.
- (2) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of this Code.

Commented [OM1]: Should this be increased?

Commented [OM2]: Should this be higher than the first offense fine?

(3) *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and/or costs of prosecution upon the order of the court for violation of any ordinance of the city, 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.

(4) *Citation method of enforcement.*

(a) *Statutory authorization.* In accordance with the authority provision in § 66.119, Wis. Stats., all authorized police officers may employ the use of a citation form to be issued for violations of ordinances of this Municipal Code, except for violations of those ordinances enumerated below:

1. Nonmoving (parking) violations of chapter 7 of this Municipal Code.
2. Moving traffic violations of chapter 7 of this Municipal Code.
3. Violations of ordinances in conformity with ch. 350, Wis. Stats. (pertaining to snowmobiles), when committed on the highway.

(b) *Issuance of citations by building inspectors.*

1. Pursuant to § 66.119(2)(a), Wis. Stats., the chief building inspector of the city and all other City of Sturgeon Bay building inspectors are authorized to employ the use of a citation form to be issued for violations of provisions of this Municipal Code which are directly related to the official responsibilities of those building inspectors, including, but not limited to, violations of provisions of chapters 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28 and 29 32 of this Municipal Code.
2. Prior to the issuance of citations as provided under subparagraph 1 above, the chief building inspector of the city and all other City of Sturgeon Bay building inspectors may issue cease and desist orders to violators of provisions of the chapters listed in subparagraph 1 above.

Commented [OM3]: This position is a contracted service. Is a change needed here?

(c) *Issuance of citations by fire chief/fire inspectors.*

1. Pursuant to § 66.119(2)(a), Wis. Stats., the fire chief of the city and all other City of Sturgeon Bay fire inspectors are authorized to employ the use of a citation form to be issued for violations of provisions of this Municipal Code which are directly related to the official responsibilities of those fire inspectors including violations of provisions of chapter 6 of this Municipal Code.
2. Prior to the issuance of citations as provided under subparagraph 1 above, the fire chief of the city and all other City of Sturgeon Bay fire inspectors may issue cease and desist orders to violators of provisions of the chapter listed in subparagraph 1 above.

(d) *Contents of citation.* The citation form used shall be the Wisconsin Uniform Municipal Court Citation and shall provide for the following:

1. Name and address of the alleged violator.
2. Factual allegations describing the alleged violation.
3. Time and place of the offense.
4. Number and section of the ordinance violated.
5. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
6. Time and date at which the alleged violator may appear in court.
7. A statement which in essence informs the alleged violator:

- a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
- b. That, if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.
- c. That, if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by § 165.87, Wis. Stats., a jail assessment imposed by § 302.46(1), Wis. Stats., and any applicable domestic abuse assessment imposed by § 973.055(1), Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
- d. That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under § 66.119(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by § 165.87, Wis. Stats., the jail assessment imposed by § 302.46(1), Wis. Stats., and any applicable domestic abuse assessment imposed by § 973.055(1), Wis. Stats.
- e. That, if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats.
- f. A direction that, if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the required statement and shall send the signed statement with the cash deposit.

(5) *Schedule of deposits.*

- (a) *Generally.* Cash deposits for violations of ordinances of this Municipal Code are to be made to the Door County Clerk of Court. Receipts for cash deposits shall be provided to the person making the deposit. Cash deposits for violations of ordinances of this Municipal Code shall be as set forth below:

Section	Description	Deposit
8.04(2)	Depositing snow or ice from private property upon city right-of-way, etc.	
	First offense	\$ 30.00
	Second and subsequent offenses	60.00
8.095(4)	Bringing intoxicating liquor or fermented malt beverages into city parks.	
	First offense	50.00
	Second and subsequent offenses	100.00
9.02	Engaging in direct sales in the city without registering.	
	First offense	30.00
	Second and subsequent offenses	60.00
9.06(12)	Operating a taxicab without a taxi driver's license.	
	First offense	30.00

Commented [OM4]: We need to make sure these references are still correct and add in the other code sections that aren't listed.

Commented [OM5]: How do these amounts jive with subsection (1) above?

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		Second and subsequent offenses	60.00
9.075(2)	Occupying or parking for the purpose of occupying a travel trailer, etc., on a public or private street or land within the city.		
		First offense	30.00
		Second and subsequent offenses	60.00
9.08(2)	Unlicensed dog or cat.		
		First offense	30.00
		Second and subsequent offenses	60.00
9.08(4)	Dog or cat running or wasting at large.		
		First offense	30.00
		Second and subsequent offenses	60.00
9.08(8)	Annoying dog or cat.		
		First offense	30.00
		Second and subsequent offenses	60.00
10.01	Possessing or discharging any firearm, rifle, spring or air gun within the city.		
		First offense	50.00
		Second and subsequent offenses	100.00
10.015	Hunting within the city.		
		First offense	50.00
		Second and subsequent offenses	100.00
10.02	Carrying a concealed weapon.		
		First offense	50.00
		Second and subsequent offenses	100.00
10.03	Throwing or shooting arrows, stones or other missile or projectile.		
		First offense	30.00
		Second and subsequent offenses	60.00
10.04	Selling or discharging of fireworks.		
		First offense	30.00
		Second and subsequent offenses	60.00
10.05	Preventing or obstructing the free passage of pedestrian or vehicular traffic on any public street, sidewalk, bridge or public ground.		
		First offense	30.00
		Second and subsequent offenses	60.00
10.06	Disorderly conduct.		
		First offense	100.00
		Second and subsequent offenses	200.00
10.09(1)	Making or causing any loud, disturbing or unnecessary sound or noise which tends to annoy or disturb another.		
		First offense	50.00
		Second and subsequent offenses	100.00
10.09(2)	Operating a vehicle in an unnecessary manner.		
		First offense	50.00
		Second and subsequent offenses	100.00
10.10	Giving, sending or causing to be sent a false fire alarm.		
		First offense	50.00

