

ORDINANCE NO. 2026-012

AN ORDINANCE AMENDING SECTIONS 2-134, 10-7, 10-9, 10-11 AND 44-151 OF THE VILLAGE OF CRIVITZ CODE OF ORDINANCES RELATING TO UNSAFE BUILDINGS, REPAIR OR RAZE ORDERS, DEMOLITION, APPEALS AND RELATED PROCEDURES, AND COORDINATING THOSE PROVISIONS WITH PROPERTY MAINTENANCE STANDARDS IN SECTIONS 10-12 THROUGH 10-18

The Village Board of Trustees of the Village of Crivitz, Marinette County, Wisconsin, does ordain as follows:

SECTION 1. Section 10-7 repealed and recreated.

Section 10-7 of the Code of Ordinances, Village of Crivitz, Wisconsin, is repealed and recreated to read as follows:

Sec. 10-7. Unsafe buildings; repair or raze orders.

(a) Purpose and statutory authority. The purpose of this section is to protect public health, safety and welfare by establishing a clear local process for investigating unsafe buildings and issuing and enforcing repair or raze orders.

- (1) All action under this section shall comply with Wis. Stats. § 66.0413, as amended or renumbered from time to time, the provisions of which are incorporated herein by reference. If this section conflicts with applicable state law, state law shall control.
- (2) Sections 10-12 through 10-18 establish a separate process for ordinary exterior property-maintenance violations. Compliance with or completion of those procedures is not a prerequisite to action under this section, and the 90-day correction period provided for property-maintenance violations does not apply to an order or proceeding under this section. If a property-maintenance notice is pending when the village board authorizes investigation or action under this section concerning the same condition, the village board may stay or withdraw the property-maintenance notice. To the extent a property-maintenance requirement or deadline conflicts with an order or proceeding under this section or Wis. Stats. § 66.0413, this section and applicable state law control.

(b) Referral of suspected unsafe conditions. A suspected unsafe building or structure may be brought to the village's attention by the building inspector, any member of the village board, any village official or employee, the police department, the fire department, or any other person.

- (1) A complaint from a member of the public shall be submitted under the village's established complaint procedure, except when immediate emergency reporting is reasonably necessary. A referral by the building inspector, a member of the village board, another village official or employee, the police department or the fire department may be made directly to the village board or village clerk-treasurer and need not be submitted on the public complaint form.
- (2) A member of the village board may request that a suspected unsafe building or structure be placed on a village board agenda in accordance with the village's meeting procedures.
- (3) Except as provided for an emergency under subsection (j), a referral or complaint is not a determination that a building is unsafe and does not authorize entry onto private property.
- (4) If the reported condition does not appear to warrant unsafe-building action but may constitute a property-maintenance violation, the matter may be referred for processing under sections 10-12 through 10-18.

(c) Initial village board review. At a properly noticed meeting, the village board may direct the building inspector to investigate a suspected unsafe building or structure and to submit a written report to the village board. The village board's direction to investigate is preliminary only and does not constitute a finding that statutory grounds for a repair or raze order exist.

(d) Inspection and investigation. The building inspector shall conduct or arrange the investigation authorized by the village board. Entry onto private property shall be by consent or other lawful authority. If consent is denied and a special inspection warrant is required, the building inspector shall proceed in accordance with Wis. Stats. § 66.0119; any application for, issuance of, and execution of a special inspection warrant shall comply with that statute. The building inspector may request assistance from the police department, fire department, Department of Public Works, village attorney, assessor, architect, engineer, environmental consultant, pest-control professional, or other qualified person as reasonably necessary.

(e) Building inspector's report. Following the investigation, the building inspector shall prepare a written report for the village board. To the extent applicable, the report shall include:

- (1) The street address, legal description or other sufficient identification of the property and building.
- (2) The dates and scope of inspection, the persons participating, and any limitations on access.
- (3) The present and intended use and occupancy of the building, if known.
- (4) A description of the observed conditions, supported by photographs, inspection notes, code references, professional reports or other evidence.
- (5) A determination whether the building is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation under Wis. Stats. § 66.0413(1)(b)1., or whether another statutory ground exists, including cessation of normal construction for more than two years under Wis. Stats. § 66.0413(1)(b)2.
- (6) Any immediate hazard and any temporary action necessary to protect occupants, neighboring property or the public.
- (7) The repairs, if any, necessary to make the building safe and sanitary and, when required for purposes of Wis. Stats. § 66.0413, any repair-cost estimate or other cost evidence obtained from a qualified contractor, architect, engineer or other appropriate source.

