

Village of Boyceville Municipal Code

TITLE 15: BUILDING CODE

CHAPTER 1: BUILDING CONSTRUCTION

15-1-1 Purpose and Scope.

(a) *Purpose.* The purpose of this Chapter is to provide certain minimum standards, provisions and requirements for the safe and stable design, methods of construction and uses of materials in buildings and structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses, or demolished, and to regulate the equipment, maintenance, use and occupancy of all buildings and structures.

(b) *Scope.* The building code applies to all dwellings, commercial buildings, apartment buildings, swimming pools, garages, and other outbuildings. Excepted are outbuildings used exclusively for agriculture purposes, children's play structures, and dog kennels.

15-1-2 Common Acronyms.

The following are commonly used acronyms used throughout this Chapter:

- SPS is Wisconsin Administrative Code for Safety and Professional Services
- PSC is Public Service Commission
- UDC is Wisconsin Uniform Dwelling Code

15-1-3 Statutes Adopted.

The following State of Wisconsin Statutes and Administrative Code are hereby adopted and incorporated herein by reference. Any further amendments, revisions, and modifications thereof are intended to be made part of this Chapter.

(a) *Uniform Dwelling Code:*

Chapters SPS 320 through 325

(b) *General, Part II:*

Chapter SPS 326, Manufactured Home Communities

Chapter SPS 327, Camping Units

(c) *State Electrical Code.*

Wisconsin State Electrical Code, Volume 1: Chapter PSC 114

Wisconsin State Electrical Code, Volume 2: Chapter SPS 316

(d) *State Plumbing Code.*

Wis. Stat. Ch. 145, Plumbing and Fire Protection Systems and Swimming Pool Plan Review

Wis. Adm. Code Chapters SPS 381 through 387, Plumbing

(e) *State Commercial Building Code.*

Chapters SPS 361 through 366

(f) Buildings Constructed Prior to 1914

Wis. Adm Code Chapters SPS 375 through 379

(g) Construction site erosion control and stormwater management

Wis. Stat. 281.33

(h) *Conflicts.* If any provisions in the above subsections conflict with one another, the Inspector and/or the Village will apply the most stringent provisions in determining whether the proposed building meets the requirements of this Section.

Sec. 15-1-4 Definitions.

The following terms have the meanings ascribed to them except where context clearly indicates otherwise:

(a) *Accessory Structure* means a subordinate structure, the use of which is incidental to, and customarily found in connection with, the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks (both detached and attached), swimming pools, hot tubs,

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fences, retaining walls, driveways, parking lots, sidewalks, detached stairways, and lifts. Accessory structure does not include a temporary structure such tents or pools that are capable of quick disassembly and storage.

(b) *Addition* means new construction performed on a dwelling that increases the outside dimensions of the dwelling.

(c) *Alteration* means a substantial change or modification to a dwelling or to systems therein, other than an addition or minor repair.

(d) *Commercial Building* means a public building or place of employment.

(e) *Minor Repair* means repair performed for maintenance or replacement purposes on any building that does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. Minor repairs include restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment without the alteration or addition to the building or structure. Minor repairs also include replacement of same sized windows and doors, re-siding, finishing of interior or exterior surfaces, installation of cabinetry, and re-roofing that does not involve the repair or replacement of any structural elements.

(f) *One- and two-family dwelling* means a building structure which contains one or separate households intended to for use as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of all others.

(g) *Person* means an individual, partnership, firm, corporation, or any other entity capable of being sued.

15-1-5 Building permits.

(a) *Commercial Building Permits.* No person shall build or caused to be built any new commercial building or make any alteration or addition to an existing commercial building without first obtaining building permit from the Building Inspector and complying with all requirements and applications for appropriate variances or exemptions.

(b) *Residential Building Permits.* No person shall build or caused to be built any new residential building, make any alteration or addition to an existing residential building, or build or install an accessory structure without first obtaining a building permit from the Building Inspector and complying with all requirements and applications for appropriate variances or exemptions.

