

CHAPTER 19

HOUSING CODE

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19-1 PURPOSE AND INTENT.

The city has determined that there are or may be dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic or insanitary as to constitute a menace to the health and safety of the people of the city. The purpose of this 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 unfit for human habitation; coordinate the activities of the building Inspector and the Health Officer; fix penalties for violation and fix a time when the same shall take effect.

19-2 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

BASEMENT means a space of full story height below the first floor which is not designed or used primarily for year-round living accommodations. Space, partly below grade, which is designed and finished as habitable space is not basement space.

BUILDING INSPECTOR means the Building Inspector of the City or his authorized representative.

CELLAR means a portion of a building located partly or wholly underground, having 2/3 or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DWELLING means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided temporary housing shall not be regarded as a dwelling.

DWELLING UNIT means any room or group of rooms located within a dwelling, forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION means the control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized, legal pest elimination methods approved by the Health Officer.

GARGAGE means the animal and vegetable waste resulting from the handling, preparing, cooking, and consuming of food.

HABITABLE ROOM means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

HEALTH OFFICER means the designated authority of the City or his authorized representative.

INFESTATION means the presence, within or around a dwelling, of any insects, rodents, or other pests.

MULTIPLE DWELLING means any dwelling containing more than 2 dwelling units.

OCCUPANT means any person, over one year of age, living, sleeping, cooking, eating in, or having actual possession of a dwelling unit or rooming unit.

OPERATOR means any person who has charge or care of a building, or part thereof, in which dwelling units or rooming units are offered for rent.

ORDINARY MINIMUM WINTHER CONDITIONS means the temperature 15 degrees F. above the lowest recorded temperature for the previous 10-year period, winter base temperature not less than -15 degrees F. with inside room temperature of 70 degrees F. minimum for range. (Bathroom 80 degrees F.).

OWNER means any person who, alone, jointly or severally:

- a) Shall have a legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; provided, whenever the dwelling or dwelling unit is subject to conditional sales contract lease with option to purchase or any other form of written contract under the terms of which any person is entitled to a conveyance of legal title upon payment of a specified sum, "OWNER" shall mean the person who shall have such a contractual right, rather than the person holding the legal title; or
- b) Shall have charge or care of any dwelling or dwelling unit, as owner, agent of the owner, as personal representative, administrator, trustee, receiver or guardian of the estate of the owner. Any person representing the owner shall comply with the provisions of this chapter and of the rules and regulations adopted pursuant thereto, as if he were the owner. Any person acting as the agent of the owner shall not be construed to be the owner within the terms of this chapter, but shall be bound to notify the owner, by means of a registered letter addressed to the owner at his last known address, of any order or notice to be issued by the Health Officer or Building Inspector relating to the property of the owner.

PLUMBING means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washers, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

ROOMING UNIT means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating.

ROOMING HOUSE means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to 3 or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

RUBBISH means combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

SUPPLIED means paid for, furnished, or provided by or under the control of the owner or operator.

TEMPORARY HOUSING means any tent, trailer, or other structure used for human shelter designed to be transportable which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

MEANING OF CERTAIN WORDS. Whenever the words “dwelling”, “dwelling unit”, “rooming house”, “rooming unit”, “premises” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof.”

19.03 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS, NURSING UNITS, HOTEL UNITS, AND PREMISES.

INSPECTION BY HEALTH OFFICER AND BUILDING INSPECTOR.

The Health officer and Building Inspector shall make inspections to determine the condition of dwellings, dwelling units, rooming units, nursing units, hotel units, and premises located within the City to safeguard the health and welfare of the occupants of dwellings and the general public.

For the purpose of making such inspections, the Health Officer and the Building Inspector may enter, examine and survey, at proper times after due notice, all dwelling units, rooming units and premises. The owner or the person in charge shall give the Health Officer and the Building Inspector access to such dwelling unit or rooming unit and its premises at proper time after due notice, for such inspection, examination and survey.

ACCESS BY OWNER OR OPERATOR. Every occupant of a dwelling unit, rooming unit, nursing unit, or hotel unit shall give the owner or operator thereof, or his agent or employee access to any part of such dwelling, dwelling unit, rooming unit, nursing unit, hotel unit, or its premises at all reasonable times for maintenance, making repairs or alterations as necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful notice or order issued pursuant to the provisions of this chapter.

