

**VILLAGE OF CRIVITZ, WISCONSIN
DRAFT ORDINANCE NO. 2026-011
PROPERTY MAINTENANCE STANDARDS**

AN ORDINANCE AMENDING CHAPTER 4, ADMINISTRATIVE REVIEW, AND CHAPTER 10, BUILDINGS AND CONSTRUCTION, OF THE CODE OF ORDINANCES, VILLAGE OF CRIVITZ, WISCONSIN, BY CREATING SECTIONS 10-12 THROUGH 10-18 RELATING TO PROPERTY MAINTENANCE STANDARDS, COMPLAINTS, INVESTIGATION, NOTICE, VILLAGE BOARD RECONSIDERATION AND ENFORCEMENT; BY AMENDING SECTION 4-3(2) TO PRESERVE FURTHER ADMINISTRATIVE REVIEW; BY REPEALING AND RECREATING SECTION 10-121 RELATING TO INSPECTION POWERS; AND BY AMENDING SECTION 10-122(a), (b), (c) AND (e) TO COORDINATE CORRECTION, STOP-WORK, CONTINUING-VIOLATION AND REVIEW PROCEDURES WITH THE PROPERTY-MAINTENANCE AND UNSAFE-BUILDING PROVISIONS.

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

SECTION 1. Sections 10-12 through 10-18 created.

Chapter 10, Article I, of the Code of Ordinances, Village of Crivitz, Wisconsin, is amended by adding sections 10-12 through 10-18 to read as follows:

Sec. 10-12. Property maintenance; purpose and scope.

(a) Purpose and statutory authority. The purpose of this section and sections 10-13 through 10-18 is to establish objective minimum standards for the exterior condition of existing buildings and structures in order to protect public health, safety and welfare and to prevent material deterioration, while respecting the rights of property owners. These sections are adopted pursuant to the village board's powers under Wis. Stats. § 61.34(1) and, where applicable, the express authority to enact and enforce a property maintenance code under Wis. Stats. § 101.02(7r)(e).

(b) Scope. These sections regulate maintenance of existing buildings and structures, including material deterioration and unsafe exterior physical conditions. They are not intended to establish construction standards for new buildings, additions or alterations except as otherwise authorized by law. These sections do not establish aesthetic standards and shall not be enforced solely because a building is old, dated, faded or otherwise considered unattractive.

(c) Other regulations preserved; relationship to unsafe-building procedure. These sections do not regulate lawns, weeds, vegetation, abandoned or junk vehicles, solid waste, outdoor storage or other conditions regulated elsewhere in this Code. Nothing in these sections limits enforcement under section 10-7, Wis. Stats. § 66.0413 or any other applicable law or ordinance. Completion of the property-maintenance procedure is not a prerequisite to action under section 10-7 when unsafe-building or emergency action is warranted.

(d) Equal application; landlord-tenant rights. The same property-maintenance standards apply regardless of whether property is owner-occupied, rented, leased, vacant, residential, commercial or otherwise occupied, except where a different standard is required by applicable law. For municipal enforcement purposes, the property owner of record is the primary party to whom a notice or order under these sections is directed. Nothing in these sections alters or limits a residential tenant's responsibility or a residential landlord's right to recover for damage, waste or neglect under Wis. Stats. § 66.0104(2)(c), Wis. Stats. ch. 704, a rental agreement or other applicable law.

(e) State law controls. These sections shall be interpreted and enforced consistently with applicable state law. If a provision of these sections conflicts with applicable state law, state law shall control.

Sec. 10-13. Definitions.

The following words, terms and phrases, when used in sections 10-12 through 10-18, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a detached building or structure accessory or incidental to the principal use of a property, including detached garages, sheds, gazebos, pergolas, retaining walls, fences and similar structures.

Deterioration means physical decline from age, weather, neglect, damage or lack of maintenance, including rot, corrosion, rust, decay, cracking, peeling, flaking, spalling, loose or missing components, water damage or other conditions that materially impair function, durability, structural integrity, weather resistance or safety.

Exterior surface means any outside portion exposed to the weather, including siding, trim, fascia, soffits, masonry, brick, stucco, exterior paint or coatings, windows, doors, roofing materials, gutters, downspouts, foundations, chimneys and similar exterior components.

Good repair means a condition in which a building, structure, exterior surface, structural component or accessory structure is structurally sound, weather-resistant where applicable, secure, properly functioning and free from significant deterioration.