(c) *Electrical Permits.* If a building project involves the installation of a new or additional electrical service, feeder, or branch circuit serving any of the following:

- (1) A farm;
- (2) A public building, structure, or premises;
- (3) A place of employment;
- (4) A campground;
- (5) A manufactured home community;
- (6) A public marina, pier, dock, or wharf;
- (7) A recreational vehicle park.

(d) *Exceptions.* Permits are not required for minor repairs, landscaping, temporary swimming pools, and accessory structures under 200 sf that are not affixed to the ground permanently.

(e) *Permit may not be issued.* The following are considered a hazard to public safety and welfare and may be ordered vacated and thereafter demolished, and debris removed:

- (1) Any existing building or structure that has deteriorated from any cause to an extent greater than 50% of the equalized value thereof.
- (2) Any buildings or structures that have deteriorated from any cause to lessen than their required strength if the owner refuses to restore to their required strength.

(f) *Application.* Application for a building permit must be made on a form furnished by Building Inspector.

(g) *Plans.*

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- (1) *Requirements.* All building permit applications shall submit plans with specifications of any existing and proposed buildings. Included shall be a site plan with existing and proposed buildings, property lines, streets, and/or alleys, distances from the property lines to the proposed building and the distances between the existing and proposed buildings. There shall be an indication for the direction of water runoff.
- (2) *Review and approval.* Building permit applications, except for one- and two-family dwellings in residentially zoned districts, must have the site plan reviewed and approved by the Village Board before the Building Inspector may issue a permit. The applicant must submit a site plan to enable the Village Board, Zoning Administrator, and Building Inspector to determine whether the proposed application meets all the requirements applicable in this Chapter and Title 13.
- (3) *Administration.* The Building Inspector will make a preliminary review of the application and plans then refer them, along with the inspector's report of findings, to the Village Board. The Village Board will review the application and may refer the application and plans to one or more expert consultants selected by the Village Board. Within thirty (30) days of its receipt of the application, the Village Board must refuse or deny a building permit application.
- (4) *Considerations for Application Approval or Denial.* In acting on any site plan, the Village Board will consider the following:
 - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - b. The layout of the site regarding entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy, and improvement of areas for parking and for loading and unloading; developed in a manner consistent with the safety of residents and the community and designed to minimize any traffic hazard created thereby.
 - c. The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal.
 - d. The landscaping and appearance of the completed site. The Village Board may require that those portions of all front, rear and side yards not used for off-street parking be planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
- (5) *Appeals.* Building permits that are denied continent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Village within ten (10) days of the denial.

(h) *Erosion control and sediment control.*

- a. Erosion Control Plan.
 - i. An erosion control plan shall be submitted with an application for a building permit where there will be land disturbing activity. The plan shall include:
 - i. The areas of land-disturbing construction activity and the location of all erosion and sediment control measures to be employed, as necessary, and maintained to prevent or reduce the potential deposition of soil or sediment to all the following:
 - ii. The waters of the State.
 - iii. Adjacent properties
 - b. Land disturbing construction activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the sediment control practices are in place for each area to be disturbed in accordance with the approved erosion control plan.
 - c. Erosion and sediment control practices shall be maintained until the disturbed areas are stabilized. A disturbed area shall be considered stabilized by vegetation when a perennial cover has been established with a density of at least 70%.
 - d. Erosion and sediment control practices shall either be approved by the building inspector or listed by the department of natural resources in accordance with the process under s. NR 151.32 (2).
- (2) *Mandated Practices.* Specific practices at each site where land disturbing construction activity is to occur shall be utilized to prevent or reduce all the following:
 - a. The deposition of soil from being tracked onto streets by vehicles.
 - b. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - c. The discharge of sediment from disturbed areas into abutting waters of the state.
 - d. The discharge of sediment from drainage ways that flow off the site.
 - e. The discharge of sediment by dewatering activities.
 - f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