19.04 ENFORCEMENT; SERVICE OF NOTICES AND ORDERS; HEARING.

SERVICE OF NOTICES. Whenever the Health Officer determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such violation or alleged violation to the person responsible therefor. Such notice shall:

- a) Be 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) Allow a reasonable time for the performance of any act it requires;
- e) Be served upon the owner, operator, or the occupant; provided such notice shall be deemed to be properly served upon such owner, operator or occupant if a copy thereof is delivered to him personally, or sent by registered mail to his last known address, or posted in a conspicuous place in or about the dwelling affected by the notice or if he is served by any other method authorized or required under state laws.

Such notice may contain an outline of remedial action which, if taken, shall effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant hereto.

PETITION FOR HEARING; OPPORTUNITY TO BE HEARD; ORDER IF NO PETITION.

Any person affected by any notice which has been issued in connection with the enforcement of this chapter, or any rule or regulation adopted pursuant hereto may request and shall be granted a hearing on the matter before the Council; provided a written petition requesting such hearing and setting forth a statement of the grounds therefor shall be filed in the office of the Health Officer or the Building Inspector within 10 days after the day the notice was served. Upon receipt of such petition, the Health Officer or the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and show cause why such notice should not be complied with.

CITY COUNCIL TO SUSTAIN, MODIFY OR WITHDRAW NOTICES.

After such hearing the City Council shall sustain, modify or withdraw the notice, depending upon its finding as to whether the provisions of this and the rules and regulations adopted pursuant hereto have been complied with. If the Council sustains or modifies such notice, it shall be deemed an order. Any order served pursuant to this section shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer or Building Inspector within 10 days after such notice is served. After a hearing in the case of any notice has been sustained by the Council, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Health Officer or Building Inspector within 10 days after such notice is served.

REVIEW BY CIRCUIT COURT BY CERTIORARI.

The proceedings at such hearing, including the findings and decision of the Council, shall be reduced to writing, and entered as a matter of public record in the office of the Council. Such record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the Council shall then be served in the manner prescribed under Sec. 19.04 (1)(e) on the person who filed the petition for hearing. Any person aggrieved by the decision of the council or any taxpayer, or any officer, department, board or bureau of the City, may seek relief therefrom by having the decision reviewed by the circuit court certiorari; if the petition for the writ is presented to the court within 30 days after the date on which such officer's decision was served on the person who filed the petition for hearing, and if the person aggrieved notifies such officer within 10 days after such officer's decision was served on him of his intention to present such petition to the court. Such verified petition shall bet forth that

such decision is illegal in whole or in part, or does not comply with the provision of Sec. 19.04 (3), specifying the grounds thereof.

ISSUANCE OF ORDER WHEN EMERGENCY EXISTS.

Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public, he may, without notice or hearing, issue an order stating the existence of an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately, but upon petition to the Health Officer a hearing shall be afforded as soon as possible, in the manner provided in sub. (2). After such hearing, depending upon the findings as to whether the provisions of this chapter have been complied with, the Council shall continue such order in effect, modify it, or revoke it.

19.05 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 Plumbing Division of 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 therefor in good working condition, properly connected to hot and cold water lines and sanitary sewer system approved by the Health Officer or Building Inspector.
- 3) Every kitchen sink and lavatory basin shall be properly connected with water lines.
- 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 City laws.

19.06 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:

- 1) **REQUIRED WINDOW AREA.** Every habitable room shall have at least one window or skylight facing directly outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. (See Federal Housing Administration Bulletin No. 30, Minimum Property Requirements for skylight area).
- 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 open able window area in every habitable room shall be

- equal to at least 4% of the floor area, except where there is supplied a mechanical device affording adequate ventilation per 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 subs. (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 70 degrees F. 30" above floor level, under ordinary minimum winter conditions.
 - 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 issue of the 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 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.

19.07 RESPONSIBILITIES OF OWNERS RELATING TO THE MAINTENANCE OR DWELLINGS AND DWELLING UNITS.

No person shall occupy as owner-occupant, or let to another for occupancy and 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, 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 a reasonably good state of repair.
- 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 chapter 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 chapter to be removed from, or shut off 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 chapter and all rules and regulations adopted pursuant thereto.

