

CHAPTER 23

MINIMUM HOUSING AND PROPERTY MAINTENANCE CODE

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MINIMUM HOUSING AND PROPERTY MAINTENANCE CODE

23.01 TITLE

This ordinance shall be known as the Minimum Housing and Property Maintenance Code.

23.02 INTENT AND PURPOSE

- (1) This ordinance is adopted for the purpose of preserving and promoting the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, spiritual and monetary values.
- (2) It is recognized that there may now be, or, may in the future be, residential and nonresidential 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 so as 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.

23.03 RULES AND DEFINITIONS

(1) Rules

In the construction of this Ordinance, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise:

- (a) Words used in the present tense shall include the future.
- (b) Words used in the singular number shall include the plural number, and the plural the singular.
- (c) The word "shall" is mandatory and not discretionary.
- (d) The word "may" is permissive.
- (e) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

(2) Definitions

- (a) Adequate
"Adequate" shall mean adequate as determined by the Building Inspector by applying the interpretation of any authority designated by law or this chapter.
"Adequately" shall mean the same as "adequate".
- (b) Attractive Appearance
"Attractive appearance" refers to the exterior appearance of buildings, structures, stairs, porches and similar appurtenances and the improvement, planting and landscaping of yards and vacant areas. The determination of "attractive" used herein shall be as determined by the Building Inspector by applying the interpretation of any authority designated by law or this chapter.
- (c) Boarding House
See lodging house and lodging room.

(d) Building

Any structure built or used for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to or resting on the land. When any portion thereof is completely separated from every other portion by masonry or fire wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.

(e) Capacity in Persons

The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in the Building Code of the Wisconsin Department of Industry, Labor, and Human Relations.

(f) Dwelling

A "dwelling" is a building or portion thereof designed or used for human habitation, but not including hotels or motels.

(g) Dwelling Unit

A "dwelling unit" consist of one or more rooms which are arranged, designed, or used as living quarters for one family only, and shall include a bathroom permanently installed, and complete single kitchen facilities permanently installed.

(h) Extermination

"Extermination" shall mean 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 or fumigation by a licensed fumigator or any other effective elimination procedure.

(i) Family

A "family" is an individual, or two or more persons living together as a single housekeeping unit in a dwelling unit.

(j) Good Working Condition

"Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended.

(k) Habitable Room

"Habitable Room" shall mean any room in a residential building which is either a sleeping room or a living room as defined herein.

(l) Impervious to Water

"Impervious to Water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Office of the Building Inspector, and having tight fitting joints, and not having more than 4 1/2 percent absorption by test.

(m) Infestation

"Infestation" means the sustained presence of insects, household pests, vermin or rodents.

(n) Living Room

"Living Room" shall mean a room used for sitting, dining, or cooking purposes, but shall not include a room designed or used for laundry, workshop, furnace, bathroom, water closet or storage purposes.

(o) Lodging House

A "lodging house" is a residential building or portion thereof, containing lodging rooms which accommodate five (5) or more persons who are not members of the operator's family, and where lodging or meals, or both, or lodging and kitchen privileges are provided for compensation, but excluding those licensed by the State of Wisconsin.

(p) Lodging House

A "lodging room" is a room rented as a sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. A "lodging room" includes a room or rooms so rented in a single family dwelling or dwelling unit.

(q) Mixed Occupancy

"Mixed Occupancy" shall be occupancy of a building in part for residential use and in part for some other use not accessory thereto.

(r) Occupant

"Occupant" shall mean any person living, sleeping, cooking or eating in or having possession of a dwelling unit or lodging room.

(s) Operator

"Operator" shall mean any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.

(t) Owner

The term "owner" shall mean every person, firm, partnership, and any individual member thereof, corporation, business organization of any kind, the state, the county, the city, any sewer district, drainage district and any associated corporation or organization, and any other public or quasi-public corporation having a 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.

(u) Person

A "person" shall mean and include any individual, firm, corporation, association or partnership.

(v) Plumbing

"Plumbing" shall include all gas pipes and gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bathtub, catch basins, drains, vents and any other provided fixtures, together with the connections to water, sewer, or gas lines.