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- (3) Control Standards. Including the practices under sub. (2), additional erosion and sediment control practices shall be employed, as necessary, to accomplish one of the following:
 - a. A potential annual cumulative soil loss rate of not more than one of the following:
 - i. Five tons per acre per year where sand, loamy sand, sandy loam, loam, sandy clay loam, clay loam, sandy clay, silty clay or clay textures are exposed.
 - ii. Seven and 1/2 tons per acre per year where silt, silty clay loam, or silt loam textures are exposed.
 - b. A reduction of at least 40% of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site where less than one acre of land disturbing construction activity is to occur.
- (4) Soil loss analysis. Potential soil loss shall be determined using an engineer analytical modeling acceptable to the department.
- (5) Monitoring. The owner or owner's agent shall check the erosion and sediment control practices for maintenance needs at all the following intervals until the site is stabilized:
 - a. At least weekly.
 - i. Within 24 hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be the total amount of rainfall recorded in any continuous 24-hour period.
 - ii. At all intervals cited on the erosion and sediment control plan.
 - b. The owner or owner's agent shall maintain a monitoring record when the land disturbing construction activity involves one or more acres.
 - c. The monitoring record shall contain at least the following information:
 - i. The condition of the erosion and sediment control practices at the intervals specified under par. (a).
 - ii. A description of the maintenance conducted to repair or replace erosion and sediment control practices.
- (6) Maintenance
 - a. Off-site sediment deposition resulting from the failure of an erosion or sediment control practice shall be cleaned up by the end of the next day.
 - b. Off-site soil deposition, resulting from construction activity, that creates a nuisance shall be cleaned up by the end of the workday.
 - c. Except as required in sub.(6)d, the owner or owner's agent shall complete repair or replacement of erosion and sediment control practices as necessary within 48 hours of an interval specified under sub. (5).
 - d. When the failure of erosion or sediment control practices results in an immediate threat of sediment entering public sewers or the waters of the state, procedures shall be implemented immediately to repair or replace the practices.

(i) Requirements.

- (1) *Dedicated Street and Approved Subdivision.* Building permits may only be issued for properties on which the building is proposed to be built abuts a street that has been dedicated for street purposes. Permits may not be issued until the subdivision and required improvements are accepted by the Village Board.
- (2) *Utilities.* Permits may not be issued for the construction of any building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is requested.

- (i) *Permit Lapses.* A building permit becomes void if building operations do not begin within 6 months. Building permits expire 24 months from the date of issuance. Electrical permits expire after 12 months after issuance.

(k) Revocation of Permits.

- (1) The Building Inspector or the Village Board. may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

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- a. Whenever the Building Inspector finds that applicable ordinances, laws, orders, plans, and specifications are not being complied with and that the permittee refused to conform after written warning or construction was issued.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation is discovered in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval must be in writing and be served upon the applicant of the permit, owner of the premises or designee, and on the person having charge of construction.
 - (3) A revocation placard must also be posted upon the building, structure, equipment, or premises in question by the Building Inspector.
 - (4) After the notice is served, it is unlawful for any person to proceed with any construction operation on the premises. Before any construction or operation is resumed, a new permit, as required by this Chapter, must be obtained and fees paid therefor. The Building Inspector may order a condition precedent to the reissuance of the building permit that certain must be performed or changes made to preserve the safety and welfare of life.

(l) *Report of Violations.* Village officials must report any suspected violation of this code to the Building Inspector.

Sec. 15-1-6 Inspections.

(a) *Authorization.* When applicable, the Building Inspector and designees are authorized and directed to administer and enforce all of provisions of this code. The Building Inspector may appoint, as necessary, subordinates.

(b) *Certification.* The Building Inspector must be certified for inspection purposes by the Wisconsin Department of Safety and Professional Services.