19.08 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS. No person shall occupy or let to another for occupancy and dwelling any unit, for living therein which does not comply with the following requirements:

- 1) **MINIMUM FLOOR AREA FOR DWELLING UNIT.** Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, 100 square feet for the second occupant, and 75 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all the habitable rooms.
- 2) **MINIMUM HOT WATER REQUIREMENTS.** Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained and capable of heating water to such a temperature to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than 130 degrees F. when needed.
- 3) **ELECTRICAL SERVICE; NUMBER OF ELECTRICAL OUTLETS AND/OR FIXTURES.** While there is electric service available to the buildings, every habitable room of a dwelling unit shall contain at least 2 separate, remote outlets, one of which may be a ceiling or wall-type electric light fixture. Every public hall, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition, every bathroom and laundry room shall be provided with at least one electric outlet.
- 4) **SCREEN REQUIREMENTS.** From May 1 to October 1, in every dwelling unit for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoors shall have supplied and installed screens and self-closing device; and every window or other device with openings to outdoors, used or intended to be used for ventilation, shall likewise be supplied with screens installed.

- 5) FLOOR AREA FOR SLEEPING ROOMS. In every dwelling unit of 2 or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space, and every room occupied by more than one occupant shall contain at least 40 square feet of space for each occupant thereof over the age of 12 years and at least 30 square feet for each occupant under the age of 12 years.
- 6) ARRANGEMENT OF SLEEPING, BATH AND TOILET ROOMS. No dwelling or dwelling unit containing 2 or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom or a toilet room.
- 7) MINIMUM CEILING HEIGHT. At least $\frac{1}{2}$ of the floor area of every habitable room shall have a ceiling height of at least 7'6"; and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area to determine the maximum permissible occupancy thereof.
- 8) CELLAR SPACE NOT HABITABLE. No cellar space shall be used as a habitable room or dwelling unit.
- 9) BASEMENT SPACE MAY BE HABITABLE. No basement space shall be used as a habitable room or dwelling unit unless:
 - a) The floor and walls are of waterproof and damp-proof construction;
 - b) The total of window area in each room is equal to at least the minimum window area sizes as required in Sec. 19.06(1);
 - c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
 - d) The total of open able window area in each room is equal to at least the minimum as required under Sec. 19.06(2), except where there is supplied some other approved device affording adequate ventilation.
- 10) OCCUPANTS TO HAVE ACCESS TO SANITARY FACILITIES. Every occupant of every dwelling shall have unrestricted access to a kitchen sink, toilet, bath and lavatory basin.

19.09 RESPONSIBILITIES OF OCCUPANTS RELATING TO THE MAINTENANCE OF SWELLINGS AND SWELLING UNITS.

- 1) Every owner of a dwelling containing 4 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 all 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 4 dwelling units and for all dwelling units located on premises where more than 4 dwelling units share the same premises. In all other cases the occupant shall furnish such facilities or containers.

- 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 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 2 or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing 2 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.

19.10 ROOMING HOUSE. No person shall operate a rooming house or occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the following requirements:

- 1) **PERMIT REQUIRED.** No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Health Officer in the name of the operator for the specific dwelling or dwelling unit within which the rooming house is contained.
- 2) **APPLICATION FOR PERMIT.** The operator shall file in duplicate an application for a rooming house permit in the office of the Health Officer on application forms prepared by such office. The operator shall file with the permit application for occupancy, and occupancy permit, issued by the Building Inspector for the operation of a rooming house in the dwelling or dwelling unit designated in the rooming house permit application; provided such an occupancy permit need not be filed with the rooming house permit application is, on June 13, 1967, a valid sanitary inspection certificate was in effect for the same portions of the dwelling or dwelling unit designated in the application for rooming house permit.
- 3) **INSPECTION BY HEALTH OFFICER, REFERRAL OF APPLICATION TO AND REPORTS BY THE BUILDING INSPECTOR.** The Health Officer shall, whenever an application for a rooming house which does not have a valid rooming house permit, inspect the rooming house within 30 days of such filing. Within 72 hours after the operator files an application for permit, the Health Officer shall transmit to the Building Inspector shall, within 30 days after the date on which such application was filed, report in writing to the Health Officer the maximum number of persons which may occupy the rooming house in accordance with the provisions of applicable zoning laws. No permit shall be issued to any operator which would authorize occupancy of the rooming house by a larger number of persons than is permitted under the provisions of applicable zoning laws.