(w) Properly

"Properly" shall mean as deemed proper by the Building Inspector under the regulations of this Chapter as interpreted by an authority designated by law or this Chapter.

(x) Provided

"Provided" shall mean furnished, supplied, paid for or under control of the owner.

(y) Refuse

"Refuse" shall include all inorganic matter such as tin cans, wire or metal of any kind, glass, china, crockery, paper, cloth, stone, earth, wood, ashes and things of similar nature.

(z) Residential Building

A "residential building" is a structure which is arranged, designed, used, or intended to be used for residential occupancy by one or more persons.

(aa) Rooming House

See Lodging House and Lodging Room.

(bb) Sleeping Room

A "sleeping room" shall mean a room used for sleeping purposes.

(cc) Structure

"Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

(dd) Supplied

"Supplied" shall mean paid for, furnished, or provided or under the control of the owner or operator.

(ee) Supplied Facilities

"Supplied facilities" shall mean all equipment and services furnished or provided by or under the control of the owner or operator.

23.04 BASIC EQUIPMENT, LIGHTING, VENTILATION, HEATING AND ELECTRICAL SERVICE

- (1) The purpose of this section is to establish minimum standards for basic equipment, lighting, ventilation and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage and disposal of garbage and other refuse, safe means of egress, and provision for light, air, heat and electrical service.
- (2) No person shall 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) Every dwelling unit shall contain a kitchen sink, flush water closet including a seat and cover, 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, including a seat and cover, lavatory and bathtub or shower shall be contained within a room.
 - (b) Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working conditions, 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 120 degrees Fahrenheit.
 - (c) The owner of every residential building shall be responsible for supplying such building with garbage and refuse storage facilities as required by s. 6.06 and s. 6.07 of this Code. Approved garbage disposal facilities may be substituted for garbage storage facilities, and shall be maintained in safe and good working condition by the owner.

- (d) Every dwelling unit and lodging room shall have direct access to at least two accessible and unobstructed means of egress leading to a safe and open public street, alley or court.
- (e) Each lodging house shall provide at least one flush water closet including seat and cover, lavatory basin, 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 whenever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Housing Code Appeals Board 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 and shall be accessible from a common hall or passageway. Basement bathroom facilities shall not be considered as fulfilling this requirement. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times, having a temperature of not less than 120 degrees Fahrenheit.
- (f) Every habitable room shall have outside windows having a total area enclosed by the sash of at least one-tenth of the floor area of the room, but not less than 12 square feet. The top of at least one such window shall be not less than 6 1/2 feet above the floor and at least 50 percent of the required window area must open. Windows in each habitable room, bathroom windows and all doors opening to the exterior of the dwelling shall be provided with screen of no less than No. 16 wire mesh which will effectively prevent the entrance of flies and mosquitoes. Provided, however, approved door closers may be used in lieu of screen doors on exterior hallway doors on apartment buildings. Every residential building having basement windows or exterior basement doors shall have screens of not less than No. 16 wire mesh on all doors and windows, when open. Such required outside windows shall open directly toward a street, alley or toward an unobstructed yard or court on the same lot with the building.
- (g) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained herein, except interior bathrooms may be permitted when approved as permitted by ordinance and the laws of the State of Wisconsin.
- (h) Every room shall contain such electrical receptacles and fixtures as required by ordinance. Each lodging room offered for rent shall be provided with lamps or fixtures with bulbs having a total capacity of at least 150 watts incandescent or equivalent. Every such receptacle and fixture shall be properly installed, shall be maintained in good working condition, and shall be connected
- (i) Every residential building designed or intended to be used for dwelling purposes shall be equipped, maintained and operated with a heating system maintaining a minimum temperature of 68 degrees Fahrenheit in all habitable rooms when the outside temperature is -20 degrees Fahrenheit. Where the occupant or occupants do not have an approved heating control device within such rooms occupied by them, it shall be the responsibility of the owner to continuously maintain temperatures in accordance with the above.