(c) *Display of Permit.* Permits shall be displayed in a conspicuous place at the project site. The Building Inspector may require the production of the permit for any building, plumbing, electrical or heating work. The Building Inspector may enter any public or private premises for inspection purposes during reasonable hours. No person may interfere with or refuse to permit access to an inspection official while carrying out duties.

(d) *Notification for Inspection.* The permittee must notify the Building Inspector when the site is ready for inspection.

(e) *Inspection Warrants.* If the Building Inspector is denied access to inspect a property, a request for an inspection warrant pursuant to Wis. Stat. § 66.122 may be made and the Police Department shall assist the Building Inspector with obtaining and executing an inspection warrant.

Sec. 15-1-7 Unsafe Buildings.

If the Building Inspector or Village Board determines that any building or part thereof is dangerous, unsafe, unsanitary, or otherwise unfit for human occupancy or use, and that it is unreasonable to repair it, they must order the owner to raze and remove the building or part thereof pursuant to Wis. Stat. §§ 66.0413 (Razing Buildings) and 823.21 (Dilapidated buildings declared nuisances).

Sec. 15-1-8 Razing Buildings.

(a) *Permit Required.* Permits are required to raze buildings within the Village. Razing permits will lapse unless demolition begins within 6 months from the date of issuance or must be completed within 30 days from the date of commencement. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.

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(b) *Dust, Pest, and Rodent Prevention.* The permittee must take steps to limit any anticipated excessive dust by water spraying or other appropriate measures. The permittee must take all necessary steps to treat the building as to prevent the spread and migration of rodents and insects anticipated by the razing operations.

(c) *Barricade.* An approved barricade must be in place prior to the commencement of the razing and must remain in place throughout the operation.

(d) *Completion.* Upon completion, the foundation must be filled at least one foot above the adjacent grade, the property raked clean, and all debris hauled away. All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material may be used for backfilling and must be hauled away. Burning of materials on the site is not permitted.

Sec. 15-1-9 Basements; Excavations.

(a) *Basement Subflooring.* First floor subflooring must be completed within sixty (60) days after the basement is excavated.

(b) *Fencing of Excavations.* If operations for an opening or excavations are near a public sidewalk or street right-of-way that may constitute a hazard to pedestrian or vehicular traffic, the owner must erect a fence, wall or railing at least four feet high between such opening or excavation and the public right-of-way.

(c) *Closing of Abandoned Excavations.*

- (1) *Defined.* Any excavation for building purposes or any uncovered foundation that remains open for more than three months is considered abandoned and a nuisance.
- (2) *Safeguards.* The Building Inspector must order that unless the erection of the building or structure on the excavation or foundation will commence or continue immediately, safeguards must be implemented to prevent accidental injury to children or other frequenters or that the excavation/opening must be filled to grade.
- (3) *Notice.* The owner or designee must be served with a notice in the manner provided for service of a summons in the circuit court. If the owner or designee cannot be located, the order may be served by posting it on the premises and published in the official newspaper for two consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. The time must be not less than fourteen (14) nor more than twenty (20) days after service.
- (4) *Failure to Comply.* If the owner of the land fails to comply with the order within the time required, the Building Inspector may have the excavation/opening filled to grade at the expense of the property, which will be entered on the next succeeding tax roll as a special charge and be subject to an interest rate established by the Village Board pursuant to Wis. Stat. § 66.0703.

Sec. 15-1-10 Duplex Service Connections.

Each unit of a duplex must have a separate water and sewer services.

Sec. 15-1-11 Moving Buildings.

(a) *General Requirements.*

- (1) Permits from the Building Inspector are required to move any building or structure upon any of the public ways of the Village. The permit will designate the route to be taken, the conditions to be complied with, and limit the time during the moving operations are continued.
- (2) Village employees must report any possible damage to trees and the estimated cost of trimming, removal, and replacement of public trees, which must be paid to the Village prior to issuance of the moving permit.
- (3) Issuance of moving permit is conditioned on approval of the moving route and any additional factors that the Village Board finds necessary.
- (4) Must notify Dunn County Emergency Communications at least 24 hours prior to commencing movement.