- (8) The applicable building valuation information and the repair-reasonableness analysis required by Wis. Stats. § 66.0413(1)(c) and, when applicable, § 66.0413(3)(d) or § 66.0413(5)(c) through (e), based upon the repair-cost evidence and other information available to the village.
 - (9) Whether the building may be a historic building under Wis. Stats. § 66.0413(3) or a certain insured dwelling under Wis. Stats. § 66.0413(5), and the additional procedure required, if any.
 - (10) The building inspector's recommended action and a proposed reasonable time for compliance.
 - (11) If the conditions do not support action under Wis. Stats. § 66.0413 but may violate the property-maintenance standards in sections 10-12 through 10-18, a recommendation that the matter be handled under those sections.
- (f) Final village board review and approval.** After considering the building inspector's written report and any additional information the village board deems relevant, the village board may decline further action, direct additional investigation, refer the matter for property-maintenance enforcement under sections 10-12 through 10-18, or determine that grounds exist for an order authorized by Wis. Stats. § 66.0413.
- (1) No repair or raze order under this section shall be issued without prior approval of the village board, except that this requirement does not restrict temporary emergency action authorized under subsection (j).
 - (2) If the village board approves an order, it shall do so by resolution stating or incorporating the material findings and directing the building inspector, as the village's designated officer, to prepare, issue and administer the order on behalf of the village.
 - (3) The order shall identify the building and property, state the statutory basis and material findings, specify the required repairs if any, establish a reasonable compliance period, state the consequences of noncompliance, and provide notice of the statutory method and deadline for court review under Wis. Stats. § 66.0413(1)(h) and § 893.76.
 - (4) Any extension or material modification of a village-board-approved repair or raze order shall be in writing and approved by the village board unless the village board's resolution expressly delegates limited modification authority to the building inspector. The building inspector may document completion and compliance. No oral statement by a village official or employee shall be effective to modify the terms or compliance deadline of an order.
- (g) Historic buildings and insured dwellings.** Before approving or issuing an order, the village and building inspector shall determine whether the historic-building provisions of Wis. Stats. § 66.0413(3) or the insured-dwelling provisions of Wis. Stats. § 66.0413(5) apply and shall complete all additional notice, inspection, evidence-review, waiting-period and other requirements imposed by law.
- (h) Service and recording.** The village shall identify each owner of record and each holder of an encumbrance of record using a current title report, register-of-deeds search or other evidence reasonably sufficient to support service of the order. The order shall be served and, when applicable, posted and published in strict compliance with Wis. Stats. § 66.0413(1)(d).
- (1) After service, a raze order shall be recorded with the Marinette County Register of Deeds in accordance with Wis. Stats. § 66.0413(1)(e), unless the village attorney advises that recording is unnecessary or inappropriate in the particular case.
- (i) Vacating and placarding.** When required by Wis. Stats. § 66.0413(1)(br), the building inspector shall post the statutory notice prohibiting human habitation, occupancy or use and shall prohibit occupancy until the required repairs have been completed and approved.
- (1) No person other than the building inspector or an authorized village agent may remove, alter, cover or deface a placard posted under this section.
- (j) Emergency measures.** When the building inspector determines that an actual and immediate danger exists that threatens life, adjoining property or the public, the building inspector may take temporary action reasonably necessary and authorized by law without awaiting prior village board approval. Nothing in this subsection limits the independent emergency authority of the police department or fire department under applicable law.
- (1) Order the immediate evacuation of the building and prohibit entry except by authorized persons performing protective work.
 - (2) Post warning notices and establish barricades or other access controls.
 - (3) Require or arrange temporary securing, shoring or stabilization.
 - (4) Request the temporary disconnection of utilities when necessary for safety.
 - (5) Request assistance from the police department, fire department or Department of Public Works and coordinate any lawful temporary closure of an adjacent street, sidewalk or public area.
 - (6) The building inspector shall notify the village president and village clerk-treasurer of any emergency action as soon as practicable. The village president shall ensure that members of the village board are notified as soon as practicable. The village clerk-treasurer shall notify the police department, fire department, Department of Public Works, and other village personnel or agencies whose assistance may reasonably be required, as applicable. The building inspector shall provide a report of the emergency action to the village board at the earliest practicable meeting.
 - (7) This subsection does not authorize permanent demolition without the notice and procedure required by applicable law, except to the extent immediate demolition is expressly authorized by law under the circumstances presented.
- (k) Failure to comply; village action.** If an owner fails or refuses to comply within the time prescribed and no court order or other legal restraint prevents enforcement, the village board may authorize the building inspector to proceed in

accordance with Wis. Stats. § 66.0413(1)(f) and (g), including razing the building through an available public agency or by contract or arrangement with private persons, securing the building and, when authorized by law, the property on which it is located, or commencing an appropriate circuit-court action.

