

Chapter 9

HOUSING AND PROPERTY MAINTENANCE

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9.01 Scope. This chapter contains the minimum property standards code for all structures and properties in the village and shall be referred to throughout this section as the housing code.

(1) PURPOSE. The purpose of this code is to protect the public health, safety and welfare in buildings and on the premises as hereinafter

provided by:

- (a) establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; and for cooking equipment in all structures now in existence; and
- (b) fixing the responsibilities of owners,

operators and occupants of all structures; and

(c) providing for administration, enforcement and penalties.

(2) **MATTERS COVERED.** The provisions of this code shall apply to all structures and premises, which are now, or may become in the future, substandard with respect to: structure, premises, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, overcrowding, or other conditions which may be deemed to be harmful to the safety, health or welfare of their occupants, the neighborhood or the general public. The existence of such conditions, factors or characteristics adversely affects public safety, health and welfare and leads to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum standards.

(3) **TRAVEL TRAILERS AND MOBILE HOMES.**

All moveable units used for human occupancy, and the areas, grounds or parcels on which they are located, insofar as they are applicable thereto and not in conflict with, shall comply with the requirements of this code.

9.02 Applicability. Every portion of a building or premise used or intended to be used shall comply with the provisions of this code, irrespective of when such building shall have been constructed, altered, or repaired, except as hereinafter provided.

(1) **APPLICATION OF BUILDING CODE.** Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall

be done in accordance with applicable sections of the building code of the Village.

(2) **APPLICATION OF ZONING LAW.**

Nothing in this code shall permit the establishment or conversion of a multi-family dwelling in any zone except where permitted by the zoning law, nor the continuation of such nonconforming use in any zone except as provided therein.

(3) **CONFLICT WITH OTHER CODES.** Except as provided in Section (4), in any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety, or health code of the village existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or code of the village existing on the effective date of this code which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this code shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this code.

(4) **EXISTING BUILDINGS.** This code establishes minimum requirements for the initial and continued occupancy of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment or facilities except as provided in this section.

(5) **EXISTING REMEDIES.** Nothing in this code shall be deemed to abolish or impair

existing remedies of the village or its buildings, which are deemed to be dangerous, unsafe, or unsanitary.

9.03 Enforcement Authority. (1)

ENFORCEMENT OFFICER. Whenever in this chapter the term "building official of the village" is used, it shall mean the "building inspector". It shall be the duty and responsibility of the building inspector and or police department to enforce the provisions of this code as herein provided.

(2) COORDINATION OF ENFORCEMENT.

Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the inspection department of the village. Wherever, in the opinion of the building official it is necessary or desirable to have inspections of any condition by any other department, he shall arrange for this to be done in such a manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this code shall be issued without the approval of the building official, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved in the case in question.

(3) ADMINISTRATIVE LIABILITY. Except as may otherwise be provided by the statute or local law or ordinance, no officer, agent or employee of the village charged with the enforcement of this code shall render himself personally liable for any damage that may

accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this code. No person who institutes or assists in the prosecution of a criminal proceeding under this code shall be liable to damages hereunder unbeliving that the person accused or prosecuted was guilty of any unlawful act or omission. Any suit brought against any officer, agent, or employee of the village, as a result of any act required or permitted in the discharge of his duties under this code, shall be defended by the legal representative of the village until the final determination of the proceedings therein.

(4) INSPECTIONS. The building official shall make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the safety, health, and welfare of the public under the provisions of this code.

(a) The building official is authorized, upon proper notice, to enter any structure or premises at any reasonable time for the purpose of performing his duties under this code. Upon receipt of proper notice, the owner, occupant, or operator of every structure or premises, or the person in charge thereof, shall give the building official free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

(b) It shall be unlawful for any person to refuse entrance to or to impede an inspector or officer authorized under this code in the performance of his duties, and every such inspector or officer shall have the right, upon proper notice, to enter, examine and survey all premises, grounds and structures and every part

thereof at all reasonable times upon display of proper identification.

(c) If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

(5) COMPLAINT PROCEDURES AND NOTIFICATION REQUIREMENTS

(a) Any occupant who desires to file a complaint about substandard conditions in a dwelling unit must do so in writing. In signing the complaint form, the occupant must verify that the complaint is real and of a serious nature and that a reasonable effort has been made to have the owner correct the problem.

(b) Upon receipt of a valid complaint about a substandard condition that does *not* pose an immediate threat to the health or safety of the occupant(s), the housing inspector shall make a reasonable effort to contact the owner by telephone or by certified mail. 1. The purpose of the contact shall be to confirm that the tenant had notified the owner of the problem and to encourage the owner or his authorized operator or representative to accompany the Housing Inspector during the inspection.

2. If the owner does not respond within three (3) working days, or if the owner waives his right to accompany the inspector, the housing inspector may conduct the inspection without owner representation.

(c) Upon receipt of a valid complaint about a substandard condition that does pose a potential threat to the health or safety of the occupant(s), the housing inspector shall be authorized to make an immediate inspection without prior notification to the owner.

(d) If a complaint form filed by an occupant(s) is found to be fraudulent or frivolous, the complainant shall be subject to a forfeiture of \$25 to \$500 to the village for each such report that is filed.

(6) ACCESS BY OWNER OR OPERATOR.

