

ORDINANCE

An Ordinance to amend Section 16.150 of the Manitowoc Municipal Code regulating Housing.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 16.150 is amended to read as follows:

16.150 ~~Housing Ordinance.~~ Minimum Property Maintenance Standards.

(1) ~~Ordinance Findings and Intent.~~ ~~It is hereby found and declared that premises exist within the City of Manitowoc which are blighted because there exist thereon blighted buildings, or other structures, either occupied or unoccupied by human beings, and such buildings or other structures are blighted because faulty design or construction, or failure to keep them in a proper state of repair, or lack of proper sanitary facilities, or lack of adequate lighting or ventilation, or inability to properly heat, or improper management, or any combination of these factors has resulted in such buildings or structures becoming so deteriorated, so dilapidated, so neglected, so overcrowded with occupants, or so unsanitary as to jeopardize or be detrimental to the health, safety, morals, or welfare of the people of the City. It is hereby further found and declared that such blighted premises and such blighted buildings or other structures contribute to the development of, or increase in, disease, infant mortality, crime and juvenile delinquency; that conditions existing on such blighted premises are dangerous to the public health, safety, morals, and general welfare of the people; that conditions existing on such blighted premises necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection, and other public services; that the conditions existing on such blighted premises cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas. It is hereby further found and declared that the elimination of blighted premises and the prevention of occurrence of blighted premises in the future is in the best interests of the citizens of this City, of the State of Wisconsin, and of the entire United States; and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this section. It is hereby found and declared 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, inadequately maintained or lacking in basic equipment or facilities, light, water, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people.~~ The enactment and enforcement of this section is hereby declared to be essential to the public interest and it is intended that this section be liberally construed to effectuate the purposes as stated heretofore in this section.

(2) Definitions. The following definitions shall only apply in the interpretation and enforcement of this chapter. Wisconsin Statutes shall be incorporated without specific reference where terms require further interpretation.

Approved shall mean acceptable to the code enforcement officer. ~~approved by or in accordance with regulations established by the Housing Code Inspector.~~

Basement shall mean a portion of a building below the first floor or ground floor with its entire floor below grade.

Bathroom shall mean a room containing a bathtub and/or shower stall, often a wash basin, properly connected with both hot and cold water and a toilet.

Bedroom shall mean a habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, with a door to ensure privacy, natural light and ventilation, but shall not include any kitchen or dining room.

Cellar shall mean a portion of a building located partly or wholly underground used especially for storage or refuge.

Code Enforcement Officer shall mean any member of the Building Inspection Division of Fire Department responsible for inspecting and enforcing the City's building, housing, electrical, plumbing, ventilation, and life safety codes.

Communal shall mean used or shared by, or intended to be used or shared by, the occupants of two or more rooming units or two or more dwelling units.

Deterioration shall mean to weaken, disintegrate, corrode, rust or decay, and lose effectiveness.

Dining room shall mean a habitable room used or intended to be used for the purpose of eating but not for cooking or the preparation of meals.

Dwelling shall mean any building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

Dwelling unit shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.

Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or any other approved pest elimination methods.

~~**Family** shall mean one adult occupant plus one or more persons who are legally related, by blood, marriage, adoption, or legal guardianship to said occupant, as husband or wife, son or daughter, mother or father, mother-in-law or father-in-law.~~

Garbage shall mean animal and vegetable waste resulting from the handling, preparation, cooking, or consumption of food; and shall also mean combustible waste material or trash. The term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible materials.

Ground floor means that level of a dwelling, below the first floor, located on a site with a sloping or multilevel grade which has a portion of its floor line at grade.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, or dining purposes, excluding such enclosed places as kitchens, bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces, utility rooms, and similar spaces.

Hotel shall mean any dwelling wherein sleeping accommodations are offered for compensation to transients in five or more rooms. It does not include rooming houses.

~~**Housing Code Inspector** enforces the Building, Heating, and Ventilation Code. The Housing Code Inspector works under the general direction of the Director or Deputy Director of Building Inspection.~~

Infestation shall mean the presence of any insects, rodents, or other pests within a dwelling or on the dwelling premises.

Inoperable Motor Vehicle shall mean a vehicle, which cannot be driven upon the public streets for reasons including but not limited to being unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Kitchen shall mean an area used or intended to be used for cooking or the preparation of meals.

Kitchen sink shall mean a sink of a size and design adequate for the purpose of washing eating and drinking utensils, located in a kitchen, properly connected with a hot and cold water line.

Lavatory basin shall mean a hand washing basin which is properly connected with both hot and cold water lines and which is separate and distinct from a kitchen sink.

Living room shall mean a habitable room within a dwelling unit which is used, or intended to be used, primarily for general living purposes.

Multiple dwelling shall mean any dwelling containing three or more attached dwelling units.

Occupant shall mean any person over one year of age, including an owner or operator, living, sleeping, or cooking in or having actual possession of a dwelling, dwelling unit, or rooming unit.

Operator shall mean any person who rents to another or others or who has charge, care, or control of a building or part thereof, in which dwelling units or rooming units are let, or who has charge, care or control of any premises upon which no structures have been erected or upon which nondwelling structures are present.

Owner shall mean any person who, alone or jointly or severally with others:

1. Shall have legal title or equitable title to any premises upon which no structures have been erected or upon which nondwelling structures are present or has legal or equitable title to any dwelling, dwelling unit, or rooming unit; or
2. Shall have charge, care or control of premises upon which no structures have been erected or upon which nondwelling structures are present or has charge, care or control of any dwelling, dwelling unit, or rooming unit as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

Person shall mean and include any individual, firm, corporation, association, company, partnership, or organization of any kind.