- (1) Any contract and expenditure shall be approved in accordance with applicable law, the adopted budget, and village purchasing and contracting requirements.
- (2) Costs incurred in razing or securing a building shall be charged, liened, assessed and collected only in the manner authorized by Wis. Stats. § 66.0413(1)(f).
- (3) Personal property and fixtures affected by a repair or raze order shall be removed, stored, sold, destroyed or otherwise handled only in accordance with Wis. Stats. § 66.0413(1)(i).
- (4) Salvage and valuable materials from a building subject to a raze order, and any proceeds from their sale, shall be handled only in accordance with Wis. Stats. § 66.0413(1)(j).

(l) Records. The village clerk-treasurer shall maintain a case file containing referrals, board actions, inspection materials, photographs, professional reports, valuation and repair-cost evidence, historic and insurance screening, title information, notices, orders, proof of service, publications, recordings, correspondence, compliance inspections, contracts, invoices, salvage records, cost-recovery documents and final closeout records.

(m) Other remedies preserved. Nothing in this section prevents the village from proceeding against a qualifying building as a public nuisance under Wis. Stats. § 66.0413(1)(k) and ch. 823, or from using the public-nuisance, in rem, receivership, injunction or other procedures available under Wis. Stats. § 66.0413(2), this Code, or other applicable law when those procedures are appropriate.

(n) Penalty. Unless a different penalty is specifically provided by statute, a person who violates this section or disobeys a lawful order issued under it is subject to the penalties provided in section 1-11. Each day a violation continues constitutes a separate violation.

SECTION 2. Section 2-134(h) repealed and recreated.

Section 2-134(h) of the Code of Ordinances, Village of Crivitz, Wisconsin, is repealed and recreated to read as follows:

(h) Appeal of inspector's orders and rulings. Except for a statutory repair or raze order governed by section 10-7 or a notice or determination governed by sections 10-12 through 10-18, any person feeling aggrieved by an order or ruling of an inspector may, within 20 days after the order or ruling, appeal in writing to the board of appeals established under the village zoning regulations. Property-maintenance reconsideration and further review shall be governed by section 10-17, Chapter 4 of this Code and applicable state law; the zoning board of appeals has no jurisdiction over a property-maintenance determination solely by reason of sections 10-12 through 10-18. Review of a repair or raze order governed by Wis. Stats. § 66.0413 shall be exclusively as provided by Wis. Stats. § 66.0413(1)(h) and § 893.76, and the board of appeals has no jurisdiction to review such an order.

SECTION 3. Section 10-9 repealed and recreated.

Section 10-9 of the Code of Ordinances, Village of Crivitz, Wisconsin, is repealed and recreated to read as follows:

Sec. 10-9. Demolition and razing permits; site requirements.

(a) Permit required; permittee. Except as otherwise expressly authorized by law, no building within the village shall be demolished or razed without a permit from the building inspector. A demolition permit is required in addition to any repair or raze order and does not replace or alter the procedures required by section 10-7 or state law. For purposes of this section, "permittee" means the property owner, demolition contractor, public agency or other person or entity to whom the demolition permit is issued. When an owner complies with a repair or raze order by arranging demolition, the permit may be issued to the owner or the demolition contractor performing the work. When the village causes a building to be razed by contract or arrangement with a private person under Wis. Stats. § 66.0413(1)(f), the demolition contractor performing the work shall obtain the demolition permit and shall be the permittee unless a different arrangement is required by law or approved by the building inspector. When a public agency performs the demolition under Wis. Stats. § 66.0413(1)(f), permit responsibility shall be handled as required by applicable law and the arrangement with that agency. The repair or raze order provides the authority requiring the demolition; the demolition permit governs the manner in which the demolition and site-restoration work is performed.

(b) Permit term. A demolition permit shall lapse unless work is commenced within six months after issuance and completed within 30 days after work commences. The building inspector may grant a written extension for good cause if the site remains safe, secure and free of nuisance conditions. Issuance or extension of a demolition permit does not extend, modify or supersede a compliance deadline contained in a repair or raze order. Any change to an order or compliance deadline shall be made separately in accordance with section 10-7 and applicable law.

(c) Pre-demolition requirements. Before demolition begins, the permittee shall:

- (1) Provide evidence satisfactory to the building inspector that electric, gas and other private utility services have been safely disconnected or arrangements for disconnection have been approved by the applicable utility.
- (2) Coordinate with the Department of Public Works and disconnect, cap or abandon municipal water and sanitary sewer services at the location and in the manner approved by the Director of Public Works or designee.
- (3) Comply with all applicable federal and state asbestos, lead, hazardous-material, environmental and demolition-notification requirements and provide requested documentation to the building inspector.