Every occupant of a structure or premises shall give the owner or operator thereof, or his agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

9.04 Condemnation. Structures may be condemned as dangerous structures or unsafe for human occupancy as provided below.

(1) DANGEROUS STRUCTURES. If all or part of any building or structure (including among others a fence, billboard or sign) or the equipment for the operation thereof (including among others the heating plant, plumbing, electric wiring, moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the building official, to be in an unsafe condition, that is dangerous to life, limb, or property; the inspector shall proceed to have the same condemned pursuant to the applicable provisions of codes of the village pertaining to unsafe structures.

(2) STRUCTURES UNFIT FOR HUMAN

OCCUPANCY. Whenever the building official finds that any structure constitutes a hazard to the safety, health, or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary, vermin-infested or rodent-infested; or because it lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this code, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as hereinbefore provided he may declare such structure as unfit for human occupancy and order it to be vacated. (a) If any structure, or any part thereof, is occupied by more occupants than permitted under this code, or was erected, altered or occupied contrary to law, such structure shall be deemed an unlawful structure, and the building official may cause such structure to be vacated.

(b) It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

(3) NOTICE. Notice of the declaration of any building under this code as unfit for human occupancy and order to vacate it shall be served as provided in this code and such other codes or ordinances of the village or state pertaining to unsafe buildings.

(4) POSTING OF NOTICE. Any structure declared as unfit for human occupancy shall be posted with a placard by the building official. The placard shall include the following information:

(a) name of village;

(b) name of the authorized department having jurisdiction;

(c) chapter and section of the code under which it is issued;

(d) orders that the structure when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;

(e) the date that the placard is posted, and

(f) a statement of the penalty for defacing or removing the placard.

(5) FORM OF NOTICE. Whenever the building official has declared a structure as unfit for human habitation, he shall give notice to the owner of such declaration and shall placard the structure as unfit for human occupancy. 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 or reasons why it is being issued;

(d) state the time to correct the conditions, and

(e) state the time occupants must vacate the structure.

(6) SERVICE OF NOTICE. Service of notice to vacate shall be as follows:

(a) by delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or

(b) by certified or registered mail addressed to the owner at his last known address with postage prepaid thereon; or

(c) by posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

(7) REMOVAL OF PLACARD OR NOTICE. No person shall deface or remove the placard from any structure that has been declared or placarded as unfit for human habitation except

by authority in writing from the building official.

(8) VACATING OF DECLARED BUILDING.

Any structure which has been declared and placarded as unfit for human occupancy by the building official shall be vacated within a reasonable time as required by the building official, and it shall be unlawful for any owner or operator to let to any person, for human occupancy, such structure, and no person shall occupy any structure which has been declared or placarded by the building official as unfit for human occupancy after the date set forth in the placard.

(9) OCCUPANCY OF BUILDING. No structure, which has been declared or placarded as unfit for human occupancy, shall again be used for human occupancy until written approval is secured from the building official. The building official shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

(10) REPORT OF NOTICE TO VACATE. The building official shall furnish a copy of each notice to vacate a building to the fire chief, police chief, and any other designated official of the village concerned therewith.

9.05 Right of Appeal. Any owner or person who is aggrieved with the ruling or decision of the enforcing officer in any matter relative to the interpretation or enforcement of any of the provisions of the Housing-Property Maintenance Code may appeal the decision or interpretation.

(1) This appeal must be filed with the Administrative Review Board as provided in chapter 23 of this code, in writing, within ten

(10) days of the date of the rendition of the decision or interpretation.

(2) The appeal may be decided by one of the following methods of procedure:

(a) A decision may be rendered by the Administrative Review Board;

(b) The matter may be resolved by the normal procedure for appeals by the appropriate courts of the various governmental units;

(c) The decisions of either body shall be subject to the appeal provisions as established by the appropriate courts of the various governmental units.

9.06 Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

(1) INTERCHANGEABILITY. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(2) TERMS DEFINED IN BUILDING CODE. Where terms are not defined in this section and are defined in the building code, they shall have the same meanings assigned to them as in the building code.

(3) TERMS NOT DEFINED. Where terms are not defined under the provisions of this code or under the provisions of the building code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

(4) APPLIED MEANING OF WORDS AND TERMS.

(a) Acceptable Standards. Standards of

care or workmanship that are of a type that does not create a nuisance or cause a property or area to appear in a blighted condition or tend to depreciate property values in the neighborhood or area.

(b) *Approved.* Approved as applied to a material, device, or method of construction shall mean approved by the building official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

(c) *Basement.* A portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground (see "cellar").

(d) *Building Code.* The building code officially adopted by the legislative body of this jurisdiction, or such other code as may be originally designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

(e) *Building/housing Inspector.* The official designated by the village to enforce building, zoning or similar laws and this code, or his duly authorized representative.

(f) *Cellar.* The portion of a building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

(g) *Debris.* Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles or machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or material, such as may tend to depreciate property values in the area, or create

a blighted condition, or create a nuisance or hazard shall not be allowed on any property, except when such materials are properly housed and out of public view.

(h) *Dwellings.*

1. One-family Dwelling means a building containing one dwelling unit with not more than five (5) lodgers or boarders.

2. Two-family Dwelling means a building containing two (2) dwelling units with not more than five (5) lodgers or boarders but not more than twenty (20) individuals.

3. Multi-family Apartment House means a building containing more than two (2) dwelling units.

4. Boarding House, Lodging House, Tourist House means a building arranged or used for the lodging with or without meals, for compensation, more than five (5) and not more than twenty (20) individuals.

5. Dormitory means a building arranged or used for lodging six (6) but not more than twenty (20) individuals and having common toilet and bathroom facilities.

6. Hotel means a building arranged or used for the sheltering, sleeping, or feeding, for compensation, of more than twenty (20) individuals.