Plumbing shall mean and include all of the following facilities and equipment per Wis. Stat. § 145.01(10): to include, but not limited to, water pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, baths, catch basins, drains, vents, hot water heaters, and any other similar fixtures, together with all connections to water and sewer lines.

Premises shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure.

~~**Roomer** shall mean an occupant of a rooming house who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.~~

~~**Rooming house** shall mean any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to three or more roomers, and shall also mean any dwelling in which a total of two roomers share a toilet or bath with the occupants of a two-family dwelling.~~

~~1. **Rooming house—Type I** shall mean a rooming house in which space is let to more than two but fewer than nine roomers, and shall also mean any dwelling in which a total of two roomers share a toilet or bath with the occupants of a two-family dwelling.~~

~~2. **Rooming house—Type II** shall mean a rooming house in which space is let to nine or more roomers.~~

~~**Rooming unit** shall mean any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and sleeping, but not for cooking or eating of meals.~~

~~**Rubbish** shall mean combustible and noncombustible waste materials, except garbage. 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 trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials. noncombustible waste material; and the term shall include the residue from the burning of wood, coal or coke, tin cans, metals, mineral matter, glass, crockery, dust and other noncombustible materials.~~

~~**Strict Liability Offense** shall mean an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.~~

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

~~**Temporary housing** shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 days in a 12-month period.~~

~~**Toilet** shall mean a watercloset, with a bowl and trap made in one piece which is of such shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rims.~~

~~**Workmanlike** shall mean executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.~~

Meaning of Certain Words. Whenever the words **dwelling, dwelling unit, rooming house, rooming unit, hotel, or premises** are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof.”

(3) Inspection By Code Enforcement Officer. ~~of Dwellings, Dwelling Units, Rooming Units, and Premises.~~

(a) ~~Inspection by **Housing Code Inspector**~~ **Code Enforcement Officer.** The ~~Housing Code Inspector~~ **Code Enforcement Officer** shall make inspections to determine the condition of properties, dwellings, dwelling units, rooming units, and premises located within the City of Manitowoc, in order that he/she may perform his/her duty of safeguarding the health and welfare of the occupants of dwellings and of the general public.

(b) **Access by Owner or Operator.** Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner or operator thereof, or his/her agent or employee, access to any part of such dwelling, dwelling unit, rooming unit, or its premises, at all reasonable times, for the purpose of effecting such maintenance, making such repairs or making such alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or

regulation adopted or any lawful notice or order issued pursuant to the provisions of this chapter.

(4) Enforcement – Service of Notices and Orders – Hearing.

(a) **Service of Notices.** Whenever the ~~Housing Code Inspector~~ Code Enforcement Officer determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the ~~Inspector~~ Code Enforcement Officer shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:

1. Be written;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why it is being issued;
4. Allow a reasonable time for the performance of any act it requires;
5. Be served upon the owner, owner's agent, ~~or the operator~~, or the occupant, as the case may require; ~~provided, that~~ Such notice shall be deemed ~~to be~~ properly served upon such owner; or ~~upon such operator, or upon such~~ occupant, if a copy thereof is delivered to him/her personally; or, ~~if not found,~~ by leaving a copy thereof at his/her usual place of abode, in the presence of ~~someone of the family~~ a family member of suitable age and discretion who shall be informed of the content thereof; or by sending a copy thereof by first class mail, or by certified mail, with return receipt requested to his/her last known address; or, if the ~~letter with the~~ mailed copy is returned with a receipt showing that it has not been ~~was not~~ delivered to him/her the intended recipient, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

(b) **~~Enforcement- Notices, Orders and Hearings. Petition for Hearing—Opportunity to Be Heard—Order If No Petition.~~** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Building Board of Appeals; ~~provided, that such person shall file in the office of the Housing Code Inspector/Building Inspection Department a written petition requesting such hearing and setting forth a statement of the grounds therefor within 20 days after the day the notice was served. Such written petition shall be accompanied by a filing fee in the amount of \$100.00. Within 10 days of receipt of such petition the Housing Code Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof and an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the Building Board of Appeals shall be commenced not later than 30 days after the date on which the petition was filed; provided, that, upon written application of the petitioner to the Housing Code Inspector, the Inspector may postpone the date of the hearing for a reasonable time beyond such 30-day period, if in the Inspector's judgment the petitioner has submitted to such hearing a good and sufficient reason for such postponement. Any notice served pursuant to this subsection (4) shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Code Inspector within 20 days after such notice is served. Any license which has been suspended by a notice shall be deemed to be automatically revoked if a petition for a hearing is not filed in the office of the Housing Code Inspector within 20 days after such notice is served. The Housing Code Inspector shall have the power to administer oaths and affirmations in connection with the conduct of any hearing held in accordance with the provisions of this chapter. Any person affected by any notice issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto, may request in writing and shall be granted, a hearing before the Building Board of Appeals on the matter. Any request shall set forth the grounds therefore, shall be filed within 20 days after the day the notice was served and shall be~~

accompanied by a filing fee of \$100. Within 10 days of receiving such request, the Code Enforcement Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof and an opportunity to be heard.

Exception. The appeals process set forth in this subsection does not apply to citations or to convictions for offenses cited.