(b) *Continuous Movement.* The movement of buildings must be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All operations must be performed with the least possible obstruction to thoroughfares. Buildings are not allowed to remain overnight upon any street crossing or intersection or where restricting easy access to any fire hydrant or any other public facility. Lights must be kept in conspicuous places at each end of the building during the night.

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(c) *Street Repair.* Within one day after the building reaches its destination, the permittee must report to the Building Inspector, inspect the streets, highways, and curbs and gutters over which the building was moved and ascertain their condition. If the removal caused any damage to any street or highway, the permittee must make repairs within ten (10) days thereafter to the satisfaction of the Village Board, to the condition prior to the permit's issuance. If the permittee fails to do so, the Village may repair the damage and hold the permittee and the sureties on the bond responsible for payment thereof.

(d) *Conformance with Code.* Permits will not be issued to move a building into or within the Village unless the Building Inspector has investigated the building at the location from which it is to be moved and is satisfied that the building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code. A complete plan of all further repairs, additions, or alterations must be submitted to the Building Inspector who must make a finding of fact to the effect that the plan is in conformity with the requirements of this Building Code.

(e) *Bond.*

- (1) Before a permit is issued to move any building over any public way in the Village, the applicant must give a bond to the Village in a sum to be fixed by the Building Inspector, not be less than One Thousand Dollars (\$1,000.00), to be executed by a corporate surety or two personal sureties approved by the Village Board conditioned upon the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection with arising out of the removal of the building for which the permit is issued.
- (2) If the Building Inspector finds that the excavation may expose travelers to accidental falling or that the location, nature, and physical characteristics of the premises may be hazardous to children under twelve (12) years of age, the bond required by Subsection (e)(1) must be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(f) *Insurance.* The Building Inspector must also require public liability insurance of not less than one hundred thousand dollars (\$100,000.00) per person, two hundred thousand dollars (\$200,000.00), per accident, and fifty thousand dollars (\$50,000.00) for property damage.

Sec. 15-1-15 Fees.

The fees for all permits in this title are established by the Building Inspector pursuant to their contract approved by the Village Board.

Sec. 15-1-16 Penalties and Violations.

(a) *Penalty.* Violators are subject to the general penalties in 1-1-6 of this Code.

(b) *Work Without a Permit.* When work has commenced prior to having a building permit issued will be subject to double the normal permit fee. This may be in addition to any penalties from sub. (a).

(c) *Notice of Noncompliance.* If an inspection reveals a noncompliance with this Chapter or with the Wisconsin codes adopted by Sec. 15-1-3, the Building Inspector will notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations must be corrected within 30 days after written notification unless an extension of time is granted by the Building Inspector or Village Board.

(d) *Stop-Work Order.* If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof must be posted at the construction site. Such stop-work order must not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

(e) *Each day is a separate offense.* Each day each violation continues after the thirty (30) day written notice period has run constitutes a separate offense. Nothing in this Chapter precludes the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Wisconsin Uniform Dwelling Code.

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(f) *Appeals*. A person has the right to appeal any Village or SPS order or determination. The procedures in appealing such orders or determinations are set forth in SPS 320.21. A person may not formally appeal a municipal decision to SPS until they have exhausted the Village appeal process. The administrative appeals process may not be used once an order has been referred to the responsible legal authorities (village attorney, district attorney, or attorney general).

(g) *Liability*. Except as provided by the Statute or Ordinance, officers, agents, or employees of the Village will not be personally liable for any damage that may accrue to persons or property because of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent, or employee of the Village because of any act required or permitted in the discharge of duties under this Chapter will be defended by the legal representative of the Village until the final determination of the proceedings therein.