As free standing circulating heater stoves located in any structure occupied by more than one family are removed, they shall be replaced by central heating equipment installed as required by ordinance.

- (j) Every residential building other than single family and two family detached dwellings, and in every building which accommodates transients, the public passageways and stairways and exit doors shall be illuminated from sunset to sunrise. This illumination shall include lights, at all intersections of passageways, at all exits and at the head, foot and landings or every stairway. In every building

which accommodates more than 4 families, or 30 persons, except row houses, and in every building which accommodates transients, the lights at emergency exit doors shall be red lights and shall be accompanied by a sign bearing the word "exit" or "out" in plain letters, 5 inches in height.

- (k) The operator of every lodging house shall not provide, use, or permit to be used and the occupant shall not provide or use in lodging rooms any equipment designed or intended to be used for the preparation of meals.

- (l) Exit Door Security

In all buildings containing 3 or more units, standard exit doors shall conform to Wisconsin Administrative Code S. IND 51.15(3) except that the exit doors from an individual apartment or sleeping room shall be equipped with a lock designed with a guarded latch bolt or dead bolt. Equivalent security measures, as determined by the Building Inspector, may be accepted in lieu of these requirements.

- (m) Adequate exterior security lighting to all apartment buildings of four units or more shall be maintained at all parking areas and service walks from sunset to sunrise.

- (n) Smoke or Ionization Fire Detection Device

1. There shall be installed in each unit in every residential building containing four (4) dwelling units or more in an approved location per NFPA pamphlet #72E, 1974 Edition and #74, 1975 Edition, an approved smoke or ionization fire detection device, which may be of a battery or electric operated type.
2. The seller of any units covered by this section shall furnish evidence of compliance herewith prior to any transfer of title.

- (o) All residential buildings containing 3 units or more and all commercial buildings shall adequately and attractively screen and secure refuse, trash and garbage containers.

23.05 SAFE AND SANITARY MAINTENANCE OF PROPERTY

- (1) The purpose of this section is to recognize the private and public benefits resulting from safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards, and vacant areas. Attractive and well maintained property enhances the neighborhood and City and provides a suitable environment for increasing the value of real estate in the community.

- (2) Every owner or operator shall improve and maintain all property under her or his control to comply with the following minimum requirements:

- (a) All courts, yards, or other areas on the premises shall be properly graded to divert water away from buildings.
- (b) All exterior property areas shall be kept free from noxious weeds.
- (c) All exterior property areas shall be properly maintained in a clean and sanitary condition, free from debris, refuse, garbage, physical hazards, rodent harborage and infestation.
- (d) Fences, other minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe and sanitary condition. Walkways shall provide convenient all weather access to buildings, and parking areas serving multi-family dwellings shall be free from hazards of snow, ice and other inclement weather conditions.
- (e) Exterior wood surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering

and maintain a neat and attractive appearance.

- (f) Landscaping, plantings and other decorative surface treatments shall be installed whenever possible and maintained to present a neat and attractive appearance in all court and yard areas. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles travelling on public ways.
- (g) Every foundation, floor, wall, ceiling, chimney and roof shall be reasonably weathertight, and rodent proof, shall be kept in proper repair, and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. Interior walls or ceilings shall provide a suitable base for decorative finish, a waterproof and hard surface in spaces subject to moisture and shall not have noticeable surface irregularities or cracking. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
- (h) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, and rodent proof, and shall be kept in proper working condition and repair.
- (i) Every inside and outside stair, every porch, and every appurtenance thereto shall 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 shall be kept in proper condition and repair.
- (j) Where the Building Inspector 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 ordinance; every porch which is more than two (2) risers high shall have handrails so located and of such design as required by ordinance. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.
- (k) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions.
- (l) Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and be kept in clean and sanitary conditions.
- (m) Every supplied facility, piece of equipment, or utility shall be so constructed, installed and maintained so that it will function in proper working condition.
- (n) No owner, operator or occupant shall permit any service, facility, equipment, or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or lodging room let or occupied by him or her, except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies when discontinuances of service is approved by the Building Inspector.