(c) **Building Board of Appeals to Sustain, Modify or Withdraw Notices.** After such hearing the Building Board of Appeals shall sustain, modify, or withdraw the notice, depending upon their finding as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. The Board shall be guided by a policy of reasonable compliance in order to promote the public health and may, at its discretion, permit exceptions to provisions of this chapter so long as such exceptions are not contrary to the spirit of the chapter as a whole. The proceedings at such hearing, including the findings and decision of the Board shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state. The Housing Code Inspector may also modify any notice so as to authorize a variance from the provisions of this chapter when, because of special conditions, a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship; provided, that the spirit of this chapter will be observed, public health and welfare secured, and substantial justice done. If the Housing Code Inspector sustains or modifies such notice it shall be deemed to be in order, and the owner, operator, or occupant, as the case may require, shall comply with all provisions and such order within a reasonable period of time, as determined by said Housing Code Inspector. After a hearing in the case of any notice suspending any permit required by this chapter, when such notice has been sustained by the Building Board of Appeals, the permit shall be deemed to have been revoked.

(d) **Review by Circuit Court by Certiorari.** ~~The proceedings at such hearing, including the findings and decision of the Building Board of Appeals, shall be reduced to writing, and entered as a matter of public record in the office of the Housing Code Inspector. Such record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the Building Board of Appeals shall then be served, in the manner prescribed under subsection (4)(a)(5) of this section, on the person who filed the petition for hearing. Any person or persons, jointly or severally, aggrieved by the decision of the Building Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may seek relief therefrom by having the decision reviewed by the Circuit Court by certiorari, if the petition for the writ is presented to the Court within 30 days after the date on which the said Housing Board of Appeals' decision was served on the person who filed the petition for hearing, and if the person aggrieved notifies said Housing Code Inspector within 10 days after the said Housing Board of Appeals' decision was served on him/her of his/her intention to present such petition to the Court. Such petition, duly verified, shall set forth that such decision is illegal, in whole or in part, or does not comply with the provisions of this subsection (4), specifying the grounds thereof.~~

(e) ~~Issuance of Subpoenas. Upon application of either the officer executing the notice on behalf of the Building Board of Appeals, or the person or persons against whom the notice has been issued, the Housing Code Inspector shall issue subpoenas in accordance with the Statutes of the State of Wisconsin, ordering witnesses to appear and testify under oath at the hearing held before the Building Board of Appeals.~~

(f) ~~Issuance of Order When Emergency Exists. Whenever the Housing Code Inspector finds that an emergency exists which requires immediate action to protect the public health, the Housing Code Inspector may, without notice or hearing, issue an order reciting the existence~~

of such an emergency and requiring that such action be taken as the Housing Code Inspector deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Housing Code Inspector shall be afforded a hearing in the manner prescribed in this subsection (4). After such hearing, depending upon the findings of the Building Board of Appeals as to whether the provisions of this section and the rules and regulations adopted pursuant thereto have been complied with, the said Housing Code Inspector shall continue such order in effect, or modify it, or revoke it. Notwithstanding the other provisions of this chapter, every notice served by the Housing Code Inspector in accordance with the provisions of subsections (6)(f), (6)(g), (10)(b), (10)(d), (10)(e), (11)(y), and (11)(z) of this section shall be regarded as an order and the provisions of subsection (4)(b) of this section shall not be applicable in such cases.

(5) Adoption of Rules and Regulations by the ~~Housing Code Inspector~~ Code Enforcement Officer.

(a) **Rules and Regulations Subject to Approval by Common Council.** The ~~Housing Code Inspector~~ Code Enforcement Officer is hereby authorized and empowered to make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this chapter. Such rules and regulations shall be submitted by said ~~Housing Code Inspector~~ Code Enforcement Officer, after consultation with the City Attorney, to the Common Council and, if approved by a vote of a majority of the members thereof, shall have the same force and effect as the provisions of this chapter, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter, as hereinafter provided. A copy of such rules and regulations shall be kept on file in the City Clerk's office and in the municipal reference library.

(6) Minimum Standards for Exterior Property Areas. No person shall own or occupy a property that is not in a sanitary and safe condition and that does not comply with the requirements of this section.

(a) **Sanitation.** Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition and free of material and equipment storage. Prohibited materials and equipment include, but are not limited to, yard waste, litter, animal feces, lumber, scrap metal, motor vehicle parts, discarded or nonfunctional household appliances, material and equipment not related to residential use and furniture. Owners or occupants shall take measures including daily cleanup of premises to prevent litter from being carried by the elements to adjoining premises. This regulation shall not apply to firewood when cut to fireplace or stove size lengths and neatly and tightly stored in the side or rear yard of a property, outside of any required setback area. Firewood shall be stored in an unobtrusive area and shall not be used as a screening device or fence.

(b) **Grading, Drainage and Retaining Walls.** Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure. Approved retention areas and reservoirs are exempt from this requirement. All retaining walls shall be kept in a proper state of repair and maintained free from hazardous conditions.

(c) **Sidewalks and Driveways.** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(d) **Garbage and recycling.** The owner of any dwelling unit shall supply the occupant of the dwelling unit with adequate garbage facilities or approved garbage storage containers whose type and location are available for the occupant's use. Every occupant and/or owner

shall dispose of all garbage, recycling, and other organic waste which might provide food for rodents, in a clean and sanitary manner by placing it in approved garbage storage containers. Garbage and recycling receptacles, when stored outside, shall be leak proof, secure against rodents and have permanent, tight fitting covers. Garbage and recycling receptacles shall be stored in an unobtrusive area and shall be screened from off-premises view, except that they may be placed at the street for collection within 24 hours preceding and following the time for pick up. The occupant and/or owner shall remove all garbage, rubbish and recyclables or have such waste removed by a licensed hauler at least once a week.