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		Second and subsequent offenses	100.00
10.11	Resisting or interfering with any officer of the city during the performance of an official act.		
		First offense	100.00
		Second and subsequent offenses	200.00
10.175	Possessing or drinking open intoxicants in public.		
		First offense	50.00
		Second and subsequent offenses	100.00
10.18	Littering on public or private property.		
		First offense	50.00
		Second and subsequent offenses	100.00
10.20	Possession of less than one ounce of marijuana—Person's permanent residence.		
		First offense	0.00
		Second and subsequent offenses	0.00
	Possession of less than one ounce of marijuana—other than a person's permanent residence		
		First offense	50.00
		Second and subsequent offense(s)	100.00
10.24	Issuance of worthless checks		
		First offense	50.00
		Second and subsequent offenses	100.00
10.26	Theft of moveable property of another, the value of which does not exceed \$200.00, without consent and with the intent to permanently deprive the owner of possession or the full purchase price of such property.		
		First offense	100.00
		Second and subsequent offenses	200.00
10.32(a)	Purchase or possession of tobacco products by persons under 18 years of age.		
		First and each subsequent offense	50.00
10.33	Sale or gift of cigarettes or tobacco products to persons under 18 years of age.		
		First offense	200.00
		Second and each subsequent offense	300.00
		Also subject to court suspension of license or permit as provided in § 134.66(4)(a)3., Wis. Stats.	
12.015(3)(i)	Depositing garbage which was not generated in the city.		
		First offense	30.00
		Second and subsequent offenses	60.00
Ch. 15.01— 15.07	Building regulations violations.		
		First offense	200.00
		Second and subsequent offenses	300.00
Ch. 16.01— 16.08	Plumbing code violations.		

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		First offense	200.00
		Second and subsequent offenses	300.00
Ch. 17.01— 17.12	Electrical code violations.		
		First offense	200.00
		Second and subsequent offenses	300.00
Ch. 20.01— 20.33	Zoning code violations.		
		First offense	200.00
		Second and subsequent offenses	300.00
Ch. 27.01— 27.13	Sign code violations.		
		First offense	200.00
		Second and subsequent offenses	300.00

(b) *Other.*

1. Except as enumerated in subsection 2 below, cash deposits for ordinance violations which are not specified in subsection (a) shall be 20 percent of the maximum penalty specified in subsection (1) for the first offense and 40 percent of the maximum penalty for the second and subsequent offenses.
2. Penalties for violations of provisions of chapter 7 of this Municipal Code are specified in section 7.20. Deposits for violations of state traffic laws, state snowmobile laws and state speed limits which have been adopted by reference shall be the amounts specified in the current Revised Uniform State Traffic Deposit Schedule.

(c) *Assessments, costs and surcharges.*

1. The deposits set forth herein do not include penalty assessments imposed by § 165.87, Wis. Stats., court costs imposed by § 814.63, Wis. Stats., jail assessments imposed by § 302.46(1), Wis. Stats., driver improvement surcharges imposed by § 346.655, Wis. Stats., or any applicable domestic abuse assessment imposed by § 973.055(1), Wis. Stats. Where applicable, those assessments, costs and surcharges shall be added to the required deposit.
2. Penalty assessments, jail assessments, driver improvement surcharges, and domestic abuse assessments are not applicable to nonmoving violations of areas and spaces reserved for the handicapped.
3. Penalty assessments, jail assessments, driver improvement surcharges, and domestic abuse assessments are not applicable to other nonmoving violations of chapter 7 of this Municipal Code.

(Code 1992, § 25.04; Ord. No. 963-1295, § 1, 12-5-95; Ord. No. 965-196, § 1, 1-16-96; Ord. No. 981-1196, § 3, 11-5-96; Ord. No. 1001-0598, §§ 1, 2, 5-5-98; Ord. No. 1017-699, § 2, 6-1-99; Ord. No. 1365-1019, § 1—3, 10-1-19)

25.05 Repeal of general ordinances.

All ordinances heretofore adopted by the city council are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

- (1) The issuance of corporate bonds and notes of the city of whatever name or description.

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(Supp. No. 43)

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- (2) The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.
 - (3) The establishment of dock and shore lines.
 - (4) The fixing of salaries of public officials and employees.
 - (5) Rights, licenses or franchises or the creation of any contract with the city.
 - (6) The lighting of streets and alleys.
 - (7) The annexation of territory to the city.
 - (8) The naming and changing of names of streets, alleys, public grounds and parks.
 - (9) The letting of contracts without bids.
 - (10) The establishment of alderperson districts, alderperson district boundaries and election precincts.
 - (11) Tax and special assessment levies.
 - (12) Release of persons, firms or corporations from liability.
 - (13) Construction of any public works.
 - (14) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
 - (15) Budget ordinances, resolutions and actions.
 - (16) The Zoning Ordinance #501, which is re-enacted with all amendments thereto.

(Code 1992, § 25.05)

25.06 Effect of repeals.

The repeal or amendment of any section or provision of this Code or of any other ordinances or resolutions of the common council shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the city.
- (3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that, when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- (4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed in all respects as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this Code shall take effect shall be conducted according to the provisions of this Code.

(Code 1992, § 25.06)

25.07 Title; effective date; citation.

These ordinances shall be known as the "Municipal Code of the City of Sturgeon Bay" and shall take effect from and after passage and publication as provided in § 66.035, Wis. Stats. All references thereto shall be cited by section number (example: section 13.06, Municipal Code of the City of Sturgeon Bay).

(Code 1992, § 25.07)