

# Village of Sister Bay Code of Ordinances

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## Chapter 30

### Nuisances

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

# Village of Sister Bay Code of Ordinances

## Sec. 30.1 Public Nuisances Prohibited

## Sec. 30.2 Public Nuisances Defined.

1                                   **NUISANCES**

2   **Sec. 30.1 Public Nuisances Prohibited**

3 No person shall erect, contrive, cause, continue,

4 maintain or permit to exist any public nuisance

5 within the Village.

6   **Sec. 30.2 Public Nuisances Defined.**

7 (a) Generally. A public nuisance means a

8 thing, act, occupation, condition or use of

9 property which shall continue for such

10 length of time as to:

11 (1) Substantially annoy, injure or en-

12 danger the comfort, health, repose

13 or safety of the public;

14 (2) In any way render the public inse-

15 cure in life or in the use of property;

16 (3) Greatly offend the public morals or

17 decency;

18 (4) Unlawfully and substantially inter-

19 fere with, obstruct or tend to ob-

20 struct or render dangerous for pas-

21 sage any street, alley, highway, navi-

22 gable body of water or other public

23 way or the use of public property.

24 (b) Public Nuisances Affecting Health. The fol-

25 lowing acts, omissions, places, conditions

26 and things are hereby specifically declared

27 to be public health nuisances, but shall not

28 be construed to exclude other health nu-

29 isances coming within the definition of

30 subsection (a) of this section.

31 (1) All decayed, harmfully adulterated

32 or unwholesome food or drink sold

33 or offered for sale to the public.

34 (2) Carcasses of animals, birds or fowl

35 not intended for human consump-

36 tion or food, which are not buried

37 or otherwise disposed of in a sani-

38 tary manner within 24 hours after

39 death.

40 (3) Accumulations of decayed animal

41 or vegetable matter, trash, rubbish,

42 rotting lumber, bedding, packing

43 material, scrap metal or any material

44 whatsoever in which flies, mosqui-

45 toes, disease-carrying insects, rats or

46 other vermin may breed.

47 (4) All stagnant water in which mosqui-

48 toes, flies or other insects can mul-

49 tiply.

50 (5) Garbage cans, which are, not fly

51 tight.

52 (6) All noxious weeds and other rank

53 growth of vegetation.

54 (7) All domestic animals running at large.

55 (8) The pollution of any public well or cis-

56 tern, stream, lake, canal or other body

57 of water by sewage, creamery or in-

58 dustrial wastes or other substances.

59 (9) Any use of property, substances or

60 things within the Village emitting or

61 causing any foul, offensive, noisome,

62 nauseous, noxious or disagreeable

63 odors, gases, effluvia or stench es ex-

64 tremely repulsive to the physical

65 senses of ordinary persons, which an-

66 noy, discomfort, injure or inconven-

67 ience the health of any appreciable

68 number of persons within the Village.

69 (10) All abandoned wells not securely cov-

70 ered or secured from public use.

71 (11) Any use of property, which shall cause

72 any nauseous or unwholesome liquid

73 or substance to flow into or upon any

74 street, gutter, alley, sidewalk or public

75 place within the Village.

76 (c) Public Nuisances Offending Morals and De-

77 centy. The following acts, omissions, places,

78 conditions and things are hereby specifically

79 declared to be public nuisances offending

80 public morals and decency, but such enu-

81 meration shall not be construed to exclude

82 other nuisances offending public morals and

83 decency coming within the definition of

84 subsection (a) of this section:

85 (1) All disorderly houses, bawdy houses,

86 houses of ill fame, gambling houses

87 and buildings or structures kept or re-

88 sorted to for the purpose of prostitu-

89 tion, promiscuous sexual intercourse

90 or gambling.

91 (2) All places where intoxicating liquor or

92 fermented malt beverages are sold,

93 possessed, stored, brewed, bottled,

94 manufactured or rectified without a

95 permit or license as provided for by

96 ordinance.

97 (3) Any place or premises within the Vil-

98 lage where ordinances or laws relating

99 to public health, safety, peace, morals

100 or welfare are openly, continuously,

101 repeatedly and intentionally violated.

102 (4) Any place or premises resorted to for

103 the purpose of drinking intoxicating

104 liquor or fermented malt beverages in

105 violation of law or ordinance.