(e) **Compost and Yard Waste.** Compost piles or yard waste holding bins shall be permitted provided they are located and maintained in a manner that does not produce noxious odors or rodent harborage, nor shall they be allowed to deteriorate to a point of being an eyesore or nuisance.

(f) **Extermination of Pests.** The owner and/ or occupant of a dwelling or dwelling unit shall be responsible for keeping structures and exterior property areas free from rodent harborage and pest infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent and pest harborage and prevent reinfestation

~~(6) **Minimum Standards for Basic Equipment and Facilities.** No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, and/or eating of meals therein, which does not comply with the following minimum requirements:~~

~~(a) **Kitchen Sink Required.** Every dwelling unit shall contain an approved kitchen sink.~~

~~(b) **Toilet Required.** Every dwelling unit shall contain a toilet.~~

~~(c) **Bathroom Required.** Every dwelling shall contain a bathtub and/or shower.~~

~~(d) **Lavatory Basin Required.** Every dwelling unit shall contain a lavatory basin.~~

~~(e) **Privacy in a Room Containing Toilet and Bath.** Every toilet and every bath shall be contained within a room or within separate rooms which afford privacy to a person within said room or rooms.~~

~~(f) **Water Heating Facilities Required.** Every kitchen sink, bath and lavatory basin required in accordance with the provisions of this chapter shall be supplied with hot water by supplied water heating facilities. Every supplied hot water heating facility shall be properly connected with hot water lines required under the provisions of this chapter and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every kitchen sink, bath and lavatory basin, required under the provisions of this chapter, at a temperature of not less than 100 degrees Fahrenheit. Such supplied hot water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection (7)(e) of this section are not in operation.~~

~~(g) **Connection of Sanitary Facilities to Water and Sewer System.** Every kitchen sink, toilet, lavatory basin, and bath shall be in reasonably good working condition and properly connected to an approved water and sewer system.~~

~~(h) **Rubbish Storage Facilities.** The owner of any dwelling unit or units shall supply the occupants of the dwelling unit or units with adequate approved rubbish/recyclable storage facilities, which type and location shall be available for the occupants' use.~~

~~(i) Garbage Storage or Disposal Facilities. The owner of any dwelling unit or units shall supply the occupants of the dwelling unit or units with adequate garbage facilities or approved garbage storage containers whose type and location are available for the occupants' use.~~

~~(j) Exits. Every exit from every dwelling or dwelling unit shall comply with the following requirements:~~

~~1. Shall be kept in a reasonably good state of repair;~~

~~2. Shall be unobstructed at all times;~~

~~3. All stairs of more than three risers shall be provided with at least one handrail for the full length of the stairs. Handrails shall be provided on all open sides of stairs consisting of more than three risers;~~

~~4. All handrails shall be at least 30 inches, but no more than 38 inches, vertically above the nosing of the treads. Guardrails shall be located not less than 36 inches above all openings between floors and open sides of landings, platforms, balconies, or porches that are more than 24 inches above grade or a floor.~~

~~5. Exits shall be provided to meet requirements of local and State Building Codes.~~

(7) Minimum Standards for Building Maintenance. It shall be a violation of this section to own a building which does not comply with the requirements of this section.

(a) General. All structures shall be maintained in good repair, and shall be structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) Protective Treatment. Exterior surfaces; including but not limited to, siding, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Use of moisture barriers and insulation materials as a method of permanent protective treatment is prohibited and shall be allowed for no more than 30 days unless an extension is authorized by a Code Enforcement Officer.

(c) Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be less than three inches in height with a minimum stroke width of 0.5 inches.

(d) Foundation walls. Foundation walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(e) Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(f) **Chimneys.** Every chimney, cooling tower, smoke stack and similar appurtenances shall be adequately supported, reasonably clean, protected from deterioration and maintained in good condition. .

(g) **Stairways, decks, porches and balconies.** Every exterior stairway, ramp, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

1. Any flight of stairs having more than three risers shall be provided with at least one handrail for the full length of the flight.

2. Guards shall be provided on all open sides of stairs consisting of more than three risers and on all open sides of areas that are elevated more than 24 inches above the floor or exterior grade.

(h) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(i) **Windows, and skylights.** Every window and skylight shall be reasonably weathertight, watertight and rodent proof and shall be kept in reasonably good working condition. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. Windows located in whole or in part within six feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device. Every openable window and storm door shall be supplied with adequate 16-gauge screens to prevent entry of pests. Glazing materials shall be maintained free from cracks and holes. Every dwelling having a bedroom in the basement shall have at least one window which meets the requirements of Wis. Admin. Code SPS 321.03(6) and SPS 321.05(1) & (2).

(j) **Doors and door assemblies.** Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Doors providing access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock through of one inch. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. For purposes of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(k) **Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(l) **Accessory structures.** Accessory structures, including detached garages, fences and walls, storage sheds, kennels, play houses, tree houses, and similar structures shall be structurally sound, clean, sanitary, and maintained in good repair.

(8) **Minimum Standards for Interior Structure.** It shall be a violation of this section to own a building which does not comply with the requirements of this section.

(a) **Interior Surfaces.** Interior surfaces, including walls, windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. Every interior wall or partition shall be capable of affording privacy, be structurally sound, and be kept in good, clean and sanitary condition.

(b) Stairs and walking surfaces. Every interior stair, ramp, landing, or other walking surface shall be maintained in sound condition and good repair.

1. Any flight of stairs having more than three risers shall be provided with at least one handrail for the full length of the flight.

2. Guards shall be provided on all open sides of stairs consisting of more than three risers and on all open sides of areas that are elevated more than 24 inches above the floor or exterior grade.