7. Whenever the words "multi-family dwelling", "residence building", "dwelling unit", "rooming house", "rooming unit", or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof".

(i) *Dwelling Unit.* One or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary

and sleeping facilities.

(j) *Enforcement Officer*. The official designated herein or otherwise charged with the responsibilities of administering this code, or his authorized representative.

(k) *Exterior Property Areas*. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

(l) *Extermination*. The control and elimination of insect, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

(m) *Family*. Any number of individuals related by blood, marriage or legal adoption living together as a single housekeeping unit, including domestic servants. A related family may also include not more than two roomers, boarders or permanent guests (whether or not gratuitous) in addition to the related family and servants. A group including servants and/or roomers, boarders, or permanent guests of not more than four unrelated individuals living together as a single housekeeping unit, shall also constitute a family.

(n) *Garbage*. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(o) *Gross Floor Area*. The total area of all habitable space in a building or structure. The floor area of rooms shall be measured by interior dimensions unless otherwise noted.

(p) *Habitable Room*. A room or enclosed floor space arranged for living, eating, and sleeping purposes (not including bathrooms,

water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces).

(q) *Infestation*. The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

(r) *Motel*. For purposes of this code, a motel shall be defined the same as a hotel.

(s) *Occupant*. Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

(t) *Openable Area*. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(u) *Operator*. Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

(v) *Owner*. The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee or rents, receiver, executor, trustee, less or other person, firm or corporation in control of a building or of premises, or their duly authorized agents.

(w) *Person*. An individual, firm, corporation, association or partnership.

(x) *Plumbing or Plumbing Fixtures*. Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

(y) *Premises*. A lot, plot or parcel of land

including the buildings or structures thereon.

(z) *Proper Notice.* Proper notice may consist of a personal visit, telephone conversation (not at a recorded message), or personal letter sent by certified mail to the owner-occupant, owner-landlord or authorized representative, or tenant.

(aa) *Reasonable Notice.* For a substandard condition that does *not* pose an immediate threat to the health or safety of the occupant(s), proper notice of the planned inspection shall be given to a tenant at least 24 hours in advance of the inspection. For an owner-occupant or owner-landlord, the advance notice required shall be three (3) working days. No advance notice need be given to inspect a condition that is believed to pose a threat to the health or safety of the occupant(s).

(bb) *Residence Building.* A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.

(cc) *Rooming House.* Any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of the family, under section 9.06(4)(h)4 of this code.

(dd) *Rubbish.* Combustible and non-combustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimming, tin cans, metals, mineral matter, glass, crockery and dust and

other similar materials.

(ee) *Structure.* An assembly of materials forming a construction for occupancy or use, including among others, buildings, stadiums, tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences and display signs.

(ff) *Supplied.* Installed, furnished or provided by the owner or operator.

(gg) *Ventilation.* The process of supplying and removing air by natural or mechanical means to or from any space. 1. Mechanical - ventilation by power-driven devices.

2. Natural - ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices.

(hh) *Workerlike.* Whenever the words "workerlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

(ii) *Yard.* An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line.

9.07 Exterior Property Areas. The provisions of this section shall govern the minimum conditions of property and buildings. Every building or structure occupied by humans and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply thereto. No person shall occupy as owner-occupant or let to another for occupancy any structure or premises which does not comply with the following

requirements. The building official of the village shall cause periodic inspections to be made of all premises to secure compliance with these requirements.

(1) **SANITATION.** All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, garbage, or debris.

(2) **GRADING AND DRAINAGE.** All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

(3) **NOXIOUS WEEDS.** All exterior property areas shall be kept free from species of weeds or plant growth, which are noxious or detrimental to the public health.

(4) **INSECT, RODENT, VERMIN OR OTHER PEST HARBORAGE.** Every owner of a structure or property shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

(5) **ACCESSORY STRUCTURES.** All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.

(6) **MOTOR VEHICLES.** See section 9.18.

(7) **LAWN AREAS.**

(a) *Lawn Height.* Lawn areas where provided on any property shall not be allowed to deteriorate to such condition as to be a

seriously blighting influence on the neighborhood or the village in general. The growth of grass in excess of 6 inches in height or the maintenance of property with a lack of vegetation renders the yard unsightly and results in the diminution of the appearance of the property and adjacent properties and is prohibited.

(b) *Non-Lawn Areas.* Where lawn areas are not provided or have been removed, such areas shall be landscaped with garden beds or other ground cover so as not to be a public nuisances or a serious blighting influence.

(c) *Enforcement.* In addition to the building inspector, the weed commissioner may also enforce the provisions of this ordinance.

9.08 Exterior Structure. No person shall occupy as owner-occupant, or let to another for occupancy, any structure or portion thereof which does not comply with the following requirements. (1) **FOUNDATIONS, WALLS, AND ROOF.** Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workerlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

(2) **FOUNDATIONS.** The foundation elements shall adequately support the building at all points.

(3) **EXTERIOR WALLS.** Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions that might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface material must be painted in accordance with acceptable standards, and all siding material must be kept in repair.

(4) ROOFS. The roof shall be structurally sound, tight, and have no defects that might admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.

(5) STAIRS, PORCHES AND RAILINGS. Stairs and other exit facilities shall be adequate for safety as provided in the building code and shall comply with the following sections.

(a) Structural Safety. Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code and shall be kept in sound condition and good repair.