# Village of Sister Bay Code of Ordinances

## Sec. 30.2 Public Nuisances Defined.

## Sec. 30.4 Graffiti Vandalism Prohibited/

- |    |     |   |     |      |  |
|----|-----|---|-----|------|--|
| 1  | (d) | <u>Public Nuisances Affecting Peace and</u>   | 54  | (9)  | All wires over streets, alleys or public   |
| 2  |     | <u>Safety.</u> The following acts, omissions, | 55  |      | grounds, which are, strung less than 15    |
| 3  |     | places, conditions and things are hereby      | 56  |      | feet above the surface thereof.            |
| 4  |     | declared to be public nuisances affecting     | 57  | (10) | The keeping or harboring of any ani-       |
| 5  |     | peace and safety, but such enumeration        | 58  |      | mal or fowl which by frequent or ha-       |
| 6  |     | shall not be construed to exclude other       | 59  |      | bitual howling, yelping, barking,          |
| 7  |     | nuisances affecting public peace or safety    | 60  |      | crowing or making of other noises          |
| 8  |     | coming within the provisions of subsection    | 61  |      | shall greatly annoy or disturb a           |
| 9  |     | (a) of this section:                          | 62  |      | neighborhood or any considerable           |
| 10 | (1) | All signs and billboards, awnings             | 63  |      | number of persons within the Village.      |
| 11 |     | and other similar structures over or          | 64  | (11) | All obstructions of streets, alleys,       |
| 12 |     | near streets, sidewalks, public               | 65  |      | sidewalks or crosswalks and all exca-      |
| 13 |     | grounds or places frequented by the           | 66  |      | vations in or under the streets, alleys,   |
| 14 |     | public, so situated or constructed as         | 67  |      | sidewalks or crosswalks, except as         |
| 15 |     | to endanger public safety.                    | 68  |      | permitted by ordinances or which, al-      |
| 16 | (2) | All buildings erected, repaired or al-        | 69  |      | though made in accordance with or-         |
| 17 |     | tered within the Village in violation         | 70  |      | dinances, are kept or maintained for       |
| 18 |     | of ordinances relating to materials           | 71  |      | an unreasonable or illegal length of       |
| 19 |     | and manner of construction of                 | 72  |      | time after the purpose thereof has         |
| 20 |     | buildings and structures within such          | 73  |      | been accomplished or do not con-           |
| 21 |     | district.                                     | 74  |      | form to the permit.                        |
| 22 | (3) | All unauthorized signs, signals,              | 75  | (12) | All open and unguarded pits, wells,        |
| 23 |     | markings or devices placed or main-           | 76  |      | excavations or unused basements            |
| 24 |     | tained upon or in view of any public          | 77  |      | freely accessible from any public          |
| 25 |     | highway which purport to be or may            | 78  |      | street, alley or sidewalk.                 |
| 26 |     | be mistaken as an official traffic con-       | 79  | (13) | All abandoned refrigerators or ice-        |
| 27 |     | trol device or which because of its           | 80  |      | boxes from which the doors and other       |
| 28 |     | color, location, brilliance or manner         | 81  |      | covers have not been removed or            |
| 29 |     | of operation interferes with the ef-          | 82  |      | which are not equipped with a device       |
| 30 |     | fectiveness of any such device, sign          | 83  |      | for opening from the inside.               |
| 31 |     | or signal.                                    | 84  | (14) | Any unauthorized or unlawful use of        |
| 32 | (4) | All trees, hedges, billboards or other        | 85  |      | property abutting on a public street,      |
| 33 |     | obstructions, which prevent persons           | 86  |      | alley or sidewalk or of a public street,   |
| 34 |     | driving vehicles on public streets, al-       | 87  |      | alley or sidewalk which causes large       |
| 35 |     | leys or highways from obtaining a             | 88  |      | crowds of people to gather, obstruct-      |
| 36 |     | clear view of traffic when approach-          | 89  |      | ing traffic and free use of the streets or |
| 37 |     | ing an intersection or pedestrian             | 90  |      | sidewalks.                                 |
| 38 |     | crosswalk.                                    | 91  | (15) | Repeated or continuous violations of       |
| 39 | (5) | All limbs of trees, which project             | 92  |      | ordinance or law relating to the stor-     |
| 40 |     | over and are less than seven feet             | 93  |      | age of flammable liquids.                  |
| 41 |     | above any public sidewalk, street or          | 94  | (16) | All snow and ice on the sidewalk not       |
| 42 |     | other public place.                           | 95  |      | removed or sprinkled with a material,      |
| 43 | (6) | All trees which are a menace to               | 96  |      | which accelerates melting or prevents      |
| 44 |     | public safety or are the cause of             | 97  |      | slipping.                                  |
| 45 |     | substantial annoyance to the gen-             | 98  | (17) | All property use that involves the out-    |
| 46 |     | eral public.                                  | 99  |      | side storage, dismantling, sorting or      |
| 47 | (7) | All use or display of fireworks ex-           | 100 |      | baling of junk within the Village.         |
| 48 |     | cept as provided by law and ordi-             |     |      |  |
| 49 |     | nance.  |     |      |  |
| 50 | (8) | All buildings or structures so old di-        |     |      |  |
| 51 |     | lapidated or out of repair as to be           |     |      |  |
| 52 |     | dangerous, unsafe, unsanitary or              |     |      |  |
| 53 |     | otherwise unfit for human use.                |     |      |  |

# Village of Sister Bay Code of Ordinances

1 **Sec. 30.4 Graffiti Vandalism Prohibited /**  
2 **Abatement.**

3 *(Amended Ordinance 149-031709)*

4 (a) Purpose and Intent. The purpose and in-  
5 tent of this section is to prohibit graffiti  
6 vandalism, and to provide a procedure re-  
7 quiring the removal of graffiti from prop-  
8 erty within the Village. Graffiti contributes  
9 to blight and deterioration of surrounding  
10 properties, reduces the physical attractive-  
11 ness to the neighborhoods, and is detri-  
12 mental to the Village. Graffiti constitutes a  
13 public nuisance and must be abated  
14 promptly in order to alleviate the detri-  
15 mental impact it has on the neighbor-  
16 hoods, businesses, surrounding properties,  
17 and citizens and the Village, in general.

18 (b) Graffiti Vandalism Defined.  
19 "Graffiti" means any inscription, word, fig-  
20 ure or design, marked, scratched, etches,  
21 drawn or painted with spray paint, liquid  
22 paint, ink, chalk, dye, markers or other  
23 similar substances, on buildings, fences,  
24 structures, signs and other similar places.

25 (c) Graffiti Vandalism Prohibited. No person  
26 may write, paint or draw any inscription,  
27 figure or mark of any type on any public  
28 or private building or other real or per-  
29 sonal property owned, operated or main-  
30 tained by any private person or public  
31 entity, agency, firm or corporation. This  
32 shall not be construed to prohibit the  
33 placement of temporary and easily re-  
34 movable chalk or other water soluble  
35 markings on public or private streets,  
36 sidewalks or other paved surfaces inci-  
37 dent to youth activities such as hopscotch  
38 and various types of ball games or any  
39 lawful business activity.

40 (d) Penalty.

41 (1) Any person who violates subsection  
42 30.4(c) shall be subject to a forfei-  
43 ture of not less than \$500 per viola-  
44 tion, in addition to any applicable  
45 fees, assessments and costs of  
46 prosecution. In addition, any person  
47 who shall cause physical damage to  
48 or destroy any public property shall  
49 be liable for the costs of replacing or  
50 repairing such damaged or de-  
51 stroyed property.

52 (2) Parental Liability. Pursuant to Sec-  
53 tion §895.035, Wisconsin Statutes,  
54 the parent(s) of an unemancipated  
55 minor may be liable for the damage

56 of property caused by the willful, ma-  
57 licious or wanton act of such child;  
58 the liability shall not exceed the  
59 amount specified in §799.01(1)(d).