Materially means to a degree that is more than minor or cosmetic and that reasonably affects function, durability, weather resistance, structural integrity, security or safety.

Structural component means an element of a building or structure that contributes to its strength, stability, integrity or safe use, including foundations, footings, load-bearing walls, columns, beams, floor and roof framing, stairways, porches, decks, balconies, railings and similar components.

Weather-resistant means maintained to prevent intrusion of water or other weather elements and to protect underlying materials from material deterioration.

Sec. 10-14. Minimum property maintenance standards.

(a) General rule. All buildings, exterior surfaces, structural components and accessory structures shall be maintained in good repair and, where applicable, weather-resistant.

(b) Exterior surfaces. Exterior surfaces shall not exhibit any of the following conditions when the condition materially impairs function, durability, weather resistance, structural integrity or safety:

- (1) Missing or loose exterior materials.
- (2) Holes or openings exposing underlying materials.
- (3) Significant rot or deterioration.
- (4) Failed protective coatings exposing underlying materials to deterioration.

Normal weathering, fading, minor peeling and other cosmetic imperfections that do not materially impair function, durability, weather resistance, structural integrity or safety are not violations.

(c) Roof systems. Roof systems shall be maintained in good repair and weather-resistant and shall not exhibit any of the following:

- (1) Missing or significantly damaged roofing materials.
 - (2) Defects that permit water intrusion.
 - (3) Sagging or deformation that materially affects structural integrity or safe performance.
- Discoloration, staining, fading or other cosmetic conditions alone are not violations.

(d) Windows and doors. Windows and exterior doors shall be maintained in good repair and weather-resistant and shall not exhibit any of the following:

- (1) Broken or missing glazing permitting weather intrusion.
- (2) Unsecured exterior doors.
- (3) Damage preventing proper closure or secure latching.

Minor cosmetic wear that does not materially impair function, weather resistance or security is not a violation.

(e) Structural components. Structural components shall be structurally sound and shall not exhibit deterioration or damage that materially impairs strength, stability, structural integrity or safe use. Minor cosmetic defects that do not materially impair performance or safety are not violations.

(f) Foundations. Foundations and foundation components shall be maintained in good repair and shall not exhibit significant deterioration, displacement, failure, openings or other conditions that materially impair structural support, stability or weather resistance.

(g) Porches, decks, exterior stairs and railings. Porches, decks, balconies, exterior stairways, guards and railings shall be maintained structurally sound, securely attached where applicable and safe for normal use. Deterioration or damage that materially impairs support, stability, secure attachment or safe use is a violation.

(h) Chimneys and exterior projections. Chimneys and other exterior projections or attached components shall be maintained structurally sound and securely attached so that deterioration, instability or loose components do not create a falling or collapse hazard.

(i) Roof drainage systems. Where gutters, downspouts or other roof-drainage components are installed, they shall be maintained in good repair and securely attached and shall not discharge in a manner that materially contributes to deterioration of the building or creates a hazardous condition. Nothing in this subsection requires installation of gutters or downspouts where none otherwise exist.

(j) Accessory structures. Accessory structures shall be maintained in good repair and, where applicable, weather-resistant. Accessory structures shall not exhibit structural instability, partial collapse or missing exterior materials that expose the structure to material weather damage. Minor cosmetic imperfections that do not materially impair safety, durability, structural integrity or weather resistance are not violations.

(k) Objective enforcement. Enforcement shall be based on the objective physical conditions stated in this section. Age, appearance, architectural style, faded finishes, minor cosmetic imperfections or other aesthetic considerations shall not independently constitute a violation.

Sec. 10-15. Complaints; investigation; building inspector findings.

(a) Written complaint required. Except as provided in section 10-18 for emergency or unsafe-building conditions, proceedings under sections 10-12 through 10-18 shall be initiated by a written complaint submitted under the complaint procedure or form established by the village. The complaint shall identify the complainant and contact information, the property complained of and the alleged condition. Anonymous complaints shall not initiate proceedings under these sections.

(b) Persons who may complain. A complaint may be filed by any identifiable person, including a resident, property owner, tenant, business owner, village official or employee, law enforcement officer, building inspector or other person having knowledge of the alleged condition. Submission of a complaint does not establish that a violation exists and does not require enforcement action.

(c) No routine inspection program. The village shall not conduct a routine or systematic inspection program for the purpose of identifying violations of sections 10-12 through 10-18. This subsection does not limit an inspection otherwise required or authorized by another provision of this Code, a permit, state law or lawful emergency authority, and these sections do not establish a rental-property inspection program.