- 4) **ISSUANCE OF PERMIT AND OCCUPANCY RECORD CARD; FEES.** When all applicable provisions of this chapter and of any rules and regulations adopted pursuant hereto have been complied with by the operator, the Health officer shall issue a rooming house permit and an occupancy record card upon the payment of a fee of \$5.00 for a type I rooming house and fee of \$10.00 for a type II rooming house. All rooming house permits shall expire on January 1 following the date of issuance, unless sooner suspended or revoked as herein provided. The permit shall list the maximum number of persons that may reside in the total of all rooming units and second class dwelling units, if there are any such second class dwelling units, located in the dwelling or portions thereof for which the rooming house permit is issued.
- 5) **OCCUPANCY RECORD CARD.** Every occupancy record card shall list the maximum number of persons that may reside in the total of all rooming units and second class dwelling units, if any, located in the dwelling or portions thereof for which the rooming house permit is issued. The occupancy record cards shall also list the maximum number of persons which may occupy each individual rooming unit and each individual second class dwelling unit, if any, located in the dwelling or portions thereof for which the rooming house permit is issued. Whenever the operator shall file an occupancy permit in accordance with the provisions of Sec. 19.11, all rooming units and second class dwelling units listed on the occupancy record card shall be located in such portions of the dwelling as are permitted to be occupied under the provisions of the occupancy permit.
- 6) **POSTING OF PERMIT AND OCCUPANCY RECORD CARD.** Every rooming house permit issued by the Health Officer shall be conspicuously posted by the operator in a public corridor or hallway or other public portion of the rooming house for which it is issued and shall remain posted. Every occupancy record card shall be posted in the rooming house by the operator in a place where such cards are readily accessible for examination by the Health Officer.
- 7) **OPERATOR TO CONTROL OCCUPANCY.** No operator shall allow a larger number of persons to occupy the total of all rooming units and second class dwelling units located within a rooming house than the maximum number of persons listed on the rooming house permit and the occupancy record cards. No operator shall allow a larger number of persons to occupy and individual rooming unit or any individual second class dwelling unit than the maximum number of persons listed on the occupancy record cards for each such rooming and each such second class dwelling unit. No operator shall permit any person to occupy a rooming unit or second class dwelling unit which is not listed on the occupancy record cards.
- 8) **NONTRANSFERABILITY OF PERMIT.** No rooming house permit issued under the provisions of this chapter shall be transferable. Every operator shall notify the Health Officer in writing within 24 hours after having relinquished proprietorship or having sold, transferred, given away, or otherwise disposed of such interest or control of any rooming house, and shall file in writing with the A Health Officer the Name and address of the operator to whom proprietorship has been relinquished by sale, gift, or other method of transferal or disposition.
- 9) **RELATIONSHIP OF PERMIT TO BUILDING CODE: ENFORCEMENT OF BUILDING CODE.** The issuance of a rooming house permit and occupancy record card to any rooming house shall not imply that the rooming house conforms with the State Building Code or the Building and Zoning Code of the City. The Building Inspector shall enforce the provisions of such Building and Zoning Codes. The

issuance of a rooming house permit shall not relieve the owner or operator of the responsibility for compliance with such Building and Zoning Codes and shall not relieve the Building Inspector of the responsibility for compliance with such Building and Zoning Codes and shall not relieve the Building Inspector of the responsibility for enforcement of such Building and Zoning Codes.