(c) Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(d) Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(e) Exits. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Exits shall be provided to meet requirements of local and State building codes.

1. Any flight of stairs having more than three risers shall be provided with at least one handrail for the full length of the flight.

2. Guards shall be provided on all open sides of stairs consisting of more than three risers and on all open sides of areas that are elevated more than 24 inches above the floor or exterior grade.

(8) Responsibilities of Owners Relating to the Maintenance of Dwellings and Dwelling Units. No person shall occupy as owner occupant or let to another for occupancy any dwelling unit, or portion thereof, for the purpose of living therein, which does not comply with the following requirements:

~~(a) Maintenance of Foundations, Exterior Walls, Roofs.~~ Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, rodent proof, insect proof, and structurally sound; and shall be kept in a reasonably good state of maintenance and repair.

~~(b) Maintenance of Interior Walls, Floors, Ceilings.~~ Every interior partition, wall, floor, and ceiling shall be capable of affording privacy, be structurally sound, kept in a reasonably good state of repair, and maintained so as to permit them to be kept in a clean and sanitary condition.

~~(c) Rainwater Drainage from Roof.~~ All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any dwelling unit or basement.

~~(d) Maintenance of Windows, Exterior Doors, Basement Hatchways.~~ Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight and rodent proof; and shall be kept in reasonably good working condition and a reasonably good state of maintenance and repair.

~~(e) Protection of Exterior Surfaces.~~ All exterior surfaces shall be reasonably protected from the elements and against decay, by paint or other approved protective coating applied in a workmanlike fashion. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent deformation of the exterior surface or the deterioration of the surface.

~~(f) Maintenance of Stairways and Porches. Every inside and outside stairway, every porch or deck, and every appurtenance thereto shall be so constructed as to be reasonably safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and in a reasonably good state of maintenance and repair.~~

~~(g) Maintenance of Supplied Plumbing Fixtures. Every supplied plumbing fixture, water distribution system and waste or vent pipe shall be properly installed and maintained in good, sanitary working condition.~~

~~(h) Maintenance of Chimneys and Supplied Smoke Pipes. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, protected from deterioration and maintained in a reasonably good state of repair.~~

~~(i) Maintenance of Bathroom and Toilet Room Floors. Every toilet room floor surface and bathroom floor surface shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be kept in a clean and sanitary condition.~~

~~(j) Safe and Effective Functioning of Supplied Facilities. Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function properly and shall be maintained in reasonably good working condition.~~

~~(k) Discontinuance of Required Services, Facilities, Equipment, or Utilities. No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this chapter to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process of being made.~~

~~(l) Pest Extermination. Every owner of a dwelling containing two or more dwelling units shall be responsible for the extermination of detrimental insects, rodents, or other pests on the premises. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.~~

~~(m) Cleanliness of Public Areas of Dwellings. Every owner of a dwelling containing three or more dwelling units and every owner of a premises where three or more dwelling units share the same premises shall be responsible for maintaining in a clean and sanitary condition all communal, shared or public areas of the dwelling and premises thereof which are used or shared by the occupants of three or more dwelling units.~~

~~(n) Vacant Dwelling Units to Be Clean and Sanitary Before Being Let for Occupancy. No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit unless it is in a reasonably clean and sanitary condition. The owner shall be responsible for the removal of any garbage/rubbish/recyclables remaining after the tenant(s) no longer occupy the premises. The owner shall comply with all provisions of this chapter and all rules and regulations adopted pursuant thereto.~~

(9) Minimum Standards for Basic Equipment and Facilities. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, and/or eating of meals therein, which does not comply with the following minimum requirements:

(a) Kitchen. Every dwelling unit shall have a kitchen equipped with the following:

1. A kitchen sink in good working condition that is properly connected to heated and unheated water supplies and waste pipes. Any provided dishwasher and

components of the sink, including disposal and water filtration devices, shall be in good working condition and properly connected.

2. **A counter** for food preparation and cabinets and/or shelves sufficient to store occupants' food that does not require refrigeration and eating, drinking, and food preparation equipment. Cabinets shall be of sound construction and furnished with surfaces that are impervious to water, smooth, and cleanable.

3. **A range for cooking food.** The range shall be properly installed with all necessary connections for safe and efficient operation and shall be maintained in good working condition. The range shall include an oven unless both a separate oven, other than a microwave oven, and a cooktop are provided. A hot plate is not an acceptable substitute for burners on a range or cooktop. The range or cooktop shall have a vertical clearance of not less than 30 inches from above its surface to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of the range hood.

Exception. If the lease or rental agreement does not provide for a range for cooking food, adequate connections for the occupant's installation and operation of a range shall be provided.

4. **Ventilation** which shall be maintained in good working condition, of sufficient capacity to deliver fresh air and to remove moisture-laden or otherwise contaminated air generated during cooking. Range hoods shall be installed in accordance with manufacturer's specifications.

5. **A refrigerator with a freezer** which shall be in good working condition and capable of maintaining a temperature less than 41° Fahrenheit but more than 32° Fahrenheit. The freezer section shall be capable of maintaining a temperature below 0° Fahrenheit.

Exception. If the lease or rental agreement does not provide for a refrigerator, adequate connections for the occupant's installation and operation of a refrigerator shall be provided.

6. **A kitchen floor** in good condition with a sealed, water-resistant, nonabsorbent and cleanable surface.

(b) **Bathroom.** Every dwelling unit shall have a private bathroom equipped with the following:

1. **A toilet** in good working condition that is sealed to the waste pipe and affixed to the floor and properly connected to both the dwelling's water supply and a waste pipe leading to an approved sewage system or private waste disposal system.