(d) Investigation. Upon receipt of a complaint, the building inspector may investigate the alleged condition and shall base any findings on the standards stated in section 10-14.

(e) Entry and special inspection warrants. Nothing in sections 10-12 through 10-18 authorizes entry into or upon private property without consent or other lawful authority. Except in an emergency when no special inspection warrant is required by law, if entry for inspection purposes is reasonably necessary and consent is refused, the building inspector, to the extent authorized as a peace officer under Wis. Stats. § 66.0119(1)(b), or another authorized peace officer may apply for, obtain and execute a special inspection warrant in accordance with Wis. Stats. § 66.0119.

(f) Written findings. If the building inspector finds sufficient evidence of a violation, the building inspector shall prepare written findings for the village board identifying the property, observed condition, applicable Code provision, reasonably necessary corrective action, photographs or other documentation when reasonably available and other relevant information.

(g) Rental-property complaint records. When a complaint concerning a residential rental property or rental unit is made by an inspector, other village employee or elected village official, the village shall maintain the record required by Wis. Stats. § 66.0104(2m), including the name of the person making the complaint, the nature of the complaint and any inspection conducted upon the complaint.

Sec. 10-16. Village board review; notice of violation; correction period.

(a) Board authorization. The village board shall review the building inspector's written findings at a properly noticed meeting and shall determine by majority vote whether enforcement should proceed. The determination shall be based on the standards in sections 10-12 through 10-14, the written findings and other relevant information before the board, and the board's action shall be reflected in the meeting record. The board may authorize a notice of violation, request additional information or inspection, decline enforcement under these sections, or refer the matter for action under another applicable ordinance or law. Authorization to issue a notice is preliminary enforcement authorization and does not constitute a final determination following owner reconsideration or other administrative review.

(b) Notice. If authorized by the village board, the building inspector shall issue a written notice of violation and order to correct to the property owner of record. The notice shall identify the property; the specific exterior component, area or location of the condition constituting the violation; the applicable Code section or subsection; the corrective action reasonably necessary; the correction deadline; the exact date by which a request for village board reconsideration under section 10-17(a) must be received; and the consequences of failure to comply. The notice shall also advise that separate administrative or judicial review may be available under Chapter 4 of this Code or applicable state law. The optional 15-day village board reconsideration procedure does not replace, waive or extend any separate Chapter 4 or judicial-review deadline unless applicable law expressly provides otherwise.

(c) Correction period. For an ordinary property-maintenance violation, the owner shall be provided 90 days from service of the notice to correct the violation. A condition requiring action sooner because it presents an actual and immediate danger or may warrant unsafe-building action shall be handled under section 10-18, section 10-7 or other applicable law rather than by shortening the ordinary 90-day property-maintenance correction period.

(d) Service. The notice shall be sent to the property owner of record by certified mail and regular first-class mail. Personal service may be used when reasonably necessary. Proof of mailing or service shall be retained in the case file. If both mailed copies are returned as undeliverable, the village shall make a reasonable additional effort to provide actual notice before ordinary citation enforcement begins. If the property is occupied by a person other than the owner, a copy may also be provided to the occupant, but the owner remains the primary party responsible for municipal compliance.

Sec. 10-17. Owner reconsideration; administrative review; extensions; enforcement.

(a) Request for village board reconsideration. A property owner receiving a notice under section 10-16 may request reconsideration by the village board. The written request shall be received by the village within 15 days after service of the notice and shall state the basis for the objection or requested modification. No fee shall be charged for reconsideration. This subsection provides an optional local reconsideration procedure and does not constitute or replace a request for review under section 4-31. Failure to request reconsideration within 15 days does not shorten or waive any separate administrative or judicial review right otherwise available under Chapter 4 of this Code or applicable law.

(b) Stay during timely reconsideration. A timely request for reconsideration under subsection (a) stays the property-maintenance correction period and ordinary citation enforcement until the village board issues its reconsideration decision. The stay does not apply to emergency or unsafe-building action under section 10-18, section 10-7 or other applicable law.