(b) Handrails. Where the building official deems it necessary for safety, every flight of stairs, which is more than two (2) risers high, shall have handrails which shall be located as required by the building code, and every porch which is more than two (2) risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

(6) WINDOWS, DOORS AND HATCHWAYS. Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

(7) WINDOWS TO BE GLAZED. Every window sash shall be fully supplied with glass windowpanes or an approved substitute which are without open cracks or holes.

(8) WINDOWS TO BE TIGHT. Every window sash shall be in good condition and fit reasonably tight within its frame.

(9) WINDOWS TO BE OPENABLE. Every

window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

(10) DOOR HARDWARE. Every exterior door, door hinge, and door latch shall be maintained in good condition.

(11) DOORS TO FIT IN FRAME. Every exterior door, when closed, shall fit reasonably well within its frame.

(12) WINDOW AND DOOR FRAMES TO FIT IN WALL. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

(13) BASEMENT HATCHWAYS. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or structure and strong enough to support a 250 lb. load.

(14) EXIT DOORS. Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.

(15) SCREENING. Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements.

(a) Guards for Basement Windows. Every basement or cellar window which is openable shall be supplied with corrosion-resistant rodent-proof shields of not less than No. 22 U.S. gage perforated steel sheets, or No. 20 B&S gage aluminum, or No. 16 U.S. gage expanded metal or wire mesh screens, with not more than one-half (1/2) inch mesh openings, or with other material affording

equivalent protection against the entry of rodents, including storm windows.

(b) *Insect Screens.* From June 1st to October 15th of each year, every door opening directly from any dwelling or multi-family dwelling to the outdoors, and every window or other outside opening used for ventilation purposes, shall be supplied with approved screening, and every swinging screen door shall have a self-closing device in good working condition, except that no such screens shall be required for a dwelling unit on a floor above the fifth floor. 1. The building official has authority to waive the requirement for screen doors on newer homes that have ornamental entrance doors and air conditioning where there is no need for screen door ventilation.

2. Window type air conditioning units are not included in this exception.

9.09 Interior Structure. No person shall occupy as owner-occupant, or let to another for occupancy, any structure or portion thereof which does not comply with the following requirements.

(1) **FREE FROM DAMPNES.** In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure as required by the building code.

(2) **STRUCTURAL MEMBERS.** The supporting structural members of every building shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the building code.

(3) **INTERIOR STAIRS AND RAILINGS.** Stairs shall be provided in every structure as required by the building code. No stairway may be located in a closet.

(4) **MAINTAINED IN GOOD REPAIR.** All interior stairs of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code.

(5) **HANDRAILS.** Every stairwell and every flight of stairs, which is more than two (2) risers high, shall have handrails or railings located in accordance with the provisions of the building code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads as required by the building code, shall be placed on the open portions of stairs, balconies, landings and stairwells.

(6) **BATHROOM AND KITCHEN FLOORS.** Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. Approved kitchen and bathroom carpeting will be permitted.

(7) **SANITATION.** The interior of every dwelling and structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under sections 9.10 (6) and (7) of this code.

(8) INSECT AND RODENT HARBORAGE.

Buildings shall be kept free from insect and rodent infestation, and where insects or rodents are found, acceptable processes shall promptly exterminate them, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(9) EXTERMINATION FROM BUILDINGS.

Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists in two (2) or more of the dwelling units, or in the shared or public parts of the structure.

(10) EXTERMINATION FROM SINGLE

DWELLING UNITS. The occupant of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.

(11) RESPONSIBILITY OF OWNERS.

Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

(12) INTERIOR WALLS, CEILINGS AND

FLOORS. All interior walls, ceilings and floors shall be structurally sound, in good repair, free from defects, clean and painted and decorated.

9.10 Basic Facilities. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the

following requirements.

(1) SANITARY FACILITIES. The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working condition.

(a) Water Closet. Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which afford privacy and which is equipped with a water closet.

(b) Lavatory. Every dwelling unit shall contain a lavatory which, when a closet is required, shall be in the same room with said water closet.

(c) Bathtub or Shower. Every dwelling unit shall contain a room that affords privacy to a person in said room and which is equipped with a bathtub or shower.

(d) Kitchen Sink. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under paragraph b above.

(2) WATER AND SEWER SYSTEM. Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of section 9.10 (1) shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

(3) WATER HEATING FACILITIES. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water under paragraph (2) above. Water heating facilities shall be capable of heating water to such a temperature as 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 one hundred thirty (130) degrees Fahrenheit at any time needed.

(4) HEATING FACILITIES. Every dwelling and multi-family dwelling shall have heating facilities, and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of seventy (70) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero (0).

The owner shall maintain a minimum average room temperature of seventy (70) degrees Fahrenheit in all habitable rooms, including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero (0) outside. The temperature shall be existent at a level of three feet above the floor level and three (3) or more feet from an exterior wall.

(5) OPERATION OF HEATING FACILITIES AND INCINERATORS. Every heating or water heating facility and incinerator shall be installed and shall operate in accordance with the requirements of the building code or the air pollution control ordinances of the village.

(6) RUBBISH STORAGE FACILITIES. Every dwelling, multi-family dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling or multi-family dwelling shall be responsible for the removal of such rubbish.

(7) GARBAGE STORAGE OR DISPOSAL FACILITIES. Every dwelling or multi-family

dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be any adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the building official, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can or cans.

9.11 Installation and Maintenance.

No person shall occupy as owner-occupant, or let to another for occupancy, any building or structure that does not comply with the following requirements.

(1) FACILITIES AND EQUIPMENT. All required equipment and all building space and parts in every building or structure shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.