2. **A sink** in good working condition, with a stable connection to the wall or secure attachment to the floor that is properly connected to the heated and unheated potable water supply and a sealed trap leading to a waste pipe.

3. **A bathtub or shower** in good working condition that is properly connected to the heated and unheated potable water supply and a waste pipe. Every bathtub shall have a wall covering extending at least 48 inches above the joint between the bathtub and wall, and every shower shall have a wall covering extending at least 72 inches above the floor of the shower stall, which is cleanable, nonabsorbent, and reasonably impervious to moisture. Such materials shall form a watertight joint with each other and with the bathtub or shower.

4. A bathroom floor that is so constructed and maintained as to be reasonably impervious to moisture and all such floor and floor coverings shall be kept in a clean and sanitary condition.

5. Bathroom ventilation in accordance with Wis. Admin. Code SPS 323.02(3)(d).

(c) Maintenance of Supplied Plumbing Fixtures. Every supplied plumbing fixture, water distribution system and waste or vent pipe shall be properly installed and maintained in good, sanitary working condition.

(d) Safe and Effective Functioning of Supplied Facilities. Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function properly and shall be maintained in reasonably good working condition.

(e) Discontinuance of Required Services, Facilities, Equipment, or Utilities. No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this chapter to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process of being made.

(10) (7) Minimum Standards for Light, Ventilation, and Heating. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(a) ~~Required Window Area.~~ **Natural Light.** Every habitable room shall be provided with natural light by means of glazed openings per Wis. Admin. Code ~~Comm 21.05(4).~~ SPS 321.05(1).

(b) **Adequate Ventilation Required.** Every habitable room shall be provided with natural ventilation per Wis. Admin. Code ~~Comm 21.05(2).~~ SPS 321.05(2).

~~(c) Ventilation Requirements for Bathrooms and Toilet Rooms.~~ Every bathroom and toilet room shall comply with the ventilation requirements contained in the Wisconsin Uniform Dwelling Code (UDC), Wis. Admin. Code ~~Comm 23.02(3)(d).~~ SPS 323.02(3)(d).

(c) **Electric Outlets Required.** Every electrical receptacle, switch and fixture shall be maintained in reasonably good working condition, and shall be installed according to applicable electrical codes and manufacturer's instructions.

(d) **Heating Facilities.** Every dwelling shall be equipped with a heating system. The system shall be properly installed, maintained in reasonably good working condition, and capable of adequately heating all habitable rooms, kitchens, bathrooms, and toilet rooms contained therein, or intended for use by the occupants thereof, to a temperature of at least 70 degrees Fahrenheit, at a distance three feet above floor level when the outdoor temperature is at or above 15 degrees below zero Fahrenheit. Every central heating system must be listed by a recognized testing agency and shall comply with all of the following requirements:

1. The central heating unit shall be in reasonably good operating condition;
2. Every heat duct, steam pipe and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended;
3. Every seal between the sections of a hot air furnace shall be tight so noxious gases will not escape into heat ducts. Every supplied space heater must be listed by a recognized testing agency and shall comply with all of the following requirements:
4. No space heater burning solid, liquid, or gaseous fuels shall be a portable type;

5. Every space heater burning solid, liquid or gaseous fuels shall be properly vented to a chimney or duct leading to outdoor space;
6. Every coal, wood or other approved combustible material burning space heater shall have a fire-resistant panel, extending a minimum of 18 inches on all sides, beneath it;
7. Every space heater location shall comply with Wis. Admin. Code ~~Comm 23.04~~ SPS 323.04;
8. Every space heater chimney connector shall comply with Wis. Admin. Code ~~Comm 23.045(4)~~ SPS 323.045(4).

(e) **Lighting of Public Halls and Stairways.** Every public stairway, passageway or exit door in every dwelling containing four or more dwelling units shall be adequately lighted by means of properly located electric light fixtures from one hour before sunset to one hour after sunrise. Every public hall and stairway in dwellings containing two or three dwelling units shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

~~(g) Screens, Storms Required. All windows in spaces which require heating shall be provided with storm windows or insulating type multiple glazing systems. At least one openable window for each habitable room shall be supplied with screen protective covering. The screened area shall be equal to or greater than the openable area as required by subsection (7)(b) of this section. The alternate methods of mechanical ventilation provided for in subsections (7)(b) and (e) of this section may be used to meet the requirements of this subsection.~~

~~(h) Basement Windows. Every dwelling having a bedroom in the basement shall have at least one window which meets the requirements of Wis. Admin. Code Comm 21.03(6) and 21.05(1) and (2).~~

~~(i) **Supplied Heating to Dwellings or Parts Thereof.** Every owner or operator of any dwelling who rents, leases, or lets for human habitation any dwelling unit contained within such dwelling on terms, either expressed or implied, shall supply a heating system designed to maintain therein a minimum temperature of 70 degrees Fahrenheit in each dwelling unit whenever the outdoor temperature shall fall below 15 degrees below zero Fahrenheit. Whenever a dwelling is heated by means of a furnace, boiler, or other heating apparatus under the control of the owner, operator or tenant of the dwelling, such owner, operator or tenant, in the absence of a written contract or agreement to the contrary, shall be deemed to have contracted, undertaken, or bound himself/herself to furnish heat in accordance with the provisions of this subsection to every dwelling unit which contains radiators, furnace heat duct outlets, or other heating apparatus outlets, and to every communal bathroom and communal toilet room located within such dwelling.~~

~~(10) Responsibilities of Occupants Relating to the Maintenance of Dwellings and Dwelling Units.~~