- 10) **APPLICABILITY OF OTHER SECTIONS OF THIS CHAPTER.** No person shall operate a rooming house unless all requirements of this chapter are complied with; provided, in interpreting the requirements of the designated sections applicable in the enforcement of this subsection, the words "multiple dwelling" or "dwelling" mean "rooming house" and the words "dwelling unit" mean "rooming unit." Every dwelling unit located within a rooming house shall comply with all requirements for dwelling units as established in accordance with the provisions of this chapter.
- 11) **TOILETS AND LAVATORY BASINS.** At least one toilet and one lavatory basin supplied with hot water, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each 8 persons of fewer residing within a rooming house, including members of the operator's family wherever they share such facilities; provided, in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than ½ the required number of toilets.
- 12) **BATHS.** At least one bath, properly connected to an approved water and sewer system, supplied with hot water, and in fewer residing within a rooming house, including members of the operator's family whenever they share the use of such facilities.
- 13) **LOCATION OF SANITARY FACILITIES.** Every toilet, lavatory basin, and bath shall be located within a room which affords privacy to a person within such room. All such facilities shall be located within the rooming house to be accessible to occupants of each rooming unit sharing such facilities without going outside the dwelling or through a dwelling unit or rooming unit of another occupant.
- 14) **MINIMUM FLOOR AREA FOR SLEEPING PURPOSES.** Every room occupied for sleeping purposes by one person shall contain at least 80 square feet of floor space. Every room occupied for sleeping purposes by more than one person shall contain at least 40 square feet of floor space for each occupant thereof over 12 years of age and at least 30 square feet for each occupant therein under 12 years of age.
- 15) **BED LINENS AND TOWELS.** The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to an occupant. The operator shall maintain all supplied bedding in a reasonably clean, sanitary manner.
- 16) **EXITS.** Every rooming unit shall have safe, unobstructed means of egress leading to a safe open space at ground level as required by State and City laws and regulations.
- 17) **APPLICABILITY.** Every provision of this section shall also apply to efficiency apartments, motels, cabins, hotels and similar accommodations except when such provision may be found in conflict with State laws or the regulations of any State board or agency.
- 18) **SUSPENSION OF OPERATION.** The Health Officer may suspend the operation of any regulation hereunder by special or general order in writing when he shall deem and emergency exists, which in his discretion warrants such suspension; provided no suspension of operation of Sec. 19.08(1) and sub. (14) of this section shall be longer than 10 days.

19.11 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 Health Officer shall find to have any of the following defects shall be condemned as unfit for human habitation:
 - a. One which is damaged, decayed, dilapidated, insanitary, 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 insanitary or otherwise dangerous to the health or welfare of the occupants or the public.
 - d. Any dwelling or dwelling unit may be condemned as unfit for human habitation by the Health Officer if the owner or occupant failed to comply with any order based on the provisions of this chapter or rules or regulations adopted pursuant hereto; provided, such dwelling or dwelling unit is, in the opinion of the Health Officer, unfit for human habitation.
2. **NOTICE TO OWNER OF CONDEMNATION AND INTENT TO PLACARD.** Whenever the Health Officer has condemned a dwelling or dwelling unit as unfit for human habitation, he shall give 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 Health Officer in accordance with the provision of Sec. 19.04(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 if not found, by leaving a copy thereof at his usual place of abode, in the presence of someone of the family of suitable age and discretion who shall be informed of the contents thereof, 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 Building Inspector, but failure to fulfill this notification to the Building Inspector 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 Health Officer, under the procedure set forth in Sec. 19.04.

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 Sec. 19.04, the Health officer shall placard the affected dwelling or dwelling unit as unfit for human habitation. The Health Officer 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 Health Officer shall be vacated within a reasonable time as required by such officer. 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 Health Officer after the date on which such officer 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 Health Officer. The Health Officer 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 HEALTH OFFICER.** 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).

19.12 CHAPTER DOES NOT IMPAIR AUTHORITY OF HEALTH OFFICER TO ACT ON NUISANCES. Nothing in this chapter shall be construed to impair or limit the City in defining and declaring nuisances or the Health Officer in removing or abating nuisances by summary or other appropriate proceedings.

19.13 CHAPTER DOES NOT ABROGATE PROVISIONS OF BUILDING CODE. The provisions of this chapter shall not abrogate the responsibility of any person to comply with any provisions of the State Building Code and the Building and Zoning Codes of the City.

19.20 PENALTIES. Any person violating any order of the Health Officer based on the provisions of this chapter or any provisions of any rule or regulation adopted by the Health Officer, pursuant to authority granted by this chapter, shall upon conviction thereof, be subject to a forfeiture as provided by Sec. 25.04 of this Municipal Code. After conviction and punishment for violation of such order of the Health Officer based upon the provisions of this chapter or any provisions of any rule or regulation adopted by the Health officer, if Such person continues to violate such order, such person shall be liable for further prosecution, conviction, and punishment upon such order, without the Health Officer issuing a new order, until such order has been complied with.