(2) MAINTAINED CLEAN AND SANITARY. All building facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

(3) PLUMBING FIXTURES. In buildings and structures, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the village.

(4) PLUMBING SYSTEMS. In buildings and

structures, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the village.

(5) HEATING EQUIPMENT. Every space heating, cooking, and water heating device located in a building or structure shall be properly installed, connected, and maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of the building code.

(6) ELECTRICAL OUTLETS AND FIXTURES. Every electrical outlet and fixture shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the building code or electrical code of the Village.

(7) CORRECTION OF DEFECTIVE SYSTEM. Where it is found, in the opinion of the building official, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

9.12 Occupancy Requirements. No person shall occupy or let to another for occupancy, any dwelling unit for the purpose of living therein which does not comply with the following requirements.

(1) MINIMUM CEILING HEIGHTS. Habitable rooms in existing buildings, except as provided

in section 9.02 (4), shall have a clear ceiling height over the minimum area required by this code at not less than seven and one-third ($7\frac{1}{3}$) feet, except that in attics or top half-stories the ceiling height shall be not less than seven (7) feet over not less than one-third ($\frac{1}{3}$) of the minimum area required by this code when used for sleeping, studying or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

(2) REQUIRED SPACE IN DWELLING UNITS. Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(3) REQUIRED SPACE IN SLEEPING ROOMS. In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

(4) ACCESS LIMITATION OF DWELLING UNIT TO COMMERCIAL USES. No habitable room, bathroom or water closet compartment that is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

(5) LOCATION OF BATH AND SECOND SLEEPING ROOM. No residence building or

dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. (a) Existing one-family dwellings, where no lodgers are occupants, may be exempt from the requirements concerning access through a first sleeping room.

(6) OCCUPANCY OF DWELLING UNITS BELOW GRADE. No dwelling unit partially below grade shall be used for living purposes unless:

- (a) the floors and walls are watertight;
- (b) the total window area, total openable area and ceiling height are in accordance with this code; and
- (c) the required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

9.13 Light and Ventilation. No person shall occupy as owner-occupant, or let to another for occupancy, any building or structure for the purpose of occupancy therein which does not comply with the following requirements.

(1) NATURAL LIGHT IN HABITABLE ROOMS. Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room,

except in kitchens when artificial light may be provided in accordance with the provisions of the building code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(2) LIGHT IN NON-HABITABLE WORKSPACE. Every laundry, furnace room, and all similar non-habitable work spaces located in a building or structure shall have one (1) supplied electric light fixture available at all times.

(3) LIGHT IN COMMON HALLS AND STAIRWAYS. Every common hall and inside stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

(4) ELECTRIC OUTLETS REQUIRED. Where there is electric service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall-type electric convenience outlets or two (2) such convenience outlets and one (1) ceiling or wall-type electric light fixture shall be provided.

(a) Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture.

(b) In addition to the electric light fixture in every bathroom and laundry room, there shall

be provided at least one (1) electric outlet.

(5) ADEQUATE VENTILATION. Every room shall have at least one (1) window that can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least forty-five (45) percent of the minimum window area size required in section 9.13 (1) except that no openable window shall be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

(6) VENTILATION AND LIGHT IN BATHROOM AND WATER CLOSET. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by sections 9.13 (1) and (4), except that no window shall be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

(7) OVERCROWDING OF ROOMS. If any room in a dwelling is over-crowded, the building official may order the number of persons sleeping or living in said room to be so reduced that there shall be not less than four hundred (400) cubic feet of air to each adult and two hundred (200) cubic feet of air to each child under twelve (12) years of age occupying such room.

(8) EATING FACILITIES. No cooking facility or appliance shall be permitted in any sleeping room.

9.14 Minimum Requirements for Safety from Fire. No person shall occupy as owner-occupant, or shall let to another for occupancy, any structure that does not comply with the

applicable provisions of the fire prevention sections of the building code ordinances of the municipality and the following additional requirements for safety from fire.

(1) STORAGE OF FLAMMABLE LIQUIDS PROHIBITED. No dwelling, multi-family dwelling, dwelling unit, or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit or lower.

(2) COOKING AND HEATING EQUIPMENT. All cooking and heating equipment, components and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards.

(a) All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances of the municipality applicable thereto.

(b) Portable cooking equipment employing flame is prohibited.

9.15 Smoke Detectors in One- and Two-family Dwellings.

(1) STATE LAW ADOPTED. Except as otherwise specifically provided in this code, the provisions of Chapter IHLR 28, SMOKE DETECTORS, of the Wisconsin Administrative Code, are hereby adopted and by reference made apart of this code as if fully set forth herein.

(a) Any act required to be performed or prohibited by any provision of the Wisconsin Administrative Code incorporated herein is required or prohibited by this code.

(b) Any future amendments, revisions, or modifications of the Wisconsin Administrative Code incorporated herein are intended to be made a part of this code.

(c) When any of the provisions incorporated herein is inconsistent with another portion of the code dealing with smoke detectors, the provision that is the most strict in its application shall apply.

(2) RESPONSIBILITIES. (a) The owner shall be responsible for installing smoke detectors in accordance with section 9.15 (4).

(b) The owner shall be responsible for the testing and maintenance of any smoke detector located in a common area of the building.

(c) The owner shall be responsible for checking and testing the proper function of all smoke detectors located within a dwelling unit at the beginning of each new lease.

(d) After the beginning of the lease, the tenant(s) shall be responsible for the testing and maintenance of all smoke detectors located within the dwelling unit, including replacement of the battery. The expense of any required maintenance of smoke detectors, including replacement of the battery, shall be the responsibility of the owner.

