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- 9.01 **PURPOSE**

This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well being of persons occupying or using such building, and the general public.

9.02 **SCOPE**

This code shall apply to all new commercial, industrial and residential buildings and auxiliary buildings and structures erected within the Village or moved into the Village.

9.03 **APPLICATION OF STATE CODES**

Wis. Admin. Code Ind. Chapters 20 through 25 and 50 through 64, the State Electrical Code, the State Plumbing Code, the State Flammable Liquids Code and the State Well Drilling Code are hereby adopted by reference and the Building Inspector shall enforce the provisions thereof. Any violation of said codes or amendments thereto shall constitute a violation of this code, whether unlawful building alteration, installation, moving or construction involved is specifically covered by other provisions of this code or not, and shall render the violator liable to the penalties contained herein.

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9.04 DEFINITIONS OF TERMS

The building terms in this chapter shall have the meaning given them by the State Building Code and by common usage in the building trades.

9.05 WORKMANSHIP REGULATED

Workmanship in the fabrication, preparation and the installation of materials shall conform to generally accepted good practice.

9.06 BUILDING PERMITS AND INSPECTION

- (1) PERMIT REQUIRED. No building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or any existing building, or any part thereof, enlarged, improved, altered, converted, moved, wrecked, or demolished, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Village Board.
- (2) PERMIT NOT REQUIRED. This section shall not be construed to require a permit for any minor repairs or alterations which do not change the occupancy, area, structural, strength, fire protection, exits, lights or ventilation of the buildings
- (3) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Village Clerk and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Village Board may require.
- (3) DEDICATED STREET REQUIRED. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.
- (4) UTILITIES REQUIRED. No building permit shall be issued for the construction of any residential building until sewer and water are installed and grading and graveling of the street necessary to service the property for which the permit is required is completed, and a receipt for payment of electrical hook-up is presented to the Village Board. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property. If sewer and/or water are not available, no permit shall be issued until a well and/or a septic tank or holding tank permit have been issued.
- (5) PLANS. With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One plan shall be submitted which shall remain on file in the office of the Village Clerk. All plans and specifications shall be signed by the designer. Plans for all new 1- and 2-family dwellings shall comply with the provisions of Wis. Adm. Code. Ind. Section 20.09(4).
- (6) APPROVAL OF PLANS. If the Village Board determines that the building will comply in every respect with all ordinances of the City and all applicable laws and administrative rules of the

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State, he shall issue a building permit which shall state the use to which said building is to be put. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or administrative rules, or which involves the safety of the building or occupants, except with the written consent of the Village Board. In case adequate plans are presented for part of the building only, the Village Board, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

- (7) **ISSUANCE OF PERMIT.** It shall be the duty of the Village Clerk to examine applications for permits, within a reasonable time after filing. If, after examination, he or she finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto and the proposed work will be safe, the Village Board shall approve such application, and issue a permit for the proposed work as soon as practicable.
- (8) **PERMIT FEES.** No permit shall be approved by the Village Board until the fees hereinafter prescribed, together with the mandated fees, have been paid. Each permit shall show the Owners name, the location of the premises, the operations involved and a receipt for the total amount paid. The fees to be paid for permits are as follows:
- | | | |
|-----|--|---------|
| (A) | New buildings, foundation starts | \$20.00 |
| (B) | Repair/Renovation | \$20.00 |
| (C) | Open sheds/Temp. buildings | \$20.00 |
| (D) | Fences | \$20.00 |
| (E) | Re-Shingling and Re-Roofing | \$20.00 |
| (F) | Wrecking a building | \$20.00 |
| (G) | Swimming Pool inground or above ground | \$20.00 |
- (7) **PERMIT LAPSES.** A building permit shall lapse and be void unless building operations are commenced within six (6) months, or no significant progress has been made within one year.

9.07 GARAGES

- (1) **LOCATION.**
- (A) An attached garage is one that is constructed as an integral part of the house or is in the basement of the house or which is so situated that any portion of it lies in front of an imaginary line extending across the lot, said line being five (5) feet in back of and parallel to the rearmost portion or rearmost face of the house whether the garage is connected to the house by a breezeway or detached from the house. All such attached garages shall be subject to the rules, regulations and restrictions relative to the distance from rear lot lines which apply to the house proper. Framing of an attached garage shall be consistent with that of the dwelling of which it is a part. A minimum fire resistant wall shall be constructed between an attached garage and the dwelling to which it is attached, in compliance with Wis. Adm. Code ILHR 21.08 and Table 21.08.
- (B) A detached garage, no part of which lies less than five (5) feet back of and five (5) feet away from the rear of the house, may be erected within three (3) feet from the side or rear lot line, this distance to be measured from the outer edge of the eaves or drip and not from the foundation.