60 (e) Graffiti Abatement.

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

69 (2) Abatement Notification. Upon notifi-  
70 cation, the Zoning Administrator shall,  
71 within five (5) days of receiving said  
72 notification, serve any property owner  
73 whose property has been affected by  
74 the application of graffiti, a written  
75 Notice to Abate requiring the prop-  
76 erty owner to remove, restore, clean  
77 up or repair the property within ten  
78 (10) days of the date of the Notice.

79 (3) Content of Notice to Abate. The No-  
80 tice shall identify the property af-  
81 fected, shall generally describe the lo-  
82 cation of the graffiti and direct that the  
83 graffiti be removed within ten (10)  
84 days of receipt of the Notice to Abate.  
85 The Notice shall also include that if  
86 the owner fails to remove graffiti  
87 within the time specified in the No-  
88 tice, the owner may be subject to a  
89 forfeiture as provided in subsection  
90 (f).

91 (4) The Notice may be served personally  
92 by the Zoning Administrator his/her  
93 authorized representative, or by regis-  
94 tered, certified or regular mail, and  
95 service upon any one of joint or in-  
96 common owners shall constitute valid  
97 service upon all property owners.

98 (f) Penalty.

99 (1) Any person, entity, agency, firm or  
100 corporation who violates this subsec-  
101 tion (e) shall be subject to a forfeiture  
102 of not less than \$100, nor more than  
103 \$500, together with the cost of prose-  
104 cution.

105 (2) A violation of this section exists on the  
106 date that the citation is issued and  
107 continues to exist until remedied.  
108 Each day in which a violation contin-  
109 ues shall be determined a separate  
110 and distinct offense.

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Sec. 30.5 -30.9 Reserved.

Sec 30.11 Loud Noises Prohibited.

- 1 (3) Payment of a monetary forfeiture  
2 does not relieve the owner or op-  
3 erator of the property of the duty to  
4 abate the graffiti nuisance.  
5 (4) If, after thirty (30) days upon receipt  
6 of Notice to Abate, the property  
7 owner or operator fails to comply  
8 with the terms of the Notice, in ad-  
9 dition to the penalties set forth un-  
10 der this subsection, the Village may  
11 cause the removal, restoration,  
12 clean up or repair of such property  
13 affected by the graffiti. Pursuant to  
14 Wisconsin Statutes Section  
15 66.60(16), the Village may impose a  
16 special charge for services reflecting  
17 the actual costs of graffiti removal  
18 against the property.

## 19 Sec. 30.5 -30.9 Reserved.

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## 37 Sec. 30.10 Air Pollution.

38 No person shall cause, permit, or allow the es-  
39 cape from any smokestack, chimney or open fire  
40 within the Village or within one mile there from  
41 into the open air of such quantities of smoke, ash,  
42 dust, soot, cinders, acid or other fumes, dirt or  
43 other material or noxious gases in such place or

44 manner as to cause injury, detriment or nuisance to  
45 any person or to the public, or to endanger the  
46 health or safety of any such person or the public, or  
47 in such manner as to cause injury or damage to  
48 business or property, and such is declared to be a  
49 public nuisance and prohibited.

## 50 Sec 30.11 Loud Noises Prohibited.

51 *(Amended Ordinance 153-060909)*

52 (a) It shall be unlawful for any person in the Vil-  
53 lage to engage in unreasonably loud and  
54 raucous yelling, screaming, shouting, whis-  
55 tling or singing between the hours of 10:00  
56 p.m. and 7:00 a.m. A noise shall be pre-  
57 sumed to be unreasonably loud and raucous  
58 if:

59 (1) it is plainly audible within a single-  
60 family or two-family residence,  
61 which is not the building, structure  
62 or property from which the sound  
63 originates,

64 (2) or from a distance of fifty (50) feet  
65 in the case of noise originating on  
66 public property or a public right-  
67 of-way,

68 (3) or from a distance of fifty (50) feet  
69 in the case of noise originating in-  
70 side multifamily residential build-  
71 ings of three (3) units or more.

72 (b) It shall be unlawful for any person to  
73 make any of the below-listed noises that  
74 are unreasonably loud and raucous:

75 (1) The sounding of any horn or noise  
76 emitting device on any automo-  
77 bile, motorcycle, bus or other ve-  
78 hicle for more than fifteen (15)  
79 seconds or at continuous and fre-  
80 quent intervals.

81 (2) The playing of any radio, stereo,  
82 musical instrument or other device  
83 used for producing or reproducing  
84 sound with such volume as to be  
85 unreasonable between the hours of  
86 10:00 p.m. and 7:00 a.m.

87 (3) Allowing any animal, bird or fowl  
88 to bark, howl or make other noises  
89 for more than thirty (30) seconds  
90 or at continuous and frequent in-  
91 tervals.

92 (4) The use of an automobile, motor-  
93 cycle or other vehicle, machinery  
94 or equipment so out of repair, or in