~~(a) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he/she occupies or controls, free from any accumulation of combustible or noncombustible material, debris or refuse. Prior to moving, vacating or relinquishing occupancy or control, every occupant of a dwelling or dwelling unit shall properly dispose of all garbage and rubbish, in accordance with the requirements of this section.~~

1. Residential yards and exterior property areas shall be kept clean and free of material and storage of equipment. Prohibited materials and equipment include, but not limited to, yard waste, litter, animal feces, lumber, scrap metal, motor vehicle parts, discarded or nonfunctional household appliances, material and equipment not related to residential

~~use and furniture. Owners or occupants shall take measures including daily cleanup of premises to prevent litter from being carried by the elements to adjoining premises. This regulation shall not apply to the outdoor storage of building materials while construction or alterations are taking place on the site; firewood when cut to fireplace or stove size lengths and neatly and tightly stored in the side or rear yard of a property, outside of any required setback area. Firewood shall be stored in an unobtrusive area and shall not be used as a screening device or fence.~~

~~2. Outside accessory buildings and structures, including, but not limited to, storage sheds, gazebos, decks, swimming pools, cabanas, dog houses, flag poles, fences, kennels, rabbit hutches, play houses, tree houses, barbecue pits and planters shall be maintained in good repair, painted or stained, and in a clean and sanitary condition.~~

~~3. Garbage receptacles, when stored outside, shall be leak proof, secure against rodents and have permanent, tight fitting covers. Garbage receptacles shall be stored in an unobtrusive area and shall be screened from off premises view.~~

~~4. Compost piles or yard waste holding bins shall be permitted provided they are located and maintained in a manner that does not produce noxious odors or rodent harborage, nor shall they be allowed to deteriorate to a point of being an eyesore or nuisance.~~

~~5. Properties shall be landscaped, mowed and trimmed so as to maintain a height of grass no greater than eight inches unless allowed in another section of the Municipal Code.~~

~~6. Driveways and sidewalks shall be kept in good, sound, stable condition and repair.~~

~~(b) Disposal of Rubbish. Every occupant of a dwelling or dwelling unit shall dispose of all his/her rubbish/recyclables in a clean, sanitary manner by placing it in adequate and approved rubbish/recyclable containers.~~

~~(c) Removal Requirement. The owner of any property shall be required to remove all garbage, rubbish and recyclables or have such waste removed by a licensed hauler at least once a week.~~

~~(d) Disposal of Garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his/her garbage, and any other organic waste which might provide food for rodents, in a clean and sanitary manner by placing it in the approved garbage storage containers.~~

~~(e) Placing of Screens and Storm Windows. Every occupant of a dwelling or dwelling unit shall be responsible for placing all screens and storm windows required under the provisions of this chapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service. Screens shall be placed not later than the first day of June of each year. Storm windows shall be placed not later than the fifteenth day of November of each year.~~

~~(f) Extermination of Pests. 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 dwelling containing more than one dwelling unit shall be responsible for such extermination within the unit occupied by him/her whenever his/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 dwelling in a reasonably rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner.~~

~~(g) Use and Operation of Supplied Plumbing Fixtures. Every occupant of a dwelling unit shall keep all supplied 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.~~

~~(h) Installation and Care of Plumbing Fixtures Furnished by Occupant. Every plumbing fixture furnished by the occupant shall be properly installed per manufacturer's installation instructions and shall be maintained in reasonably good working condition, in a clean and sanitary state, and free from defects, leaks or obstruction.~~

~~(i) Use and Operation of Supplied Heating Facilities. Every occupant of a dwelling unit shall be responsible for the exercise of reasonable care, proper use, and proper operation of supplied heating facilities.~~

~~(j) Installation and Use of Heating Facilities Furnished by Occupant. Every space heater furnished by the occupant shall be properly installed per manufacturer's installation instructions, shall be maintained in reasonable good working condition, and shall comply with all of the following requirements:~~

- ~~1. No space heater burning solid, liquid, or gaseous fuels shall be of a portable type;~~
- ~~2. Every space heater burning solid, liquid, or gaseous fuels shall be properly vented to a chimney or duct leading to outdoor space;~~
- ~~3. Every coal, wood or solid fuel burning space heater shall have a fire-resistant panel beneath it, extending a minimum of 18 inches beyond the face of the unit;~~
- ~~4. Every space heater located within two feet of a wall shall be equipped with insulation sufficient to prevent overheating of the wall per manufacturer's installation instructions;~~
- ~~5. Every space heater smoke pipe shall be equipped with guards, properly constructed of nonflammable material, and provided the necessary clearances at the point where the pipe goes through a wall, ceiling, or partition.~~

~~(k) Destruction, Mutilation and Defacing of Property. No person shall willfully or wantonly damage, mutilate or deface any part of residential real estate, supplied fixtures and equipment and supplied furnishings or any other property of another.~~

~~(11) (9) Minimum Space, Use and Location Requirements.~~ 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) Dwelling Unit to Be Occupied by One Family. No dwelling unit shall be occupied by more than one family plus two occupants who are not members of the family.~~

(b) **Minimum Ceiling Height.** The minimum ceiling height of every dwelling unit shall be in accordance with Wis. Admin. Code SPS 321.06 ~~Comm 21.06~~ and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered a part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(c) **Minimum Floor Area for Dwelling Unit.** Every dwelling unit consisting of only one habitable room shall contain at least 120 square feet of habitable room floor area.