CHAPTER 2: FAIR HOUSING

Sec. 15-2-1 Adopting State Statute

The Village Board hereby adopts Wis. Stat. § 106.50, as amended, and all subsequent amendments thereto. The officials and employees of the Village must assist in the orderly prevention and removal of all discrimination in housing within the Village by implementing the authority and enforcement procedures set forth in Wis. Stat. § 106.50, Wis. Stats. The Village maintains forms for complaints to be filed under § 106.50 and will assist any person alleging a violation thereof in the Village to file a complaint with the Wisconsin Department of Workforce Development for enforcement of Wis. Stat. § 106.50.

CHAPTER 3: MINIMUM HOUSING CODE

Sec. 15-3-1 Purpose and Scope.

(a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic, and property values.

(b) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained, or lacking in basic equipment or facilities, light, ventilation, and heating to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-3-2 Definitions.

The following definitions shall be applicable in this Chapter:

(a) *Adequate*. Adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as adequate.

(b) *Apartment*. One or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one family.

(c) *Approved*. Approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law, this Chapter, or this Code of Ordinances.

(d) *Attractive Appearance*. An appearance which is in accordance with generally accepted professional practices for new construction within the Village and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.

(e) *Basement*. A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(f) *Compliance Inspection*. An inspection performed in conjunction with a lawful order of the Village Board or Building Inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.

(g) *Dwelling*. A place of abode, a residence, or a house for use by one or more persons, excluding hotels or motels.

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(h) *Dwelling Unit*. One or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one family.

(i) *Extermination*. The control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.

(j) *Family*. An individual, or two or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two roomers. For this Subsection, "children" means natural children, or a ward as determined in a legal guardianship proceeding. Up to two personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, are considered part of the "family." Services may include personal care, housekeeping, meal preparation, laundry, or companionship.

(k) *Friable Material*. Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

(l) *Habitable Space*. One or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.

(m) *Impervious to Water*. Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.

(n) *Infestation*. The sustained presence of household pests, vermin, or rodents.

(o) *Lodging House*. A dwelling containing lodging rooms that will accommodate five or more persons not members of a family.

(p) *Lodging Room*. A portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

(q) *Mixed Occupancy*. Occupancy of a building in part for residential use and in part for some other use not accessory thereto.

(r) *Owner*. Every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the Village, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building. "Owner" does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

(s) *Person*. Any individual, firm, corporation, association, or partnership or other legal entity capable of being sued.

(t) *Residential Building*. A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

- (1) Single-family dwellings.
- (2) Two family dwellings.
- (3) Multiple-family dwellings (including apartment hotels).
- (4) Lodging houses.
- (5) Fraternity and sorority houses.

(For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)

(u) *Room*. A partitioned part of the inside of a building. For this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which

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intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

(v) *Structure*. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.

Sec. 15-3-3 Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Services.

No person may occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:

(a) *Basic Plumbing Requirements*. Every dwelling unit must contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold-water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure must be available at all fixtures.

(b) *Water Heating Facilities*. Every residential building must have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

(c) *Refuse Storage*. Each resident in every residential building shall be responsible for supplying such building with garbage, refuse and recyclable materials, storage facilities, the type and location complying Village regulations.

(d) *Egress*. Every dwelling unit and lodging room must have direct access to at least two accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet with a minimum dimension of three feet. All stairways and platforms must be protected with handrails and guardrails as specified SPS 321.04.

(e) *Plumbing*. Each lodging house must provide at least one toilet and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory-basin and bathtub or shower must always have hot water.

(f) *Windows and Ventilation*.

- (1) Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Wis. Adm. Code SPS 321.05. Existing light and ventilation conditions which do not comply with Wis. Adm. Code SPS 321.05 may remain in use with the granting of a variance by the Board of Appeals.
- (2) Exhaust ventilation shall be installed in all toilet rooms, except those having only one toilet or urinal and in which the window area is greater than four square feet and more than two square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than 50 cubic feet per minute
- (3) All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes, and other insects, to be annually installed during May before June 1 and maintained until storm windows are installed in autumn.
- (4) All exterior door and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15th, but no later than November 15th annually.
- (5) Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one air change per hour. All required exhaust vents shall terminate outside the structure.