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- 1 such manner as to create loud, 52  
2 grating, grinding, rattling or other 53  
3 noises, including unreasonable 54  
4 acceleration, deceleration or rac- 55  
5 ing of motors whether in motion 56  
6 or at rest. 57  
7 (5) The discharge into the open air 58  
8 of the exhaust of any steam en- 59  
9 gine, stationary internal combus- 60  
10 tion engine, motor vehicle, mo- 61  
11 torboat engine or other power 62  
12 device in constant operation, ex- 63  
13 cept through a muffler or other 64  
14 device, which will effectively 65  
15 prevent loud or explosive noises. 66  
16 (6) The creation of any unreasonably 67  
17 loud and raucous noise on any 68  
18 street adjacent to any school, re- 69  
19 tirement facility or church while 70  
20 it is in session, which unrea- 71  
21 sonably interferes with the work- 72  
22 ings or sessions. 73  
23 (7) The creation of unreasonably 74  
24 loud and raucous noise in con- 75  
25 nection with the loading of gar- 76  
26 bage or trash on a compactor 77  
27 truck or with the loading or 78  
28 unloading of any vehicle or the 79  
29 opening or destruction of bales, 80  
30 boxes, crates or other containers 81  
31 between the hours of 8:00 p.m. 82  
32 and 7:00 a.m. 83  
33 (8) The operation on private prop- 84  
34 erty or on a public way in any 85  
35 residential or business district of 86  
36 any power equipment generating 87  
37 unreasonable noise that is used 88  
38 for home or building repair or 89  
39 grounds maintenance, between 90  
40 the hours of 10:00 p.m. and 7:00 91  
41 a.m. Such power equipment 92  
42 shall include, but not be limited 93  
43 to, lawn mowers, garden tools, 94  
44 electric or chain saws or any 95  
45 power tools or other equipment 96  
46 used for home or building repair 97  
47 or grounds maintenance. 98  
48 (c) It shall be unlawful for any person to 99  
49 make any of the below-listed noises 100  
50 that are unreasonably loud and rau- 101  
51 cous: 102
- (1) The construction, demolition, al-  
teration or repair of any building  
other than between the hours of  
7:00 a.m. and 8:00 p.m., during  
weekdays and Saturdays, and 9:00  
a.m. and 7:00 p.m. on Sundays  
and national holidays.
- (2) Grading, excavation, blasting,  
demolition, roadway construction  
or underground utility construction  
other than between the hours of  
8:00 a.m. and 8:00 p.m., during  
weekdays and Saturdays except in  
cases of urgent necessity in the in-  
terest of public health and safety. If  
the Village Administrator deter-  
mines that, the public health and  
safety will not be impaired by  
these activities he/she may grant  
permission for such work to be  
done during other hours on appli-  
cation being made at the time the  
permit for the work is awarded or  
during the progress of the work.
- (d) Exemptions. The following activities shall  
be exempt from the terms of this Section:
- (1) Any ambulance, any officer of the  
law while engaged in necessary  
public business or any vehicle in  
the Village while engaged in nec-  
essary public business.
- (2) Excavations or repairs on streets,  
highways, waterlines or sewer lines  
by or on behalf of the Village, the  
county or the state, during the  
nighttime when the public welfare  
and convenience renders it im-  
practicable to perform such work  
during the day.
- (3) The reasonable use of amplifiers in  
the course of public address which  
are noncommercial in nature and  
when such use is outside the  
downtown business district of the  
Village.
- (4) Any use of noise-emitting devices  
or the creation of any noise where  
permit has been obtained from the  
Village Administrator, but only to  
the extent as provided in the per-  
mit.

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1	(5) Any organized sporting events or	45
2	fairs, carnivals or like activities.	
3	(e) <u>Penalties.</u> Penalties for violations of this	46
4	Section shall be as follows:	
5	(1) This Section shall be subject to	47
6	the enforcement provisions of	
7	Section 30.32. Violations of this	48
8	Section shall be subject to forfei-	
9	tures in an amount within a	49
10	range as shown in Chapter 1 of	
11	the Municipal Code for each day	50
12	that a violation exists.	51
13	(2) In any proceedings for the viola-	52
14	tion of this Section, the tenants,	53
15	owners and/or occupants, after	54
16	proper notice of the violations,	
17	shall be considered equally re-	55
18	sponsible for committing or al-	<b>Sec. 30.13-19 Reserved.</b>
19	lowing to commit a violation	
20	from the location or occupancy	
21	under their control.	

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

23 *(Amended Ordinance 153-060909)*

- 24 (a) No person shall operate motor vehicle  
25 brakes within the Village limits of the  
26 Village of Sister Bay to cause unrea-  
27 sonable and excessive noise levels or  
28 that are in any way activated or oper-  
29 ated by the compression of the engine  
30 of any such motor vehicle or any unit  
31 or part thereof, except under emer-  
32 gency conditions.
- 33 (b) Any person violating the provisions of  
34 the ordinance shall have committed a  
35 traffic offense and a penalty shall be  
36 imposed as provided in Section 30.32  
37 of the Municipal Code of the Village of  
38 Sister Bay, with a minimum forfeiture of  
39 \$125 and a maximum forfeiture of  
40 \$250 for each offense.
- 41 (c) The Parks Superintendent is authorized  
42 and directed to post appropriate signs  
43 consistent with the provision of this or-  
44 dinance.

# Village of Sister Bay Code of Ordinances

1 **Sec. 30.20 Exterior Property Maintenance**  
2 **Code.**  
3 *(Amended Ordinance 148-031709)*  
4 This Section shall be known as the Village of Sis-  
5 ter Bay Exterior Property Maintenance Code.  
6 (a) Applicability. The provisions of this section  
7 shall apply uniformly to the maintenance  
8 of all buildings or structures and surround-  
9 ing areas, irrespective of when or under  
10 what condition or conditions such build-  
11 ing were originally constructed.  
12 (b) Definitions.  
13 The following words, terms and phrases,  
14 when used in this article, shall have the  
15 meanings ascribed to them in this section,  
16 except where the context clearly indicates  
17 a different meaning.  
18 Accessory Building means any building ex-  
19 cept the principal building on a lot,  
20 and located on the same lot as the  
21 principal building. In the case of a  
22 house and detached garage on a lot,  
23 the accessory building is the garage.  
24 Approved means approved by the local au-  
25 thority having such administrative  
26 authority.  
27 Basement means a portion of the building  
28 partly underground but having less  
29 than half its clear height below the  
30 average grade of the adjoining  
31 ground.  
32 Blight means an impaired condition lead-  
33 ing to deterioration.  
34 Blighting influence means a condition hav-  
35 ing an adverse effect on surrounding  
36 properties.  
37 Blighted property means any property  
38 within the Village, whether residen-  
39 tial or non-residential, which by rea-  
40 son of dilapidation, deterioration,  
41 age or obsolescence, inadequate  
42 provisions for ventilation, light, air or  
43 sanitation, high density of popula-  
44 tion and overcrowding, or the exist-  
45 ence of conditions which endanger  
46 life or property by fire and other  
47 causes, or any combination of such  
48 factors, is conducive to ill health,  
49 transmission of disease, infant mor-  
50 tality, juvenile delinquency or crime,  
51 and is detrimental to the public  
52 health, safety, morals or welfare.  
53 Building means any structure having a roof  
54 supported by columns or walls used or in-  
55 tended to be used for the shelter or enclo-