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- (C) Regardless of the building setback line from any street line, no garage or carport, whether attached or detached, shall be located closer than the setback distances set in the Zoning Code.

9.08 FENCES--GENERAL REQUIREMENTS

- (A) No fence along property lines shall be constructed more than six (6) feet in height and no more than four (4) feet in height in the street yard. (See also vision clearance requirements for corner lots in sec. 17.18(6) of this Code.)
- (B) Any person building a fence on the property of another person shall move said fence to its correct location within thirty (30) days after discovery of the encroachment.
- (C) Any fence constructed shall be constructed a minimum of four (4) inches from the property line on the property of the person constructing the fence. No barbed wire fencing shall be permitted in any residential district. A sketch showing the type of fence, location of corners and the spacing of posts shall be submitted to the Building Inspector along with the building permit application.
- (D) Maximum spacing of posts shall be twelve (12) feet. Posts shall be of a durable material and shall be adequately anchored in the ground in accordance with good building practices. Wood posts shall be treated.
- (E) In agricultural districts, a proper fence may be constructed on the property line providing all adjoining parties agree to said fence and said fence is constructed in accordance with State law.
- (F) Temporary fences may be erected in various places if properly maintained. Such fences include snow protection fences, fences protecting construction and fences temporarily protecting hazardous locations.
- (G) All swimming pools not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, not less than five (5) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one dimension. Gates or doors shall be constructed so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool at all times when the pool is not in actual use.
- (H) Above-ground pools with self-provided fencing to prevent unguarded entry shall be permitted without separate additional fencing, provided the self-provided fence is of the minimum height and design as herein specified.

9.09 VIOLATIONS AND PENALTY

- (1) **FORFEITURE ACTION.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter shall be subject to a penalty as provided in Sec. 11.00 of this Code. The Village Board shall promptly report all such violations to a police officer, and a police officer shall issue a citation to the violator. Every day a violation occurs shall constitute a separate offense.
- (2) **ACTION TO ABATE.** Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter shall be

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deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the City Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 25.04 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunction order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.

9.10 MINIMUM STANDARDS GOVERNING THE CONDITION AND MAINTENANCE OF DWELLINGS

The Village has determined that there are or may be dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic or unsanitary as to constitute a menace to the health and safety of the people of the Village. The purpose of this sub chapter is to establish minimum standards governing the condition and maintenance of dwellings; establish minimum standards governing supplied utilities and facilities and other physical conditions essential to make dwellings safe, sanitary and fit for human habitation; establish minimum standards governing the condition of dwellings offered for rent; fix certain responsibilities of owners and occupants of dwellings, and the condemnation of dwellings unfair for human habitation; coordinate the activities of the Village Board; fix penalties for violations and fix a time when the same shall take effect.

9.12 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for living, sleeping, cooking and/or eating meals therein which does not comply with the following requirements:

- (1) KITCHEN SINK REQUIRED. Every dwelling unit shall contain a kitchen sink and laundry tray in good working condition, properly connected to a water and sanitary sewer system approved by the Building Inspector's office.
- (2) Every dwelling unit shall contain a room, separate from the habitable rooms, which affords privacy to a person which is equipped with a flush water closet, a lavatory basin, bathtub or shower and the necessary accessories therefore in good working condition, properly connected to hot and cold water lines and sanitary sewer system approved by the Building Inspector.
- (3) Every kitchen sink and lavatory basin shall be supplied with adequate rubbish storage facilities.
- (4) RUBBISH FACILITIES. Every dwelling unit shall be supplied with adequate rubbish storage facilities.
- (5) GARBAGE DISPOSAL FACILITIES. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.
- (6) EXITS. Every dwelling unit shall have safe, unobstructed means of egress leading to safe, open space at ground level, as required by State and Village laws.