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(g) *Electrical.* Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the ampacity of the smallest wire size in the circuit:

- (1) Every dwelling unit or room shall have electric service capable of providing at least three watts per square foot of total floor area (air conditioners, ranges, space heaters and motor driven equipment one-eighth hp. or over excluded.)
- (2) Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room and furnace room shall contain at least one approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five-foot candles at floor level at the center of the room. Where more than one fixture is used or required, they shall be equally spaced as far as practicable. A switched outlet may be substituted for the ceiling or wall fixture in the dining room.
- (3) Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves)
 - a. Living Room: One per seventy-five (75) square feet or major fraction
 - b. Dining Room: One per seventy-five (75) square feet or major fraction
 - c. Kitchen: One per eight feet or fraction of countertop and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height.) Island type work areas require one for each eight feet or less of length. Separate outlets shall be provided for refrigerators.
 - d. Dining Areas in Kitchen: One per seventy-five (75) square feet or major fraction.
 - e. Bedroom: One per seventy-five (75) square feet or major fraction.
 - f. Laundry: One when laundry equipment is present.
 - g. Bathrooms and Lavatories: One.
 - h. Other Habitable Rooms: Minimum of two.
 - i. Fixed appliances exceeding one-eighth hp., or three hundred (300) watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located next to the fixed appliances to prevent the use of extension cords.
- (4) All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring, shall be removed immediately upon the direction of the Building Inspector or Fire Inspector.
- (5) Switches or equivalent devices for turning on one light in each room or passageway shall be located to conveniently control the area to be lighted.
- (6) Public halls and stairways in multiple dwellings shall always be adequately lighted by natural or electric light to provide in all parts thereof at least two and one-half foot candles of light at the tread or floor level. Halls and stairways in structures containing not more than three dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full time or automatic time-switched lighting. When dwelling unit doors open to the outside a minimum of two and one-half foot candles of illumination at the locks are required. Required parking areas for more than three cars shall be lighted to a minimum of one-foot candle on all surfaces.
- (7) When the service in an existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be one hundred (100) amps for each dwelling unit. Where electric heat and air conditioner over twenty (20) amps are added or in place, additional capacity to cover this demand is required. All electrical work must comply with the National Electrical Code.

(h) *Heating.*

- (1) All habitable rooms shall be provided with a permanently connected heating system complying with the Village ordinances.
- (2) The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom.
- (3) A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is above zero degrees Fahrenheit, absent the wind-chill factor, and a

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minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero degrees Fahrenheit or lower, absent the wind-chill factor.

- (4) The door temperature for the Village shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
- (5) The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

(i) *Lighting.*

- (1) Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three or more apartments, and lodging houses. The illumination shall be provided during a period one hour before sunset to one hour after sunrise.
- (2) Every residential building that will accommodate transients, three or more families, or twenty (20) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five inches high, or a red illuminated translucent exit sign may be used.

(j) *Cooking Areas Restricted.* The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.

(k) *Emergency Work Information.* Every owner of a multi-family dwelling shall make available to the occupants the names of two or more persons that may be called to arrange for emergency work. A list of the names with the telephone numbers should be posted in a conspicuous place readily accessible to the occupants. The list should be routinely updated to maintain accurate information.

Sec. 15-3-4 Safe and Sanitary Maintenance of Property.

(a) *Purpose.* The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.