ORDINANCE NO. 96-1
ORDINANCE AMENDING THE HOUSING CODE

THE BOARD OF TRUSTEES OF THE VILLAGE OF NORWALK, MONROE COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1. Section 19.01 of the code of Village Ordinances is hereby amended to read as follows:

19.01 PURPOSE AND INTENT. The Village has determined that there are or may be, dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic or insanitary as to constitute a menace to the health and safety of the people of the Village. The purpose of this 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; provide for the condemnation of dwellings unfit for human habitation; coordinate the activities of the Building Inspector and the Health Officer; establish procedures for obtaining remedial action to correct substandard conditions which violate this code; fix penalties for violation and fix a time when the same shall take effect. The code and all amendments are adopted pursuant to the police power of the Village. The purposes of the code are remedial, and shall apply retroactively to all dwellings within the Village. To the extent that the retroactive application of the code impairs any obligation under a contract existing at the time of adoption or amendment, the code and amendments shall nevertheless be immediately applicable to the fullest extent permitted by law. Subsequent to the date of adoption of the code or any amendment, no contractual right shall be created, extended or renewed if creation, extension or renewal results in a violation of the code. No periodic tenancy existing on the effective date of adoption or amendment of the code shall be continued beyond the earliest date permitted by law for termination of said tenancy, if continuation of said tenancy results in a violation of the code.

Section 2. Section 19.02 (2) and (18) of the Code of the Village Ordinances is hereby amended to read as follows;

19.02(2) BUILDING INSPECTOR means the Building Inspector of the Village or his or her authorized representative.

* * *

(18) ROOMING HOUSE means 1) any dwelling, part of a dwelling unit, occupied as a residence by four (4) or more persons who are not related to each other as husband, wife, parent, child, brother or sister, and 2) any dwelling containing one or more rooming units, occupied for sleeping or lodging purposes by four (4) or more persons who are not related to each other as husband, wife, parent, child, brother or sister.

Section 3. Section 19.10 of the code of the Village Ordinances is hereby amended to read as follows:

19.10 ROOMING HOUSES. No person shall operate a rooming house or occupy or let to another or occupancy any rooming unit or dwelling unit in any rooming house, except in compliance with the following requirements.

(1) PERMIT REQUIRED. No person shall operate a rooming house unless he or she holds a valid rooming house permit issued by the Health Officer in the name of the operator for the specific dwelling or dwelling unit within which the rooming house is contained.

(2) APPLICATION FOR PERMIT. The operator shall file in duplicate an application for a rooming house permit in the office of the Health Officer on application forms prepared by such office. The operator shall file with the permit application for occupancy, and occupancy permit, issued by the Building Inspector for the operation of a rooming house in the dwelling or dwelling unit designated in the rooming house permit application.

(3) INSPECTION BY HEALTH OFFICER, REFERRAL OF APPLICATIONS TO AND REPORTS BY THE BUILDING INSPECTOR. The Health officer shall, whenever an application is made for a rooming house permit which does not already have a valid rooming house permit, inspect the rooming house within 30 days of such filing. Within 72 hours after the operator files an application for permit, the Health Officer shall transmit to the Building Inspector a duplicate copy of the application. The Building Inspector shall, within 30 days after the date on which the application was filed, report in writing to the Health Officer the maximum number of persons which may occupy the rooming house in accordance with the provisions of the Housing Code. No permit shall be issued to any operator which would authorize occupancy of the rooming house by a larger number of persons than is permitted under the provision of the Housing Code. An annual permit will be required with reinspection in six months time, and annual inspections thereafter.

(4) ISSUANCE OF PERMIT AND OCCUPANCY RECORD CARD; FEES. When all applicable provisions of this chapter have been complied with by the operator, the Health Officer shall issue a rooming house permit and an occupancy record card upon the payment of an annual fee of \$25.00. All rooming house permits shall expire on January 1 following date of issuance, unless sooner suspended or revoked as herein provided. The permit shall list the maximum number of persons that may reside in the total of all rooming units and dwelling units, if there are any such dwelling units, located in the dwelling or portions thereof for which the rooming house permit is issued.

(5) OCCUPANCY RECORD CARD. Every occupancy record card shall list the maximum number of persons that may reside in the total of all rooming units and dwelling units, if any, located in the dwelling or portions thereof for which the rooming house permit is issued. The occupancy record cards shall also list the maximum number of persons which may occupy each individual rooming unit and each individual dwelling unit, if any, located in the dwelling or portions thereof for which the rooming house permit is issued. Whenever the operator shall file an occupancy permit in accordance with the provisions of Sec. 19.11, all rooming units and dwelling units listed on the occupancy record card shall be located in such portions of the dwelling as are permitted to be occupied under the provisions of the occupancy permit.