(c) Village board reconsideration. The village clerk-treasurer shall place a timely request for reconsideration on the earliest practicable properly noticed village board meeting and shall provide the owner reasonable notice of the meeting. The owner shall be given a reasonable opportunity, personally or through a representative or counsel, to present written information and, when the board permits, oral information relevant to the notice. The village board may affirm the notice, modify the notice or corrective action, extend or modify the compliance period, or withdraw or dismiss the notice. The board's decision shall be reduced to writing, shall state the material reasons for the decision, and shall be mailed or delivered to the owner. The written decision shall advise the owner that any separate administrative or judicial review right under Chapter 4 of this Code or applicable law remains subject to the deadline and procedure established by those provisions. Unless the board establishes a different deadline or a separate review stay applies under subsection (d), the remaining portion of the correction period shall resume when the written reconsideration decision is mailed or delivered to the owner.

(d) Further administrative and judicial review. A property-maintenance notice or determination under sections 10-12 through 10-18 remains reviewable under Chapter 4 of this Code to the extent provided by that chapter and Wis. Stats. ch. 68. The optional village board reconsideration procedure in subsections (a) through (c) is supplemental and does not displace the review procedure in sections 4-31 through 4-36. A person seeking Chapter 4 review must separately comply

with the applicable filing deadline and procedure in Chapter 4. A timely request for review or administrative appeal under Chapter 4 shall stay the remaining property-maintenance correction period and ordinary citation enforcement until the applicable municipal review is complete, unless otherwise provided by law. The zoning board of appeals has no jurisdiction over a property-maintenance determination solely by reason of sections 10-12 through 10-18.

(e) Extension of time. The building inspector may grant a reasonable written extension of the correction period when the owner demonstrates good-faith progress and additional time is reasonably required because of weather, contractor or material availability, permitting requirements, financial arrangements, the nature of the repairs, or other circumstances reasonably justifying additional time. An extension under this subsection extends time only and does not waive or materially modify the village-board-authorized corrective requirements. A material modification of those requirements shall be approved by the village board.

(f) Reinspection and citation. After expiration of the correction period, any approved extension, and any applicable stay under this section, the building inspector may reinspect or otherwise verify compliance. If the violation remains, the building inspector shall document the continued violation. Law enforcement or another official authorized by section 1-12 may thereafter issue a citation in accordance with section 1-12 and Wis. Stats. § 66.0113, or take other enforcement action authorized by this Code. No citation shall be issued for an ordinary property-maintenance violation before expiration of the applicable correction period, approved extension and applicable stay.

(g) Penalty. After expiration of the applicable correction period, any approved extension and any applicable stay, a person who continues to violate sections 10-12 through 10-18 or fails to comply with a lawful order issued under them is subject to section 1-11. For purposes of section 1-11(b), each day the violation continues after those periods and stays have expired constitutes a separate offense.

(h) Repeat condition. A condition that has been corrected and later reoccurs shall be treated as a new alleged violation and shall proceed through the complaint and notice procedure established by sections 10-15 and 10-16.

(i) Records. The village clerk-treasurer shall maintain a case file containing the complaint, building inspector findings, photographs and other inspection material, village board actions, notices, proof of mailing or service, owner submissions, reconsideration and administrative-review records, extensions, compliance inspections, citations and final closeout records. Records concerning complaints and inspections of residential rental property shall also be maintained as required by Wis. Stats. § 66.0104(2m), when applicable.

(j) No ordinary municipal repair or special-charge authority. Sections 10-12 through 10-18 do not independently authorize the village to enter private property to perform ordinary property-maintenance repairs, to charge the cost of such repairs against the property, or to impose a special charge, special assessment or lien for such repairs. Nothing in this subsection limits separate authority available under section 10-7, Wis. Stats. § 66.0413, nuisance law or other applicable law.

Sec. 10-18. Emergency conditions; unsafe buildings; enforcement responsibilities.

(a) Emergency conditions. Sections 10-12 through 10-18 do not create a separate emergency-abatement procedure. If, during a complaint investigation or property-maintenance proceeding, the building inspector determines that an actual and immediate danger may require emergency action, the matter shall be handled under section 10-7(j) and other applicable law. Nothing in these sections limits independent emergency authority otherwise granted by law to the police department or fire department.

(b) Unsafe buildings. If a condition may meet the requirements for action as an unsafe, dangerous, unsanitary or unfit building under section 10-7 or Wis. Stats. § 66.0413, the village may proceed under those authorities rather than, or in addition to, sections 10-12 through 10-18. The property-maintenance complaint, notice, 90-day correction and reconsideration procedures are not prerequisites to lawful emergency or unsafe-building action. If a property-maintenance notice is pending when the village board authorizes investigation or action under section 10-7 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 section 10-7 or Wis. Stats. § 66.0413, section 10-7 and applicable state law control.