- (4) Complete pest-control treatment when reasonably required by the building inspector to prevent the migration of rodents or insects from the demolition site.
- (5) Install a fence, barricade or other approved site protection before any portion of the building is removed and maintain that protection throughout the work.
- (6) Obtain any other permit or approval required for erosion control, work in the public right-of-way, utility abandonment, waste handling or the proposed means of demolition.
- (d) Demolition operations.** The permittee shall conduct demolition safely and in a manner that protects neighboring property and the public.
 - (1) Demolition debris shall be removed promptly and disposed of at a facility legally authorized to accept it. Accumulated debris shall not create a hazard or nuisance.
 - (2) Combustible material, demolition debris and other prohibited material shall not be used as backfill.
 - (3) No demolition material may be burned on the site.
 - (4) Dust shall be controlled by water spraying or another approved method whenever demolition creates or is likely to create a dust nuisance.
 - (5) Public streets, sidewalks, utilities, drainage facilities and adjoining property shall be protected from damage. Any damage caused by the work shall be repaired at the permittee's expense.
- (e) Site restoration and closeout.** After demolition, the permittee shall:
 - (1) Remove foundations, basement walls, slabs and subsurface appurtenances unless the building inspector approves a different method in writing. Where municipal utilities or public infrastructure may be affected, the building inspector shall consult with the Department of Public Works.
 - (2) Fill excavations with clean approved material, compact the fill, and grade the site to drain safely without adversely affecting neighboring property or the public right-of-way.
 - (3) Place topsoil and seed, mulch or otherwise stabilize disturbed areas so the site is dust-free and erosion-free.
 - (4) Restore disturbed streets, sidewalks, curbs, terraces, utility areas and drainage facilities to a condition approved by the village.
 - (5) Request and pass a final inspection by the building inspector and, for municipal utility or public-infrastructure work, the Department of Public Works.
- (f) Enforcement.** Failure to comply with this section is subject to section 1-11 and any other remedy available by law. Nothing in this section limits cost recovery under section 10-7, Wis. Stats. § 66.0413, a permit condition, contract, bond, or other applicable authority.

SECTION 4. Section 10-11(c), (d) and (e) repealed and recreated.

Subsections (c), (d) and (e) of section 10-11 of the Code of Ordinances, Village of Crivitz, Wisconsin, are repealed and recreated to read as follows:

(c) Unsafe or substantially deteriorated structures. Whenever the condition of an existing building or structure may warrant vacation, repair, securing or demolition for the protection of the public, the building inspector and village shall proceed under section 10-7, Wis. Stats. § 66.0413, and other applicable law. No building shall be ordered demolished solely because the cost of repair or degree of deterioration exceeds a percentage stated in this section. If the condition does not warrant unsafe-building action but constitutes a property-maintenance violation, the matter may proceed under sections 10-12 through 10-18.

(d) Required structural repairs. When structural members have deteriorated below the strength required by applicable law, the owner shall restore those members as required by a lawful correction order. If the condition also renders the building unsafe, unsanitary or unfit for habitation, occupancy or use, further action shall be governed by section 10-7 and applicable state law. Ordinary exterior deterioration that does not meet the unsafe-building threshold may be addressed under sections 10-12 through 10-18 when applicable.

(e) Building inspector to determine extent of deterioration. The nature and extent of deterioration of an existing building or structure shall be determined by the building inspector based upon lawful inspection and competent evidence. The building inspector may require or consider reports from qualified architects, engineers, contractors or other professionals when necessary to evaluate structural condition, required repairs or reasonable repair cost. The building inspector shall report findings to the village board under the procedure applicable to the type of enforcement being considered.

SECTION 5. Section 44-151(c) repealed and recreated.

Section 44-151(c) of the Code of Ordinances, Village of Crivitz, Wisconsin, is repealed and recreated to read as follows:

(c) Unsafe nonconforming structures. Nothing in this chapter precludes the building inspector, a member of the village board, or another village official from referring a lawful nonconforming structure for investigation when it may be unsafe, dangerous to public health, safety or welfare, a public nuisance, or in violation of a licensing regulation. Ordinary exterior property-maintenance conditions affecting a lawful nonconforming structure may be addressed under sections 10-12 through 10-18. Any order to vacate, repair, secure or raze a structure under unsafe-building authority shall be issued and enforced under section 10-7, Wis. Stats. § 66.0413, and other applicable law.

SECTION 6. State-law protections preserved.

The provisions of this ordinance are intended to supplement applicable state law. Nothing in this ordinance shall be interpreted to reduce any notice, hearing, service, waiting-period, judicial-review or other procedural protection required by law.

SECTION 7. Severability.

If any provision of this ordinance is held invalid or unconstitutional, that holding shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 8. Effective date.

This ordinance shall take effect upon passage and publication or posting as required by law.

Adopted by the Village Board of Trustees of the Village of Crivitz this ____ day of _____, 2026.

Ginger Deschane, Village President

ATTEST:

Elizabeth Moser, Village Clerk-Treasurer

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