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sure of persons, animals, equipment, ma-  
chinery, vehicles or materials.  
Commercial building means a structure en-  
closed within exterior walls or fire  
walls, built, erected and framed of  
component-structured parts designed  
for non-residential purposes and for  
the generation of income, including  
multi-family buildings as defined  
herein.  
Debris means broken concrete, bricks,  
blocks or other mineral matter; bottles,  
porcelain and other glass or crockery;  
boxes; lumber (new or used), posts,  
sticks or other wood; tree branches.,  
brush, yard trimmings, grass clippings,  
and other residues; paper, rags, card-  
board, excelsior, rubber, plastic, wire,  
tin and metal items; discarded goods  
or appliances, tar paper, residues from  
burning, or any similar materials which  
constitute health, fire or safety hazards  
or a serious blighting influence upon  
the neighborhood or the Village in  
general.  
Deterioration means the condition or ap-  
pearance of a building or structure,  
characterized by breaks, holes, rot,  
crumbling, cracking, peeling, rusting,  
inadequate paint or other evidence of  
decay or neglect.  
Dilapidated means a condition of decay or  
partial ruin by neglect or misuse.  
Junk means any old 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 salvage-  
able or not. An unlicensed motor ve-  
hicle shall be construed to be a junked  
motor vehicle. An unlicensed motor  
boat shall be construed to be a junked  
boat.  
Multi-family building for purposes of this or-  
dinance means multi-family residential  
buildings with three or more dwelling  
units.  
Noxious weeds means as defined in Section  
66.0407, Wis. Stats.  
A premise means lot, plot or parcel of land,  
including the buildings or structures or  
any part of the land.  
Reasonably tight means that the item so de-  
scribed shall fit so as to exclude wind,  
rain or moisture or vermin, pests, bugs,  
insects, rodents or other similar items.

# Village of Sister Bay Code of Ordinances

1	<u>Refuse</u> means the same as debris.	56	
2	<u>Rubbish</u> means combustible and noncom-	57	
3	bustible waste materials, except gar-	58	(2)
4	bage; and the term shall include the	59	
5	residue from the burning of wood,	60	
6	coal, coke and other combustible	61	
7	materials, paper, rags, cartons,	62	
8	boxes, wood, excelsior, rubber,	63	
9	leather, tree branches, yard clip-	64	
10	pings, tin cans, metals, mineral mat-	65	
11	ter, glass, crockery and dust, and	66	
12	other similar materials.	67	(3)
13	<u>Workmanlike</u> means accomplished in a	68	
14	reasonably skillful manner.	69	
15	<u>Yard</u> means an open space at grade on the	70	
16	same lot as the building or structure	71	
17	located between such building or	72	
18	structure and the adjoining lot line,	73	
19	and/or the street line.	74	
20	(c) <u>Intent and Purpose.</u>	75	
21	<u>Purpose.</u> The purpose of this Section is to	76	
22	recognize the private and public benefits	77	
23	resulting from the safe, sanitary, and attrac-	78	
24	tive maintenance of commercial, multi-	79	
25	family buildings and residential buildings,	80	(4)
26	structures, yards, or vacant areas. Attractive	81	
27	and well- maintained property will en-	82	
28	hance the neighborhood and Village and	83	
29	provide a suitable environment for increas-	84	
30	ing physical and monetary values.	85	
31	(d) <u>Unsafe and Dangerous Conditions.</u> It is	86	
32	recognized that there may now be or may,	87	
33	in the future, be commercial buildings,	88	
34	multi-family buildings and residential	89	
35	buildings, structures, yards, or vacant areas	90	
36	and combinations thereof which are so di-	91	
37	lapidated, unsafe, dangerous, unhygienic,	92	
38	or inadequately maintained so as to consti-	93	
39	tute a menace to the health, safety, and	94	
40	general welfare of the people. The estab-	95	
41	lishment and enforcement of minimum ex-	96	
42	terior property maintenance standards is	97	
43	necessary to preserve and promote the	98	
44	private and public interest.	99	
45	(e) <u>Safe, Sanitary, and Attractive Maintenance</u>	100	
46	<u>of Property.</u> Every owner or operator shall	101	
47	improve and maintain all property under	102	
48	their control to comply with the following	103	(5)
49	minimum requirements:	104	
50	(1) <u>Drainage.</u> All courts, yards, or other	105	
51	areas on the premises shall be prop-	106	
52	erly graded to divert water away	107	
53	from any building or structure so as	108	
54	to prevent the accumulation of	109	
55	stagnant water on any such surface.	110	
		111	
			Driveways shall be maintained in
			good condition and repair.
			<u>Weeds.</u> All exterior property areas
			shall be kept free from noxious weeds
			as required by this Code of Ordina-
			nces. Where weed cutting is requi-
			red, the Weed Commissioner shall
			perform the weed cutting or arrange
			for the weed cutting and process the
			charge therefore as a special assess-
			ment against the benefitted property.
			<u>Debris.</u> Every building or structure and
			shall have adequate refuse, garbage or
			rubbish storage facilities. Garbage
			containers shall all have tight covers
			and shall be kept in place at all times.
			No occupant shall accumulate rub-
			bish, boxes, lumber, metal, animal fe-
			ces, junk or other materials, which
			may provide harborage for rodents or
			vermin. All domestic animal feces
			shall be removed within twenty-four
			(24) hours.
			<u>Fence and Retaining Wall Require-</u>
			<u>ments.</u> No person shall allow or per-
			mit any fence or retaining wall to de-
			teriorate to a condition that is not in
			accord with the following provisions:
			a. All fences shall be properly
			maintained and kept in good
			repair or shall be removed. If
			paint or other preservatives
			have been applied to the exte-
			rior surface, it shall be re-
			painted, resurfaced or other-
			wise treated in a workmanlike
			manner when its conditions is a
			serious blighting influence on
			surrounding property.
			b. Retaining walls shall be struc-
			turally sound. No retaining wall
			shall be constructed or main-
			tained in such a manner as to
			cause the repeated spillage of
			mud, gravel or debris upon any
			public sidewalk, street, alley or
			adjoining property.
			<u>Exterior Surfaces.</u>
			a. <u>Exterior Walls and Foundation.</u>
			Every exterior wall shall be free
			of holes, breaks, loose or rot-
			ting boards or timbers, and any
			other conditions, which might
			admit rain or dampness to the
			interior portions of the walls or
			to the occupied spaces of the