(c) Responsibilities. The building inspector is responsible for technical investigation, inspection, preparation of findings and issuance of village-board-authorized notices under these sections. The village board determines whether ordinary property-maintenance enforcement shall proceed. Law enforcement may enforce lawful orders and issue citations as authorized by this Code and applicable law.

SECTION 2. Section 4-3(2) repealed and recreated.

Subsection (2) of section 4-3 of the Code of Ordinances, Village of Crivitz, Wisconsin, is repealed and recreated to read as follows:

Sec. 4-3. Determinations not subject to review.

(2) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code, except that a property-maintenance notice or determination under sections 10-12 through 10-18 remains reviewable under this chapter as provided in section 10-17.

[Subsections (1) and (3) through (8) remain unchanged.]

SECTION 3. Section 10-121 repealed and recreated.

Section 10-121 of the Code of Ordinances, Village of Crivitz, Wisconsin, is repealed and recreated to read as follows:

Sec. 10-121. Inspection powers.

An authorized inspection official of the village may conduct inspections at reasonable hours for purposes authorized by this Code or applicable law and, upon request, shall present proper credentials. The inspection official may require production of any permit required by this chapter for building, plumbing, electrical, heating or other regulated work. Entry into personal or real property that is not a public building, or into portions of a public building not open to the public, shall be by consent or other lawful authority. Except in an emergency when no special inspection warrant is required by law, if consent to entry for inspection purposes is refused, an authorized peace officer may apply for, obtain and execute a special inspection warrant under Wis. Stats. § 66.0119. No person shall interfere with an inspection lawfully conducted pursuant to consent, a special inspection warrant or other lawful authority.

SECTION 4. Section 10-122(a), (b), (c) and (e) repealed and recreated.

Subsections (a), (b), (c) and (e) of section 10-122 of the Code of Ordinances, Village of Crivitz, Wisconsin, are repealed and recreated to read as follows:

Sec. 10-122. Enforcement procedure.

(a) Notice of violation; time for correction. Except as otherwise provided in section 10-7 or sections 10-12 through 10-18, if an inspection reveals a noncompliance with this chapter, the building inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. Violations governed by this subsection shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to applicable law. For an order governed by the Uniform Dwelling Code, see Wis. Admin. Code §§ SPS 320.10(4) and 320.21(3). Property-maintenance violations are governed by the correction and review procedures in sections 10-16 and 10-17, and unsafe-building proceedings are governed by section 10-7 and applicable state law.

(b) Stop-work orders. For construction or other work governed by subsection (a), if the violation is not corrected within the applicable correction period, a stop-work order may be served on the owner or representative and a copy may be posted at the construction site. Such stop-work order shall not be removed except by written notice of the building inspector after satisfactory evidence has been supplied that the cited violation has been corrected. This subsection does not create a stop-work remedy for ordinary property-maintenance violations under sections 10-12 through 10-18 and does not alter the procedures governing unsafe buildings under section 10-7.

(c) Continuing violations. For a violation governed by subsection (a), each day the violation continues after the applicable correction period has expired shall constitute a separate offense. Continuing property-maintenance violations are governed by sections 10-17 and 1-11. Unsafe-building orders and proceedings are governed by section 10-7, Wis. Stats. § 66.0413 and other applicable law. Nothing in this chapter precludes the village from maintaining an appropriate action otherwise authorized by law to prevent or remove a violation.

(e) Review and appeals. Except for a repair or raze order governed by section 10-7 or a property-maintenance notice or determination governed by sections 10-12 through 10-18, a person feeling aggrieved by an order or determination of the building inspector may appeal as provided in section 2-134(h). Property-maintenance reconsideration and further review shall be governed by section 10-17, Chapter 4 of this Code and applicable state law. Review of a repair or raze order governed by Wis. Stats. § 66.0413 shall be as provided by that statute and Wis. Stats. § 893.76. The zoning board of appeals has no jurisdiction over a property-maintenance determination or statutory repair or raze order solely by reason of this chapter.

[Subsections (d), (f) and (g) remain unchanged.]

SECTION 5. Reserved sections.

The reservation following section 10-18 shall read: "Secs. 10-19-10-40. Reserved."

SECTION 6. State-law protections preserved.

Nothing in this ordinance shall be interpreted to reduce any right of notice, administrative review, judicial review, consent, special inspection warrant or other procedural protection required by applicable law.

SECTION 7. Severability.

If any provision of this ordinance is adjudged unconstitutional, invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected.

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