(3) Height of Grasses

(a) Purpose

The Common Council finds that lawn areas comprised of untended or unmanaged grasses or other primarily herbaceous vegetation that forms a ground cover that exceeds eight inches in length adversely affects the public health and safety in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, except as provided in paragraph (b), any lawn, grass, or weed on a lot or other parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance. Any such lawn area violating this

subsection shall also be considered a public nuisance under Chapter 17.02(1).

(b) Exceptions

This subsection shall also not apply to:

1. Floodplains, wetlands, nature conservancies and natural areas designated as such by the City of Middleton, Dane County, State of Wisconsin or the federal government.
2. Bona fide rain garden planting areas.
3. Managed Natural Landscaping
“Managed natural landscaping” means a planned and designed yard or landscape consisting of native or naturalized plants grown subject to active cultivation techniques intended to control, direct and maintain the growth of natural vegetation. Such landscaping shall be free of noxious weeds as defined under Wis. Stats. §66.0407 and shall be separated from neighboring property (not including streets or sidewalks) by a border such as a fence, landscape block, stone, hedge or a buffer of mowed grass, mulch or stone not less than two feet in width such that the natural landscaping shall be kept from laying across the property line.
4. Open, undeveloped parcels of land 5 acres or greater in size located in an agriculture or conservancy zoning district.

(c) Notice to Cut Grasses

1. If the Building Inspector determines with reasonable certainty that any public nuisance as defined in paragraph (a) of this Section exists, the City shall immediately cause written notice to be served on the owner, occupant, or person in charge of the property that the public nuisance must be removed within five days. This notice shall inform said person that, in the event the public nuisance is not abated within five days, the City may take such action as prescribed in paragraph (d) of this subsection.
2. The notice may be served by:
 - a. personal service;
 - b. certified mail, or
 - c. by regular mail to the last known address of the owner, occupant or person in charge if the notice is posted, no later than the same day as mailing, on the front door of the main building, or dwelling on the premises, or if no building or dwelling exists, by posting on the premises in a conspicuous manner.

(d) Failure to Abate Nuisance

1. City Abatement

If after five days from service of notice to abate under paragraph (c), the public nuisance is not abated, in addition to any other enforcement action authorized under this Chapter, the City may cut or cause to be cut all grasses, weeds or vegetation from the subject property so as to conform with this section.

2. Costs

A fee shall be charged in the amount of the actual cost incurred by the City for providing said service. The charges shall be set forth in a statement to the City Treasurer who in turn shall mail the same to the owner, occupant, or

person in charge of the subject premises.

3. Failure to Pay

If said statement is not paid in full within 30 days thereafter, the City Treasurer shall enter the charges on the tax roll as a special charge against said lot or parcel of land as provided by Wis. Stats. § 66.0627. The City may also seek recovery of costs as restitution in any forfeiture action.

4. Continuing Violations

If the Building Inspector finds a second violation of this Section within the same season the owner, occupant or person in charge of the premises shall be required to contact the Building Inspector to confirm whether the premises is or will be cared for such that future compliance can be expected. If no contact is made, the Building Inspector may assume that the owner or occupant will not comply with this Section and shall be authorized to cut or cause the grasses, weeds or vegetation at any time and charge the costs therefore as provided in paragraph (d) 2. above, without further notice for the remainder the season. The second notice shall inform the owner or occupant of the requirements and consequences of this paragraph. The notice shall further provide the phone number and any other contact information for the Building Inspector or other official or employee the Building Inspector may designate.