(b) *Maintenance Requirements.* Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:

- (1) *Fences, Walks, Parking Areas.* Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide convenient all-weather access to buildings.
- (2) *Exterior Surfaces.* Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
- (3) *Yard Areas.* Yard areas must comply with provisions set forth in the Code.
- (4) *General Requirements.*
 - a. Every interior floor, wall, and ceiling, including door and window assemblies, should be kept clean and in good repair. Any hazardous sagging or bulging should be properly repaired to a level or plumb position. All surfaces should be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface should be in spaces subject to moisture.
 - b. Every foundation, exterior wall, and floor and roof should be reasonably weathertight, watertight, and rodentproof, kept in proper repair, and be capable of affording privacy.
 - c. Chimneys and breaching should be constructed and maintained to ensure that it safely and safely removes the products of combustion from the building.
 - d. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas should be tightly sealed with an impervious and cleanable material.

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- (5) *Stairs.* Every inside and outside stair, every porch, and every appurtenance thereto must be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and must be constructed in compliance with the Building Code and State laws.
- (6) *Plumbing Fixtures.* Every plumbing fixture and water and waste pipe must be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (7) *Bathrooms.* Every water closet compartment floor surface and bathroom floor surface should be properly constructed and maintained to be reasonably resist water and to be kept in a clean and sanitary condition.
- (8) *Supplied Facilities.*
 - a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
 - b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
 - c. The tenant is to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (9) *Equipment Removal Restricted.* Utilities may only be temporary shut off while necessary repairs are in process, or when authorized by an inspector.
- (10) *Abandoned Fuel Oil Tanks.* Abandoned fuel oil tanks must be removed from the building.

Sec. 15-3-5 Quantity, Location, and Use of Space in Residential Buildings.

(a) *Size of Dwellings and Rooms.*

- (1) *Detached Single-Family Dwellings.* Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first-floor level.
- (2) *Size of Rooms.*
 - a. *Apartments.* The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
 - b. *Lodging Rooms.* The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one occupant and fifty (50) square feet for each additional occupant.
- (3) *Excluded Spaces.* The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
- (4) *Hallways.* Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
- (5) *Cellar Space.* No cellar space shall be used as a sleeping room.
- (6) *Basement Use as a Sleeping Area.* No basement space shall be used for a sleeping room unless:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - b. The total window area in each room is equal to at least the minimum window area required in the Building Code and applicable State laws.
 - c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

Sec. 15-3-6 Fixing the Responsibility of Owners, Operators and Occupants.

(a) *Purpose.* The purpose of this Section is to fix the responsibility of owners, operators, and occupants of residential buildings.

(b) *Responsibilities.* The responsibility of owners, operators, and occupants of residential buildings is as follows:

- (1) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
- (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every

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other part of the lodging house. Every occupant of a residential building shall dispose of all his refuse, recyclables, and garbage as required by this Code.

- (3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code.
- (4) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.
- (5) 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.
- (6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and compliance inspections/orders thereunder, and the occupancy is limited to the maximum permitted thereby.
- (7) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.
- (8) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

Sec. 15-3-7 Inspection.

(a) The Building Inspector is authorized and empowered to inspect all residential buildings within the Village for the purpose of determining whether said residential buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.

(b) No owner of a residential building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

Sec. 15-3-8 Designation of Unfit Dwellings and Legal Procedure Therefor.

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 will be in accordance as set forth in this Code.

Sec. 15-3-9 Enforcement, Service of Notices and Orders and Hearings.

(a) *Penalty.* Violations are subject to the general penalties 1-1-6 of this Code.

(b) *Notice of Noncompliance.* If an inspection reveals a noncompliance with this Chapter or the Wisconsin Uniform Dwelling Code (SPS Ch 320-325), the Building Inspector will notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations must be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Wisconsin Uniform Dwelling Code (SPS Ch 320-325), the Building Inspector, or the Village Board.

(c) *Injunction.* Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction.

(d) *Appeals.* An aggrieved person may appeal to the Village Board pursuant to Wis. Stat. § 61.354 (4)(b), The Village Board will hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector in administering this Chapter except for cease-and-desist orders.