# Village of Sister Bay Code of Ordinances

1	building and shall be capable	57	condition that is not in accord
2	of affording privacy. Every	58	with the following: yard areas
3	foundation and exterior wall	59	shall be kept in a clean and
4	shall be reasonably weather	60	sanitary condition, free from
5	tight, rodent proof and insect	61	any accumulation of combusti-
6	proof. The foundation ele-	62	ble or non-combustible mate-
7	ments shall adequately sup-	63	rials (which are not used as an
8	port the building at all points.	64	integral part of the authorized
9	Any hazardous sagging or	65	business carried out on the
10	bulging shall be properly re-	66	premises), junk, debris, or re-
11	paired to a level or plumb	67	fuse. Unless in a properly
12	position. All chimneys and	68	zoned district and screened by
13	breaching shall be con-	69	a visual barrier at least five (5)
14	structed and maintained so	70	feet high, yards shall not be
15	as to insure that it safely and	71	used to store appliances, fur-
16	properly removes the prod-	72	naces, hot water heaters, water
17	ucts of combustion from the	73	softeners, or building material
18	building.	74	not used within five (5) days, or
19	b. Paint Exterior surfaces of	75	any unsightly bulk items, unless
20	buildings and structures not	76	these items are raw materials
21	inherently resistant to dete-	77	used in the business carried out
22	rioration shall be treated with	78	on the premises. Exterior areas
23	a protective coating of paint	79	in a natural state shall be kept
24	or other suitable preservative,	80	free of dead, diseased or fallen
25	which will provide adequate	81	tress, branches, brush, debris
26	resistance to weathering and	82	and noxious weeds.
27	maintain an attractive ap-		
28	pearance. Any exterior sur-		
29	face treated with paint or		
30	other preservative shall be		
31	maintained so as to prevent		
32	chipping, cracking or other		
33	deterioration of the exterior		
34	surface or the surface treat-		
35	ment and to present an at-		
36	tractive appearance. All paint		
37	or other preservative shall be		
38	applied in a workmanlike		
39	fashion when its condition is		
40	a serious blighting influence		
41	on surrounding property.		
42	c. <u>Roofs.</u> All roofs shall be main-		
43	tained so as not to leak, and		
44	all water shall be drained and		
45	conveyed from the roof so as		
46	not to cause damage to the		
47	exterior walls, eaves, soffits or		
48	foundation. Gutters and		
49	downspouts, when provided,		
50	shall be adequately secured,		
51	kept free of obstruction, and		
52	in a reasonably good state of		
53	repair.		
54	d. <u>Yard Areas.</u> Yard areas of real		
55	estate shall not be permitted		
56	to deteriorate or remain in a		

# Village of Sister Bay Code of Ordinances

1	(6)	<u>Sidewalks, Walks and Drives.</u>	57
2	a.	<u>Sound Condition and Good</u>	58
3		<u>Repair.</u> Sidewalks, walks,	59
4		drives, parking areas and	60
5		other concrete, asphalt,	61
6		bricked, graveled, stoned or	62
7		similarly treated areas shall	63
8		be kept in sound condition	64
9		and good repair. Conditions	65
10		resulting in dust, dirt, loose	66
11		stones or other aggregate be-	67
12		ing repeatedly deposited	68
13		upon the adjacent public or	69
14		private property shall be cor-	70
15		rected. Approved walks shall	71
16		provide all-weather access to	72
17		buildings or structures.	73
18	b.	<u>Snow and Ice Removal.</u> The	74
19		owner, occupant or person in	75
20		charge of a building in the	76
21		Village, fronting upon or ad-	77
22		joining any street, and the	78
23		owner or person in charge of	79
24		any unoccupied building or	80
25		lot, fronting or adjoining any	81
26		street, shall remove and clear	82
27		away or cause to remove and	83
28		clear away, all snow and ice	84
29		from the public sidewalk and	85
30		any curb ramps for the	86
31		handicapped, in front of or	87
32		adjoining the building or un-	88
33		occupied lot, as the case may	89
34		be, within 24 hours after the	90
35		snow or ice has ceased fal-	91
36		ling; provided that when ice	92
37		has formed on any sidewalk	93
38		that it cannot be removed,	94
39		then hazard shall be mini-	95
40		mized by the use sand, abra-	96
41		sive material or any product	97
42		designed to prevent ice from	98
43		forming or hasten melting so	99
44		as not to be injurious to the	100
45		health and safety of the pub-	101
46		lic, until removal can be com-	102
47		pleted.	103
48	c.	<u>Dumping Snow.</u> No person	104
49		shall plow or dump snow on	105
50		any public street, alley or	106
51		public property or upon the	107
52		property of another, without	108
53		the express permission of the	109
54		owner of the property.	110
55	(7)	<u>Extermination of Pests.</u> Whenever	111
56		insect or rodent infestation occurs	112

in a single dwelling unit, the occupant of such dwelling unit shall be responsible for the extermination. Whenever insect or rodent infestation occurs in more than one dwelling unit in a building or in any commercial unit of a building, the owner of the building shall be responsible for the extermination.

(8) Erosion. Whenever erosion of the soil repeatedly causes the soil to spill over into the sidewalk, street, alley or adjoining property, the condition shall be corrected as necessary through: erection a retaining wall; grading; installation of sod; and the planting of grass or other suitable ground cover.

(9) Windows and Doors. Every window, storm-window or door combination, screen, exterior door, and basement hatchway shall be weather tight, watertight and rodent proof and kept in sound condition and in proper repair. All door and window hardware shall be installed and maintained in proper working condition. Exterior doors, when closed, shall fit reasonably well within their frames. Every window sash shall be fully supplied with glass windowpanes, glazing or an approved substitute, which is without open cracks or holes. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.