(e) The tenant(s) shall be responsible for notifying the building owner, in writing, of the malfunction of any smoke detector that cannot be remedied by replacing the battery or by simple adjustment.

(f) The owner shall have five (5) days from the receipt of written notice from a tenant to repair or replace the malfunctioning smoke detector.

(g) The owner shall furnish to the tenant(s), at the beginning of the lease, written notice of

the respective responsibilities of the owner and tenant regarding smoke detector maintenance and testing.

(3) SMOKE DETECTOR DEFINITION.

(a) A smoke detector, as specified in this code, shall be a device capable of sensing visible or invisible products of combustion, other than heat, and providing a suitable audible alarm when such products are present.

(b) The detectors may be battery-powered or powered by the building electrical system.

(c) Installation and maintenance of smoke detectors shall be in accordance with NFPA 74-1980, Household Fire Warning Equipment.

(4) LOCATION OF SMOKE DETECTORS. A functional smoke detector shall be installed in the basement and at the head of any common stairway on each floor level of the building and in each sleeping area of each unit. The smoke detector shall be located no more than six (6) feet from the doorway of any sleeping room.

(5) INSPECTION AND PENALTIES FOR NONCOMPLIANCE.

(a) An authorized DILHR or municipal representative may inspect dwellings when requested to do so by the owner or tenant.

(b) Violation of the smoke detector requirements may result in a forfeiture to the village in the amount of \$25 to \$500 per day for each violation found.

9.16 Owner and Occupant Responsibilities. Occupants of structures and/or premises and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this article.

(1) CLEANLINESS. Every occupant of a building or part thereof shall keep that part of

the building or premises thereof that he occupies, controls, or uses in a clean and sanitary condition.

(2) DISPOSAL OF RUBBISH. Every occupant of a building or part thereof shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section 9.10 (6) of this code.

(3) DISPOSAL OF GARBAGE. Every occupant of a building or part thereof shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in tight metal garbage storage containers as required by section 9.10 (7) of this code, or by such other disposal method as may be required by applicable laws or ordinances of the municipality.

(4) USE AND OPERATION OF SUPPLIED PLUMBING FIXTURES. Every occupant of a building or part thereof shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

(5) INSTALLATION AND CARE OF PLUMBING FIXTURES FURNISHED BY OCCUPANT. Every plumbing fixture furnished by the occupant of a building or structure shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

9.17 Rooming Houses. Every person who operates a rooming house, or who occupies or lets to another for occupancy any

rooming unit in any rooming house, shall comply with the provision of every section of this code, except as provided in the following sections.

(1) WATER CLOSET, HAND LAVATORY, AND BATH FACILITIES. At least one (1) water closet, lavatory basin, and bathtub or shower properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared.

(a) All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one (1) story removed from any of the persons sharing such facilities.

(b) Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(c) Such required facilities shall not be located in a cellar.

(2) MINIMUM FLOOR AREA FOR SLEEPING PURPOSES. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than two (2) persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.

(3) BED LINEN AND TOWELS. The operator of every rooming house shall supply bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(4) SHADES, DRAPES, ETC. Every window

of every rooming unit shall be supplied with shades, drawn drapes, or other devices or material which, when properly used, will afford privacy to the occupant of the rooming unit.

(5) **SANITARY CONDITIONS.** The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(6) **SANITARY FACILITIES.** Every water closet, flush urinal, lavatory basin and bathtub or shower required by section 9.17 (1) shall be located within the rooming house and within a room or rooms which: (a) afford privacy and are separate from the habitable rooms; and

(b) are accessible from a common hall and without going outside the rooming house or through any other room therein.

9.18 Maintenance of Property and Storage of Motor Vehicles.

(1) **DEFINITIONS.** For the purpose of this ordinance, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common use.

(a) *Automotive Repair Business.* A building or portion thereof, used for the repair of vehicles as a commercial business.

(b) *Blighting Influence.* A condition having an adverse effect on surrounding

properties.

(c) *Debris.* Broken concrete, bricks, rocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; lumber (new or used); posts, sticks or other wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances; junk lawn mowers; tar paper; residues from burning; or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon their neighborhood or the village in general.

(d) *Junk.* Any old or scrap metal, metal alloy, synthetic or organic material or waste; any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. Storage of certain materials may be permitted according to section 21.02(10) of this code.

(e) *Motor Vehicle.* A vehicle that is self-propelled.

(f) *Disabled Motor Vehicle.* A vehicle that cannot be operated without mechanical repair or assistance.

(g) *Inoperable Motor Vehicle.* A vehicle which does not meet the minimum equipment standards required for operation on the highway or street as set forth in Wis. Stats. Chapter 347 of the Administrative Code, Trans 305.

(h) *Noncombustible Material.* Material that cannot be burned.

(i) *Rubbish.* Combustible and noncombustible waste materials, except garbage. The term shall include residue from the burning of wood, coal, coke and other combustible materials; paper, rags, cartons, boxes, excelsior, rubber, leather, tin cans, metals, minerals, matter, glass, crockery and

dust and other similar materials.

(j) *Hazardous Obstruction.* Any building, monument, tree, fence, shrub, bush, motor vehicle, trailer, camping trailer, boat, machinery, sign, or other object which creates a hazard to public safety because of its location.

(2) **Prohibitions.** No person, group of persons, company, firm, corporation or other entity shall store or allow to remain outside of a building for more than three days any debris, junk, rubbish, refrigerator, appliance, machinery or similar type of personal property or disassembled, disabled, inoperable, unlicensed, junked or wrecked motor vehicle or boat.