23.06 QUANTITY, LOCATION, AND USE OF SPACE IN RESIDENTIAL BUILDINGS

- (1) The purpose of this section is to establish minimum standards for the quantity, location and use of space in residential building units so to preserve and promote the public interest. A suitable environment for safe, healthy and desirable living is enhanced by providing adequate space and privacy for occupants of all residential buildings.
- (2) No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:
 - (a) Every detached single family dwelling shall be at least 500 square feet in floor area on the first floor level.
 - (b) Every dwelling unit shall contain at least 150 square feet of floor area for the first occupant thereof and at least 100 additional square feet of floor area for every additional occupant thereof, the floor area to be calculated on the basis of total habitable room floor area. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant thereof.
 - (c) No dwelling unit containing two 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 sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
 - (d) In all dwelling units the average ceiling height shall be not less than 7 feet 6 inches and the minimum ceiling height shall be not less than 7 feet 0 inches in the entire first floor area. The minimum ceiling height shall be 7 feet 6 inches for all floor areas above the first floor except under sloping roofs where the minimum shall be 7 feet 6 inches for not less than 50% of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five (5) feet shall

not be considered as part of the floor area in computing the maximum permissible occupancy thereof.

- (e) No habitable room shall have its floor level below the alley, court, yard or street grade immediately adjoining or abutting upon said habitable room, except that it may be permitted when constructed to comply with the building code.
- (f) Every lodging room occupied for sleeping purposes by one person shall contain at least 80 square feet of habitable floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 75 square feet of habitable floor area for each occupant thereof, provided that no more than 7 square feet of closet space may be included per occupant.

23.07 RESPONSIBILITY OF OWNERS, OPERATORS, AND OCCUPANTS, AND LICENSES FOR RESIDENTIAL BUILDINGS

- (1) The purpose of this section is to fix the responsibility of owners, operators and occupants of residential buildings and provide for the licensing of lodging houses other than those licensed by the State of Wisconsin.
- (2) The responsibility of owners, operators and occupants of residential buildings is as follows:
 - (a) Every owner of a residential building containing two 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.
 - (b) Every occupant of a residential building shall keep in a clean, proper and sanitary condition that part of the residential building and premises which she or he occupies and controls, except that the operator of every lodging house shall be responsible for the maintenance of all walls, floors, ceilings and every other part of the lodging house. Every occupant of a residential building shall dispose of all his or her refuse and garbage in the containers required by s. 6.06 and 6.07 of this Code.
 - (c) 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 the provisions of this ordinance.
 - (d) 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 or her dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two 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.
 - (e) 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.
 - (f) 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 the Building Code and the occupancy is limited to the maximum permitted by the Building Code.
 - (g) Every owner of rental property shall neatly display in a conspicuous accessible place in every residential building a list of not less than three alternate agents and

their phone numbers to be called to arrange for emergency work required when the owner or operator is not readily available. This list shall be maintained at all times.

- (h) The operator of every lodging house shall change supplied linen and towels therein at least once each week, and prior to the letter of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.
- (3)** The owner or operator of every lodging house shall obtain an annual license from the office of the Building Inspector for such premises in the name of the owner and operator.
- (a) The license application shall be made to the office of the Building Inspector and, upon approval, it shall be issued by the City Clerk. The license, after an annual inspection, may be renewed if the premises are found to be in compliance with this Ordinance. The annual license fee shall be as set forth in the Fee Schedule under Section 3.12. The license shall be displayed in a conspicuous place in the public area of the building. No license shall be transferred from one address to another. Licenses shall be transferred to a new owner upon proper application for the unexpired term, upon payment of an additional fee.
 - (b) The owner or operator of every lodging house shall make proper application for a license to the office of the Building Inspector prior to the issuance of an occupancy permit for a new building, or within seven (7) days after the acquisition of an occupied building, and before renting any unit in the lodging house. Failure to make application and obtain an occupancy permit before renting any unit shall subject the owner or operator to a forfeiture, as hereinafter provided. Every lodging house license shall expire on July 1 of the year following its date of issue.
 - (c) The operation of any structure or part thereof as a lodging house without a license shall constitute a violation of this ordinance and subject the owner or operator to a forfeiture, as hereinafter provided.
 - (d) Whenever, upon inspection of any lodging house premises, the inspector finds that conditions or practices exist which are in violation of any provision of this section, the inspector shall give notice in writing to the owner or operator of such premises that unless such conditions or practices are corrected within a reasonable period, to be determined by the inspector, but in any event not less than fifteen (15) nor more than thirty (30) days, the license therefore will be suspended. At the end of such period, the inspector shall reinspect such premises and if she or he finds that such conditions or practices have not been corrected, shall suspend the license and give notice in writing to either the owner or operator of the suspension. Said written notice of suspension shall likewise advise the owner or operator that the latter may, within ten (10) days of the date of said notice, appeal from the suspension to the Housing Code of Appeals Board by filing a written request for a hearing with the City Clerk, said written request to be accompanied by a copy of the notice of suspension and a filing fee as set forth in the Fee Schedule under Section 3.12. Upon receipt of such request, the City Clerk shall call a meeting of the Housing Code Appeals Board, after consultation with the Chair thereof as to the date and hour, and shall notify the appellant and each of the members of the Board of the date and hour of the hearing as determined by the Clerk and Chair.