(10) Outside Stairs and Porches. Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code and shall have rail and balustrade firmly fastened and maintained.

(11) Accessory Structures. Every accessory structure shall be kept in good condition and repair, shall not obstruct ac-

# Village of Sister Bay Code of Ordinances

1	cess of light or air to doors or win-	57	time established by the Zoning
2	dows, shall not obstruct a safe	58	Administrator of the original
3	means of access to any building or	59	damage or vacation.
4	structure, shall not create fire or	60	c. <u>Windows.</u> Boarded-up win-
5	safety hazards and shall not provide	61	dows will not be allowed ex-
6	rat or vermin harborage. All acces-	62	cept in the case of fire, natural
7	sory structures, which are in, dete-	63	disaster or an emergency. In
8	riorated condition and which are	64	the case of an emergency, the
9	not repairable shall be removed.	65	boarded-up windows will only
10	(12) <u>Removal of Debris.</u>	66	be allowed for a three-month
11	a. No person shall dispose of	67	period.
12	rocks, trees, stumps, waste	68	(14) <u>Chimneys and Towers.</u> All chimneys,
13	building material, or other	69	towers, cooling towers, smoke stacks
14	debris from land develop-	70	and similar appurtenances shall be
15	ment, building construction,	71	maintained in a structurally safe con-
16	street grading, or installation	72	dition and in good repair.
17	of underground utilities upon	73	(15) <u>Overhead Extensions.</u> All canopies,
18	the surface of any land in the	74	marquees, signs, metal awnings, fire
19	Village, except at approved	75	escapes, stand pipes, exhaust ducts
20	disposal sites.	76	and similar overhead extensions shall
21	b. No landowner shall allow an	77	be maintained in good repair and be
22	accumulation of dirt, rocks,	78	properly anchored so as to be kept in
23	trees, stumps, waste building	79	a safe condition.
24	material or other debris from	80	(f) <u>Fixing Responsibility Owners, Operators and</u>
25	land development, building	81	<u>Occupants.</u> Every owner, operator, or occu-
26	construction, street grading,	82	pant of a property, or part thereof shall main-
27	or installation of under-	83	tain that portion of the exterior of the prop-
28	ground utilities upon the sur-	84	erty controlled by him/her.
29	face of his/her land for a pe-	85	(g) <u>Enforcement, Service of Notices and Orders</u>
30	riod of more than ten (10)	86	<u>and Hearings.</u>
31	days.	87	(1) <u>Enforcement.</u> The Zoning Administra-
32	c. All land filling operations	88	tor shall enforce the provisions of this
33	shall be leveled off to permit	89	article and is authorized and directed
34	the mowing of the weeds be-	90	to make inspections in response to a
35	tween June 1 and November	91	complaint or when he/she has good
36	1. This includes the removal	92	reason to believe a violation is being
37	of stones, bottles, wire, and	93	committed. Whenever the Zoning
38	other debris that will interfere	94	Administrator determines that there
39	with mowing operations.	95	are reasonable grounds to believe that
40	(13) <u>Vandalism and/or Dilapidation.</u>	96	there has been a violation of any pro-
41	a. <u>Danger of vandalism and/or</u>	97	vision of this Chapter or of any rule or
42	<u>dilapidation.</u> If it is found	98	regulation adopted pursuant thereto,
43	upon inspection of any va-	99	he/she shall give notice of such al-
44	cated building within the Vil-	100	leged violation to the person or per-
45	lage that the building is in	101	sons responsible therefore and com-
46	danger of vandalism and/or	102	mence an enforcement action as set
47	dilapidation by the weather	103	forth in this subsection or through
48	or elements, the Village shall	104	Chapter 30 of this Code.
49	order the owner to make the	105	(2) <u>Entrance onto and into Property.</u> For
50	building secure against van-	106	the purpose of making inspections,
51	dalism and/or dilapidation in	107	the Zoning Administrator is author-
52	a workmanlike manner.	108	ized to enter onto property to exam-
53	b. <u>Restoration.</u> Damaged or va-	109	ine and survey at all reasonable times
54	cant buildings need to be re-	110	the exterior portions of all buildings,
55	stored to comply with this	111	structures or premises. If the Zoning
56	Code within the period of	112	Administrator is denied access to a

# Village of Sister Bay Code of Ordinances

## Sec. 30.21 Inspection Fee.

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1 premise, he/she may apply to the  
2 circuit court for a special inspection  
3 warrant.

4 (3) Notice of Violation. Whenever the  
5 Zoning Administrator determines  
6 that any building or structure  
7 and/or other exterior area fails to  
8 meet the requirements as set forth  
9 in this article, he/she shall issue a  
10 notice in writing setting forth the al-  
11 leged failures or violations and ad-  
12 vising the owner, occupant or agent  
13 that such failures or violations must  
14 be corrected, and specifying a spe-  
15 cific date for their correction. Notice  
16 shall be sent by certified mail.

17 (4) Enforcement. The Zoning Adminis-  
18 trator shall enforce the provisions of  
19 this article by forfeiture action  
20 and/or injunction.

21 (5) Appeals. Any person aggrieved by  
22 an order of the Zoning Administra-  
23 tor in the enforcement of this article  
24 may, within twenty (20) days from  
25 the date of receipt of such order,  
26 appeal to the Board of Zoning Ap-  
27 peals of the Village. Jurisdiction over  
28 such appeals is granted to the Board  
29 of Zoning Appeals. The appeal shall  
30 be made and shall be governed by  
31 the provisions of law relating to ap-  
32 peals to the Board of Zoning Ap-  
33 peals under the Zoning Code.