9.13 MINIMUM STANDARDS FOR LIGHT, VENTILATION, AND HEATING

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for living therein which does not comply with the following requirements:

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- (1) **REQUIRED WINDOW AREA.** Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10 percent of the floor area of such room.
- (2) **ADEQUATE VENTILATION REQUIRED.** Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total operable window area in every habitable room shall be equal to at least four percent (4%) of the floor area, except where there is supplied a mechanical device affording adequate ventilation per current Federal Housing Administration Regulations.
- (3) **LIGHT AND VENTILATION REQUIREMENTS FOR BATHROOMS AND TOILET ROOMS.** Every bathroom and toilet room shall comply with the light and ventilation requirements for habitable rooms contained in subsection (1) and (2), except no window or skylight shall be required in adequately ventilated bathrooms and toilet rooms equipped with an adequate ventilation system which is kept in continuous operation.
- (4) **HEATING FACILITIES.** Every dwelling shall have heated facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least seventy degrees Fahrenheit (70°F) thirty inches (30") above floor level.
- (5) **LIGHTING OF PUBLIC HALLS AND STAIRWAYS.** Every public hall and stairway in every multiple dwelling shall be adequately lighted in conformity with the current National Electrical Code and Federal Housing Administration Regulations.
- (6) **BASEMENTS AND CELLARS.** Every basement shall receive natural and artificial light and shall be ventilated according to current Federal Housing Administration requirements or equal minimum.

Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be screened with a wire mesh of not less than #16 or other device as will effectively prevent their entrance.

9.14 RESPONSIBILITIES OF OWNERS RELATING TO THE MAINTENANCE OF DWELLINGS AND DWELLING UNITS

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit or portion thereof for living therein, which does not comply with the following requirements:

- (1) **MAINTENANCE OF FOUNDATIONS, EXTERIOR WALLS, ROOFS.** Every foundation, exterior wall and roof shall be reasonably weather-tight, watertight, rodent-proof and insect-proof and shall be kept in a reasonably good state of repair.
- (2) **MAINTENANCE OF INTERIOR WALLS, FLOORS, CEILINGS.** Every interior partition, wall, floor, and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair, and maintained to permit them to be kept in a clean, sanitary condition.
- (3) **MAINTENANCE OF WINDOWS, EXTERIOR DOORS, BASEMENT HATCHWAYS.** Every window, exterior door, and basement hatchway shall be reasonably weather-tight and rodent-proof, kept in reasonably good working condition and reasonably good state of repair.

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- (4) MAINTENANCE OF STAIRWAYS AND PORCHES. Every inside and outside stairway, porch and appurtenance thereto shall be constructed to be reasonably safe to use and capable of supporting the load that normal use may cause to be placed thereon; and kept in sound condition and in a reasonably good state of repair.
- (5) MAINTENANCE OF SUPPLIED PLUMBING FIXTURES. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition.
- (6) MAINTENANCE OF BATHROOM AND TOILET ROOM FLOORS. Every toilet room floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water, permitting such floor to be kept in a clean, sanitary condition.
- (7) SAFE AND EFFECTIVE FUNCTIONING OF SUPPLIED FACILITIES. Every supplied facility, piece of equipment, or utility which is required under this subchapter shall be so constructed or installed that it will function properly and shall be maintained in reasonably good working condition.
- (8) DISCONTINUANCE OF REQUIRED SERVICES, FACILITIES, EQUIPMENT, OR UTILITIES. No owner or operator shall cause any service facility, equipment, or utility which is required to be supplied under the provisions of this subchapter to be removed from, or shutoff from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are being made.
- (9) VACANT DWELLING UNITS TO BE CLEAN AND SANITARY BEFORE BEING LET FOR OCCUPANCY. No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit unless it is reasonably clean, sanitary, and complies with all provisions of this subchapter and all rules and regulations adopted pursuant thereto.

9.15 RESPONSIBILITIES OF OCCUPANTS RELATING TO THE MAINTENANCE OF DWELLINGS AND DWELLING UNITS

- (1) Every owner of a dwelling containing four or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- (3) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers.
- (4) Every occupant of a dwelling or dwelling unit shall dispose of his garbage and any other organic waste which might provide food for rodents in a clean, sanitary manner by placing it in garbage disposal facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases, the occupant shall furnish such facilities or containers.

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- (5) Every occupant of a dwelling or dwelling unit shall hang all screens and double or storm doors and windows whenever required under the provisions of this sub-chapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.
- (6) Every occupant of a dwelling containing a single dwelling unit shall exterminate any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- (7) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

9.16 RESPONSIBILITIES OF OWNERS AND OCCUPANTS RELATING TO THE MAINTENANCE OF ACCESSORY BUILDINGS

Every owner and/or occupant of an accessory building shall maintain the foundation, exterior walls, roof, windows and doors in a reasonably weather tight and waterproof condition and in a reasonably good state of repair.