Following the hearing, the Appeals Board may lift the suspension or revoke the license by a vote of a majority of the membership of the Board. In the event of revocation of the license, the lodging house shall be closed by the Building Inspector by placing a sign or placard on the principal entrance to the premises indicating that the license has been revoked and the date and hour when it shall cease being operated as a lodging house, which date and hour shall be within seventy two (72) hours after the revocation action is taken by the Appeals Board.

Each day during which the premises are operated as a lodging house thereafter shall constitute a separate violation of this Ordinance, and subject the owner and operator to a forfeiture, as provided in s. 30.04 of this Code.

23.08 DESIGNATION OF UNFIT BUILDINGS OR STRUCTURES AND LEGAL PROCEDURES

- (1) The purpose of this section is to provide for the designation and repair or razing of those buildings or structures which are so dilapidated, unsafe, dangerous, unhygienic, inadequately maintained or lacking in basic equipment, facilities, light, ventilation and heating so as to constitute a danger to the occupants or the public.
- (2) Any building or structure which shall be found to have any of the following defects may be designated as unfit for human habitation and in need of repairs or razing and so placarded by the Building Inspector. Legal notice shall be served upon the operator or owner of any building:
 - (a) Which is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe, or vermin infested that it creates a hazard to the health or safety of the occupants or of the public.
 - (b) Which lacks illumination, ventilation, heating, basic equipment or sanitary facilities adequate to protect the health, safety or general welfare of the occupants or of the public.
 - (c) Which because of its general condition, location, or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.
- (3) Any building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be vacated within a reasonable time as ordered by the Inspector.
- (4) No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by the Inspector. The Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.
- (5) No person shall deface or remove the placard from any building or structure or part thereof which has been condemned as unfit for human habitation and placarded as such.
- (6) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Inspector, which in the opinion of the Inspector, would be unreasonable to repair shall be razed or removed upon legal written service of the order of the Inspector. If the owner shall fail or refuse to comply with the order, the Inspector shall cause such building to be razed or removed under the procedures provided for unsafe buildings in Wis. Stat. s. 66.05.

23.09 ADMINISTRATION AND ENFORCEMENT

- (1) The purpose of this section is to provide for the administration and enforcement of this Ordinance.
- (2) The Building Inspector is hereby directed to enforce this Ordinance. The Building Inspector shall be under the supervision of the Director of Public Works.
- (3) The duties of the Building Inspector shall be as follows:
 - (a) Provide and maintain public information relative to all matters arising out of this Ordinance.