(6) POSTING OF PERMIT AND OCCUPANCY RECORD CARD. Every rooming house permit issued by the Health Officer shall be conspicuously posted by the operator in a public corridor or hallway or other public portion of the rooming house for which it is issued and shall remain posted. Every occupancy record card shall be posted in the rooming house by the operator in a place where such cards are readily accessible for examination by the Health Officer.

(7) OPERATOR TO CONTROL OCCUPANCY. No operator shall allow a larger number of persons to occupy the total of all rooming units and dwelling units located within a rooming house than the maximum number persons listed on the rooming house permit and the occupancy record cards. No operator shall allow a larger number of persons to occupy an individual rooming unit or any individual dwelling units than the maximum number of persons listed on the occupancy record cards for each such rooming unit and each such dwelling unit. No operator shall permit any person to occupy a rooming unit or dwelling unit which is not listed on the occupancy record cards.

(8) NONTRANSFERABILITY OF PERMIT. No rooming house permit issued under the provisions of this chapter shall be transferable. Every operator shall notify the Health Officer in writing within 24 hours after having relinquished proprietorship or having sold, transferred, given away, or otherwise disposed of such interest or control of any rooming house, and shall file in writing with the Health Officer the name and address of the operator to whom proprietorship has been relinquished by sale, gift, or other method of transfer or disposition.

(9) RELATIONSHIP OF PERMIT TO BUILDING CODE; ENFORCEMENT OF BUILDING CODE. The issuance of a rooming house permit and occupancy record card to any rooming house shall not imply that the rooming house conforms with the State Building Code or the Building Code of the Village. The Building Inspector shall enforce the provisions of such building code. The issuance of a rooming house permit shall not relieve the owner or operator of the responsibility for compliance with such building code and shall not relieve the building inspector of the responsibility for enforcement of such building code.

(10) APPLICABILITY OF OTHER SECTIONS OF THIS CHAPTER. No person shall operate a rooming house unless all requirements of this chapter are complied with; provided, in interpreting the requirements of the designated sections applicable in the enforcement of this subsection, the words "multiple dwelling" or "dwelling" mean "rooming house" and the words "dwelling unit" mean "rooming unit." Every dwelling unit located within a rooming house shall comply with all requirements for dwelling units as established in accordance with the provisions of this chapter. Where no Health Officer has been appointed by the Village, the Building Inspector shall perform the functions of the Health Officer under the Code.

(11) TOILETS AND LAVATORY BASINS. At least one toilet and one lavatory basin supplied with hot water, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each six (6) persons or fewer residing within a rooming house, including members of the operator's family wherever they share such facilities.

(12) BATHS AND SHOWERS. At least one bath or shower unit, properly connected to an approved water and sewer system, supplied with hot water, and in good working condition shall be supplied for each six(6) persons or fewer residing within a rooming house, including members of the operator's family whenever they share the use of such facilities. A combination bath and shower unit is considered either a bath unit or a shower unit, but shall not be counted as two units for purpose of compliance with this paragraph.

(13) LOCATION OF SANITARY FACILITIES. Every toilet, lavatory basin, and bath shall be located within a room which affords privacy to a person within such room. All such facilities shall be located within the rooming house to be accessible to occupants of each rooming unit sharing such facilities without going outside the swelling or through a dwelling unit or rooming unit of another occupant.

(14) MINIMUM FLOOR AREA FOR SLEEPING PURPOSES. Every room occupied for sleeping purposes by one person shall contain at least 80 square feet of floor space. Every room occupied for sleeping purposes by more than one person shall contain at least 40 square feet of floor space for each occupant thereof.

(15) EXITS. Every rooming unit shall have safe, unobstructed means of egress leading to a safe open space at ground level as required by law.

(16) APPLICABILITY. Every provision of this section shall also apply to efficiency apartments, motels, cabins, hotels and similar accommodations except when such provision may be found in conflict with State laws or regulations.

Section 4. This ordinance shall be in full force and effect following its passage and publication as provided by law.

Dated this __13__ day of February, 1996.

Offered By:

Ronald W. Stoikes

Trustee

PASSED this __13__ day of February, 1996

Barbara J. Ornes

Barabar J. Ornes, Village Clerk

APPROVED this __13__ day of February, 1996.

Douglas J. Gnewikow

Douglas J. Gnewikow, Village President

Published: _____