(a) *Refrigerators.* Any refrigerator that is stored outside of a building must be made safe by one of the following methods: 1. The door of the refrigerator must be removed from the body of the refrigerator.

2. A chain must be placed around the refrigerator and the chain must be padlocked in such a fashion to prevent the door from being opened.

3. The refrigerator must be laid down so that the door is between the refrigerator body and the ground.

(d) *Firewood Storage.* Firewood shall be stored in straight, orderly piles which are raised off the ground and which are not in the "front yard" of any residence. Firewood shall not be piled against any wall which adjoins the living area of any occupied dwelling.

(e) *Hazardous Obstructions.* No person, group of persons, company, firm, corporation or other entity shall construct, cultivate, park or maintain on private or public property, any obstruction that is hazardous to the safety of the public or which restricts from sight any traffic

sign or any person traveling on a public sidewalk or any cyclist or vehicle that is traveling on any public alley, street or highway.

1. If a hazard to public safety exists and the hazard is not corrected in a timely manner after written notice is given, the chief or director of public works shall take reasonable action to protect public safety.

2. The cost of such action shall be billed to the property owner by authority of Wis. Stats. §66.0703.

(f) *Barbed Wire Fences Prohibited.* It shall be unlawful for any owner or occupant of land in the village to build or maintain any fence constructed wholly or in part of barbed wire along any public street adjacent to any sidewalk or to build or maintain any barbed wire as a division fence between any lots or parts of lots occupied for residential purposes.

(3) **EXCEPTIONS.** The above regulations shall not apply to the following types of activities when they are located in a business or industrial zoning district.

(a) To damaged or inoperable vehicles brought to the business for repair by a customer, that are stored for less than 15 days in any 60 day time period, outside an automotive repair business while awaiting repair or servicing.

(b) To vehicles that are displayed for sale on the lot of a properly licensed car dealer in an area for which a special use permit has been approved or proper zoning exists.

(c) To heavy commercial vehicles that are subject to quarterly registration by the Department of Motor Vehicles.

(4) **ADMINISTRATION AND ENFORCEMENT.** The police department or its designee shall

have the duty, responsibility and authority to enforce this section.

(a) Persons shall allow access to the police department or it's designee to their property for the purpose of enforcing this section.

(5) VIOLATIONS. Whenever any violation of this ordinance is found, the police department may take one or more of the following actions:

(a) Order the violation corrected by the property owner by the removal and proper disposal of the material within a specified period ranging from one to thirty days; or

(b) Issue a citation for violation of this section; or

(c) When the violations are pursued by the police department, such legal actions shall occur through the office of the village attorney including injunctive relief and forfeiture actions through the process of summons and complaints or other proper recourse.

(d) The municipal court may, upon petition, and at the request of the village, order the removal of the violating junk or debris. The village will then invoice the property owner for all such costs incurred in the removal. If the invoice is not paid within 30 days, the village may place the amount of the invoice on the tax rolls as a special charge against the property in question.

(e) Injunctive relief can also be requested requiring the property owner or other party in possession of the property to remove the violating junk, debris, rubbish and motor vehicles and have those items properly stored or disposed of. Any village cost incurred in the removal of such items will be assessed against the violating possessor of the property and/or owners.

(f) *Failure to Comply.* Any person, group of persons, firm, corporation or other legal entity failing to comply with the provisions of this section shall, upon conviction, forfeit not less than \$75 nor more than \$500, plus costs of prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default of payment of these forfeitures and costs and who is not found to be indigent by the court, shall be imprisoned in the Fond du Lac County Jail for up to 30 days for each violation or until payment is made.

9.19 Noxious Weeds Prohibited.

Pursuant to Wis. Stats. §66.0407, (1) No person shall plant or allow the presence of noxious weeds upon premises in the village that they own or occupy or on the sidewalks or terraces adjacent to such premises. Noxious weeds include: Canada thistle, English charlock or wild mustard, field bindweed commonly known as creeping Jenny, goats beard, quack or quitch grass, field dodder, Indian mustard, oxeley daisy, snap dragon, sow thistle and the "Barberries Bulgaris" commonly known as tall Barberry.

(2) **Unsightly Growth/Height.** No person shall permit upon premises in the Village that they own or occupy, or on the sidewalks or terraces adjacent to such premises, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height to exceed 6". The permitting of such growth, by blighting residential areas, permitting breeding areas for obnoxious insects, and concealing vermin and filthy deposits, is declared to be a public nuisance.

(3) Weed Commissioner Duties.

Pursuant to Wis. Stats. Section 66.0517 the Village President shall appoint one or more Weed Commissioners each year. In addition to having the powers and duties prescribed by Section 66.0517 the Weed Commissioner shall have all powers reasonably necessary to carry out the duties of this section including the authority to issue citations for violations of this ordinance. The Weed Commissioner may designate others to carry out nuisance abatement under the Weed commissioner's direction.

(4) Abatement Notice. Upon discovery of a violation of this ordinance the Weed Commissioner may attempt personal service on the owner, agent of the owner, occupant or other person causing, maintaining or permitting the nuisance at such person's last-known address. If this attempt is unsuccessful or impractical, the Weed Commissioner shall post a copy of the notice in a conspicuous place in or about the building where the nuisance exists and send notice by first class mail to the last-known address of the owner of record or agent of the owner. Such notice shall require the owner, occupant or person having control of the land where such growing matter is found, to cut, destroy and remove such growth and otherwise abate the nuisance within 5 days of the date of the issuance of the notice.