- (b) Maintain permanent and current records of all matters arising out of this Ordinance.
 - (c) Investigate all written complaints pertaining to Code violations and conduct systematic inspection of buildings, structures and lands to determine compliance with the terms of this Ordinance and take such action as necessary to secure such compliance. He or she shall likewise advise each complainant of his or her right to appeal any decision of the Building Inspector to the Housing Code Appeals Board.
 - (d) Initiate, direct and review from time to time a study of the provisions of this Ordinance and make recommendations through the Housing Code Appeals Board to the Mayor and Common Council not less frequently than once a year on such matters that will improve this Code of its systematic enforcement.
- (4) It shall be the duty of each owner, operator and occupant of real estate, upon request of the Building Inspector or duly authorized assistant or agent, to permit inspection of any premises owned, controlled or occupied by him or her at all reasonable times in order to determine compliance with the provisions of this Ordinance.
- (5) Housing Code Appeals Board
- (a) There is hereby created a Housing Code Appeals Board which shall consist of seven (7) members. One member may be an architect, one a builder, one a structural engineer, one member of the Common Council and the remaining members shall be qualified by experience or training to pass on matters pertaining to building maintenance and construction and shall include tenants, homeowners, and landlords or resident managers in its composition. The City Attorney or an Assistant City Attorney shall be an ex-officio member of the Board, without vote.
 - (b) The Building Inspector shall be an ex-officio member of the Board and shall act as Secretary, but shall not vote. The members of the Board shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term of three (3) years. Each member shall serve until his or her successor is appointed. To be eligible for appointment to said Board, a person shall be a citizen of the United States and resident of the City of Middleton. The term of the appointments shall be three years.
 - (c) The Board shall elect a Chair from its members.
 - (d) The Board shall adopt reasonable rules and regulations for the conduct of its investigations and hearings and shall render all dispositions and findings in writing to the Building Inspector and Mayor, and, in case of a disputed matter, shall furnish a duplicate copy thereof to the appellant. The Board may recommend to the Common Council such new legislation as may be considered necessary. All meetings of the Board shall be open to the public.
 - (e) The Board shall have authority to determine the suitability of alternate means of providing "adequate", "approved", "attractive appearance", "good working conditions" and "properly" as defined and used in this Ordinance and to establish administrative regulations on such matters as what constitutes "attractive appearance". The Board shall have the authority to permit variations in the provisions of the Housing and Property Maintenance Code if it appears that such provisions do not clearly include the specific condition or that manifest injustice might be or will be done. Any action of the Board varying the application of the Minimum Housing and Property Maintenance Code must be by a concurring vote of at least four (4) members.
 - (f) Any party aggrieved by the decision of the Building Inspector, under the expressed provisions of this Code, may appeal to the Housing Code of Appeals Board by serving written notice on the Building Inspector within ten (10) days after written

notification of the decision of the Building Inspector except for notices under Section 23.05(3), in which case written notice of appeal must be served within five (5) days. Such notice shall be at once transmitted to the Board, which shall arrange for a hearing on the particular provision. Such hearing shall be held within fourteen (14) days, and the decision of the Board shall be given within ten (10) days after the hearing.

- (g) Appeals of notices issued under Section 23.05(3) shall be limited to whether grasses or herbaceous vegetation constitute a lawn area consistent with the purpose set forth in Section 23.05(3)(a). The Board may not permit variance from the eight (8) inch height limitation. An appeal shall not automatically stay any abatement action under Section 23.05(3)(d); however, no fees may be charged under Section 23.05(3)(d)1. until the appeal is determined and denied.
 - (h) All decisions and findings of the Housing Code Appeals Board shall in all instances be final administrative determinations, and shall be subject to review by a court, as may be provided by law.
- (6)** Any application for an appeal shall be submitted in writing and shall be accompanied by a fee as set forth in the Fee Schedule under Section 3.12 which shall be paid to the Building Inspector and deposited with the City Treasurer.
- (7)** Any person who violates any provision of this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture, as prescribed by s. 30.04 of this Code, and in addition shall pay all costs and expenses of prosecution. Each day any violation continues shall constitute a separate offense.
- (8)** Separability
- It is hereby declared to be the intention of the Common Council of the City of Middleton that the several provisions of this Ordinance are separable, in accordance with the following:
- (a) If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
 - (b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.
- (9)** Conflicts of Ordinances
- In any case where a provision of this Ordinance or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, or any regulation of the City of Middleton, the provision which establishes the higher standard for the promotion of the health and safety of the public shall prevail.
- (10)** Retaliatory eviction for reporting alleged violations of this Code is prohibited. Retaliatory eviction shall be construed to mean eviction occurring within a period of ninety (90) days following affirmative action by the Building Inspector to secure compliance with the terms of this Ordinance, unless determined otherwise by the Housing Code Appeals Board upon review.
- (11)** All clauses in rental agreements contrary to the expressed provisions of this Code are prohibited.