55 **Sec. 30.22-29 Reserved.**

## 34 **Sec. 30.21 Inspection Fee.**

35 To compensate for inspection and administrative  
36 costs, a fee may be charged for any re-inspection  
37 to determine compliance with an order to correct  
38 conditions to conform with the provisions of the  
39 Section 31.20 under the jurisdiction of the Village  
40 Zoning Administrator or assigned to the Village  
41 Building Inspector, except no fee shall be  
42 charged for the re-inspection when compliance is  
43 recorded. An increased fee may be charged for a  
44 second re-inspection, and a further increased fee  
45 may be charged for each subsequent re-  
46 inspection. Re-inspection fees shall be charged  
47 against the real estate upon which the re-  
48 inspections were made, shall be a lien upon the  
49 real estate, and shall be assessed and collected as  
50 a special charge. All re-inspection fees pertaining  
51 to this chapter are adopted by separate resolu-  
52 tion and are hereby adopted by reference as if  
53 fully set forth herein and may be amended from  
54 time to time by the Village Board.

# Village of Sister Bay Code of Ordinances

## Sec. 30.32 Penalty.

- 1
- 2 **Sec. 30.30 Abatement of Public Nuisances.**
- 3 (a) Enforcement. It shall be the duty of the Vil- 54  
4 lage Fire Chief and Village Administrator to 55  
5 enforce those provisions of this Chapter 56  
6 that come within the jurisdiction of their 57  
7 offices and they shall make periodic in- 58  
8 spections and inspections upon complaint 59  
9 to ensure that such provisions are not vio- 60  
10 lated. No action shall be taken under this 61  
11 section to abate a public nuisance unless 62  
12 the officer shall have inspected or caused 63  
13 to be inspected the premises where the 64  
14 nuisance is alleged to exist and have satis- 65  
15 fied himself that a nuisance does in fact ex- 66  
16 ist. (Amended Ordinance 107-020805) 67  
17 (b) Summary Abatement. 68  
18 (1) Notice to Owner. If the inspecting 69  
19 officer shall determine that a public 70  
20 nuisance exists within the Village 71  
21 and that there is danger to the pub- 72  
22 lic health, safety, peace, morals or 73  
23 decency, the Village President or 74  
24 Village Administrator may direct the 75  
25 service of notice on the person 76  
26 causing, permitting or maintaining 77  
27 such nuisance or upon the owner or 78  
28 occupant of the premises where 79  
29 such nuisance is caused, permitted 80  
30 or maintained and to post a copy of 81  
31 such notice on the premises. The 82  
32 notice shall direct the person caus- 83  
33 ing, permitting or maintaining such 84  
34 nuisance or the owner or occupant 85  
35 of the premises to abate or remove 86  
36 such nuisance within 24 hours or 87  
37 the time period established by the 88  
38 Village Administrator and shall state 89  
39 that unless the nuisance is so 90  
40 abated, the Village will cause the 91  
41 nuisance to be abated and will 92  
42 charge the cost thereof to the 93  
43 owner, occupant or person causing, 94  
44 permitting or maintaining the nu- 95  
45 sance, as the case may be. (Amended 96  
46 Ordinance 107-020805) 97  
47 (2) Abatement by Village. If the nu- 98  
48 sance is not abated within the time  
49 provided, or if the owner, occupant  
50 or person causing the nuisance can-  
51 not be found, the officer having the  
52 duty of enforcement shall cause the  
53 abatement or removal of such pub-  
lic nuisance. (Amended Ordinance 107-  
020805)
- (c) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall file a written report of findings with the Village President and the Village Administrator. The Village President, Village Administrator or Village Board may cause an action to abate such nuisance to be commenced in the name of the Village in the Circuit Court in accordance with the provisions of Wis. Stats., Chapter 823. (Amended Ordinance 107-020805)
- (d) Other Methods Not Excluded. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with law.
- 75 **Sec. 30.31 Cost of abatement.**  
76 In addition to any other penalty imposed by this  
77 chapter for the erection, contrivance, creation,  
78 continuance or maintenance of a public nuisance,  
79 the cost of abating a public nuisance by the Village  
80 shall be collected as a debt from the owner, occu-  
81 pant or person causing, permitting or maintaining  
82 the nuisance. If notice to abate the nuisance has  
83 been given to the owner, such cost shall be as-  
84 sessed against the real estate as a special charge.
- 85 **Sec. 30.32 Penalty.**  
86 (a) Any person who shall violate any provision  
87 of this chapter shall be subject to a penalty  
88 provided as follows:  
89 (b) First offense. Any person who shall violate  
90 any provision of this chapter shall, upon  
91 conviction thereof, forfeit not less than \$100  
92 nor more than \$500 together with the costs  
93 of prosecution and in default of payment of  
94 such forfeiture and costs of prosecution shall  
95 be imprisoned in the county jail until such  
96 forfeiture and costs are paid, but not exceed-  
97 ing 90 days. (Amended Ordinance 147-  
98 031709)

# Village of Sister Bay Code of Ordinances

*Sec. 30.32 Penalty.*

*Sec. 30.32 Penalty.*

- 1 (c) Second offense. Any person found guilty of  
2 violating this chapter or part of this chapter  
3 who shall previously have been convicted  
4 of a violation of this chapter shall, upon  
5 conviction thereof, forfeit not less than  
6 \$500 nor more than \$1,000 for each such  
7 offense, together with the costs of prose-  
8 cution and in default of payment of such  
9 forfeiture and costs shall be imprisoned in  
10 the county jail until such forfeiture and  
11 costs of prosecution are paid, but not to  
12 exceed six months. (*Amended Ordinance*  
13 *147-031709*)
- 14 (d) Each violation a separate offense. Each vio-  
15 lation and each day a violation continues  
16 or occurs shall constitute a separate of-  
17 fense. Nothing in this chapter shall pre-  
18 clude the Village from maintaining any ap-  
19 propriate action to prevent or remove a  
20 violation of this chapter.
- 21 (e) Execution against defendant's property.  
22 Whenever any person fails to pay any for-  
23 feiture and costs of prosecution upon the  
24 order of the court for violation, the court  
25 may, in lieu of ordering imprisonment of  
26 the defendant, or after the defendant has  
27 been released from custody, issue an exe-  
28 cution against the property of the defen-  
29 dant for such forfeiture and costs.

31

32

33

34 File Name:

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36 ence\Municipal Code Sister Bay\30-Chapter 30  
37 Nuisances 060909.doc

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