(5) Abatement by Weed Commissioner. After the time set forth in the abatement notice, the Weed Commissioner shall personally inspect the property upon which the nuisance was discovered, and if the nuisance has not been abated, the Weed Commissioner or designees under the

Commissioner's direction shall enter the property and cause the abatement of the nuisance by cutting down or otherwise destroying the nuisance bushes, unsightly growth or noxious weeds.

(6) Collecting the Cost of Abatement.

In addition to all other penalties allowed by law, the Weed Commissioner shall keep an account of the expense of any nuisance abatement and make a report of the same to the clerk who shall attempt to bill and collect the costs incurred by the abatement. If the owner, his agent or other person in control of the premises upon which the nuisance was located fails to pay the bill the clerk shall, pursuant to Wis. Stats. Section 66.0627, charge the amount therein to that parcel of land in the next subsequent tax roll as a special charge and shall collect that amount as a special charge.

(7) Forfeiture Penalty for Violations. In addition or in lieu of any other remedy authorized by law if the Weed Commissioner may issue a citation for any violation of this ordinance and the penalties for such citation shall be as provided at 9.25(3) of this code.

9.20 Rat and Rodent Control.

(1) All buildings, places and premises shall be so constructed and maintained as to prevent rats and rodents from being harbored underneath the same or within the walls thereof and all food products or other products, goods, wares and merchandise likely to attract or become infested with or infested by rats or rodents, whether kept for sale or for any purpose, shall be so protected as to prevent rats and rodents from gaining access thereto or coming in contact therewith.

(2) All buildings, places and premises shall continually be kept by the owner, person in charge or the occupant thereof in a clean and sanitary condition and free from rats and rodents.

(3) Whenever holes, burrows or other evidence of rat and rodent infestations are found on any premises or in any building, it shall be the duty of the owner or occupant to exterminate the rats and rodents or to cause the rats and rodents to be exterminated.

(4) A rat and rodent-proof metal container or any other container made of material that is impervious to rats and rodents, shall be used for the storage of garbage or refuse and openings into containers, such as doors or covers, shall be tight-fitting to prevent the entrance of rats and rodents.

(5) No person shall permit buildings or grounds to accumulate food, waste, debris or any material that would serve to attract or serve as a harboring place for rats and rodents.

(6) In the event that the owner of the premises does not keep the premises rat and rodent free, the building inspector is authorized to go upon the premises and take whatever action is necessary to exterminate said rats and rodents. All charges connected therewith shall be taxed against the infested premises as a special charge.

9.21 Fair Housing. The village hereby adopts Wis. Stat. §106.50 and all subsequent amendments thereto in regards to fair housing.

(a) Officials and employees of the village will 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. Stats. §106.04.

(b) The clerk shall maintain the forms for complaints to be filed under §106.04, and shall assist any person alleging a violation thereof in the village to file a complaint with the Wisconsin Department of Workforce Development, Equal Rights Division for enforcement of Wis. Stats. §106.04 as amended.

9.22 Non-residential Structures. The following codes are hereby adopted to apply to non-residential structures in the village:

- (1) 9.03 Enforcement Authority;
- (2) 9.04 Condemnation;
- (3) 9.05 Right of Appeal;
- (4) 9.06 Definitions;
- (5) 9.07 Exterior Property Areas;
- (6) 9.08 Exterior Structure;
- (7) 9.09 Interior Structure;
- (8) 9.11 Installation and Maintenance;

9.23 Fraud in Housing Assistance.

(1) No person shall willfully make any false representation with the intent to secure housing assistance for themselves or for some other person.

(2) No person shall willfully do any act designed to interfere with the proper administration of the housing assistance program.

(3) Any person who receives assistance for dwelling accommodations under Wis. Stat. §66.1205 shall notify the housing authority granting such assistance of any increase in income, assets or change in family composition within twenty (20) days after the receipt of those assets, income, or change in family composition.

(4) Any person who makes any statement in written application for aid under Wis. Stat. Chapter 66 shall be considered to have made an admission as to the existence, correctness and validity of any facts stated which shall be considered prima facie evidence against the party making it in any complaint and in any action or proceeding brought for enforcement of any provision of this section.

(5) "Housing Assistance" as used in this section includes assistance obtained through the Housing Authority program.

9.25 Violations. Notice of violation shall be served upon the owner of record, provided that 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 with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the structure affected by the notice.

(1) SERVICE OF NOTICE. Whenever the appropriate village official determines there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation of any provision of this code, he shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:

(a) be in writing;

(b) include a description of the real estate sufficient for identification;

(c) specify the violation which exists and the remedial action required, and

(d) allow a reasonable time of up to six (6) months for the performance of any act it requires.

(2) PROSECUTION OF VIOLATION. In case any violation order is not promptly complied with, the appropriate village official may request the legal representative to institute an appropriate action or proceeding in law or in equity against the person responsible for the violation, ordering him:

(a) to restrain, correct or remove the violation or refrain from any further execution of work;

(b) to restrain or correct the erection, installation or alteration of such building;

(c) to require the removal of work in violation;

(d) to prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued; or

(e) to enforce the penalty provisions of this code.

(3) PENALTY FOR VIOLATIONS. Any person, firm or corporation, who shall violate any provision of Chapter 9 shall, upon conviction thereof, be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Every day that a violation continues after due notice has been served, in accordance with

the terms and provisions hereof, shall be deemed a separate offense.