9.17 CONDEMNATION OF UNFIT DWELLINGS AND DWELLING UNITS, LEGAL PROCEDURE OF CONDEMNATION AND PLACARDING FOR HUMAN HABITATION

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- (1) **CONDEMNATION OF DWELLINGS AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION.** Any dwelling or dwelling unit which the Village Board shall find to have any of the following defects shall be condemned as unfit for human habitation:
 - (A) One which is damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin infested, creating a hazard to the health or welfare of the occupants or the public; or
 - (B) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or welfare of the occupants or the public; or
 - (C) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or welfare of the occupants or the public.

Any dwelling or dwelling unit may be condemned as unfit for human habitation by the Village Board if the owner or occupant failed to comply with any order based on the provisions of this sub chapter or rules or regulations adopted pursuant hereto; provided, such dwelling or dwelling unit is, in the opinion of the Village Board, unfit for human habitation.

- (2) **NOTICE TO OWNER OF CONDEMNATION AND INTENT TO PLACARD.** Whenever the Village Board has condemned a dwelling or dwelling unit as unfit for human habitation, he shall give

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notice to the owner of such condemnation and of his intent to placard the dwelling unit as unfit for human habitation. Such notice shall:

- (A) Be put in writing;
 - (B) Include a description of the real estate sufficient for identification;
 - (C) Include a statement of the reason why it is being issued;
 - (D) Include a description of the repairs and improvements required to bring the condemned dwelling or dwelling unit into compliance with the provisions of this section and any rules and regulations adopted pursuant hereto;
 - (E) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Village Board in accordance with the provision of Section 14.37(2) and (3); and
 - (F) Be served upon the owner; provided, such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally or by sending a copy thereof by certified mail with return receipt requested to his last known address, or, if the certified letter with the copy is returned with a receipt showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice. Copies of all condemnation notices shall be forwarded to the Village Board, but failure to fulfill this notification to the Village Board shall not invalidate the condemnation procedure.
- (3) **APPEAL OF NOTICE RELATING TO CONDEMNATION.** Any owner affected by any notice relating to the condemnation of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Zoning Appeals under the procedure set forth in Section 14.37.
- (4) **PLACARDING OR CONDEMNING DWELLINGS AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION.** After the condemnation notice which is required under sub. (2) has resulted in an order in accordance with Section 14.37, the Village Board shall placard the affected dwelling or dwelling unit as unfit for human habitation. The Village Board shall post, in a conspicuous place upon the affected dwelling or dwelling unit, a placard bearing the following words: "Condemned as Unfit for Human Habitation."
- (5) **VACATION OF CONDEMNED AND PLACARDED DWELLINGS AND DWELLING UNITS.** Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the Village Board shall be vacated within a reasonable time as required by the Building Inspector. No owner or operator shall let to any person for human habitation and no person shall occupy any dwelling or dwelling unit which has been condemned and placarded by the Village Board after the date on which the Village Board has required the affected dwelling or dwelling unit to be vacated.
- (6) **PLACARD NOT TO BE REMOVED UNTIL DEFECTS ARE ELIMINATED.** No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall be occupied until written approval is secured from, and such placard is removed by, the Village Board. The Village Board shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- (7) **PLACARD TO BE REMOVED ONLY BY VILLAGE BOARD.** No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in sub. (6).

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9.18 PENALTIES

Any person violating any order of the Village Board based on the provisions of this sub-chapter or any provisions of any rule or regulation adopted by this Village Board pursuant to authority granted by this sub-chapter, shall upon conviction thereof, be subject to a forfeiture as provided by Chapter 11 of this Village Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. After conviction and punishment for violation of such order of the Village Board based upon the provisions of this sub-chapter or any provisions of any rule or regulation adopted by the Village Board, if such person continues to violate such order, such person shall be liable for further prosecution, conviction, and punishment upon such order, without the Village Board issuing a new order, until such order has been complied with.

9.19 ACTION TO ABATE

Upon request by the Village Board, the Village Attorney shall be empowered to bring an action to enjoin the use and/or occupancy of a dwelling unit, dwelling, accessory building or other building covered by this sub-chapter alleged to be in violation of this sub-chapter and such action may include the penalties as provided in Section 11.00.