(d) **Minimum Floor Area for Occupancy by More Than One Occupant.** No dwelling unit containing less than 170 square feet of habitable room floor area shall be occupied by more than one occupant; provided, that if a dwelling unit consisting of only one habitable room has a closet with a minimum ceiling height of six feet, contained within the dwelling unit and connected thereto with a doorway or other similar opening, the actual floor area of the closet, up to and including a maximum of 20 square feet, shall be included in computing the habitable room floor area of the dwelling unit.

(e) **Maximum Occupancy for One-Room Dwelling Unit.** No dwelling unit consisting of only one habitable room shall be occupied by more than two occupants.

(f) **Maximum Occupancy for Dwelling Units of Two or More Rooms.** No dwelling unit consisting of two or more rooms shall be occupied by more occupants than the total number which is calculated on the following basis:

Type of Room	Occupancy Subtotal
1. Kitchen	0
2. Each habitable room containing less than 70 square feet of floor area	0
3. Each habitable room containing at least 70 but less than 100 square feet of floor area	1
4. Each habitable room containing 100 or more square feet of floor area	2

(g) **Arrangement of Sleeping, Bath and Toilet Rooms.** No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.

(h) **Cellar Space Not Habitable.** No cellar space shall be used as a habitable room or dwelling unit.

(i) **Basement Space May Be Habitable.** No basement space shall be used as a habitable room or dwelling unit unless:

1. The floor and walls are of water proof and damp proof construction;
2. The total of window area in each room is equal to at least the minimum window area sizes as required in ~~subsection (7)(a) of this section;~~ Wis. Admin. Code SPS 321.05(1);
3. Exiting from the basement shall be in accordance with Wis. Admin. Code ~~Comm-SPS 321.03(5) and/or (6);~~ SPS 321.03(5) and/or (6);
4. The total of openable window area in each room is equal to at least the minimum as required under ~~subsection (7)(b) of this section~~ Wis. Admin. Code SPS 321.05(2), except where there is supplied some other approved device affording adequate ventilation.

(j) **Occupants to Have Access to Sanitary Facilities.** Every occupant of every dwelling shall have unrestricted access to a kitchen sink, toilet, bath and lavatory basin, required in accordance with the provisions of subsection ~~(6)-(9)~~ of this section.

~~(11) Rooming Houses.~~ No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the following requirements:

~~(a) Permit Required. No person shall operate a rooming house unless said person holds a valid rooming house permit issued by the Building Inspection Department in the name of the operator and for the specific dwelling or dwelling unit within which the rooming house is contained.~~

~~(b) Application for Permit. The operator shall file in duplicate an application for a rooming house permit in the Building Inspection Department office on application forms prepared by said Department. The operator shall file with the permit application a request for an occupancy permit, issued by the Building Inspector or his/her designee for the operation of a rooming house in the dwelling or dwelling unit designated in the rooming house permit application.~~

~~(c) Inspection by Housing Code Inspector, Referral of Application to and Reports by Building Inspector. The Housing Code Inspector shall, whenever an application for a rooming house permit is filed for a rooming house which does not have a valid rooming house permit, inspect the rooming house within 30 days of such filing. Within 72 hours after the operator files an application for permit, the Housing Code Inspector shall transmit to the Building Inspector or his/her designee a duplicate copy of the application. The Building Inspector or his/her designee shall, within 30 days after the date on which such application was filed, report in writing to the Housing Code Inspector the maximum number of persons which may occupy the rooming house in accordance with the provisions of applicable zoning laws. No permit shall be issued to any operator which would authorize occupancy of the rooming house by a larger number of persons than is permitted under the provisions of applicable zoning laws.~~

~~(d) Issuance of Permit — Fees. When all applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto have been complied with by the operator, the Building Inspection Department shall issue a rooming house permit upon the payment of a fee of \$20.00 for a Type I rooming house and a fee of \$40.00 for a Type II rooming house. All rooming house permits so issued shall expire on the first day of January following the date of issuance unless sooner suspended or revoked as hereinafter provided. The permit shall list the maximum number of persons that may reside in the total of all rooming units and Class two dwelling units, if there are any such Class two dwelling units located in the dwelling or portions thereof for which the rooming house permit is issued.~~

~~(e) Occupancy Record Card. Every occupancy record card shall list the maximum number of persons that may reside in the total of all rooming units and Class two dwelling units, if there are any such Class two dwelling units located in the dwelling or portions thereof for which the rooming house permit is issued. The occupancy record cards shall also list the maximum number of persons which may occupy each individual rooming unit and each individual Class two dwelling unit if there are any such Class two dwelling units located in the dwelling or portion thereof for which the rooming house permit is issued. Whenever the operator is required to file an occupancy permit in accordance with the provisions of subsection (11)(b) of this section, all of the rooming units and Class two dwelling units listed on the occupancy record card shall be located in such portions of the dwelling as are permitted to be occupied under the provisions of the occupancy permit.~~

~~(f) Posting of Permit. Every rooming house permit issued by the Building Inspection Department shall be conspicuously posted by the operator in a public corridor or hallway or other public portion of the rooming house for which it is issued and shall remain so posted at all times.~~

~~(g) Operator to Control Occupancy. No operator shall at any time allow a larger number of persons to occupy the total of all rooming units and Class two dwelling units located within a rooming house than the maximum number of persons listed on the rooming house permit. No operator shall at any time allow a larger number of persons to occupy an individual~~

rooming unit or any individual Class two dwelling unit than the maximum number of persons permitted by subsections (9)(c) through (f) of this section.

(h) Nontransferability of Permit. No rooming house permit issued under the provisions of this chapter shall be transferable and every operator shall notify the Department of Building Inspection in writing within 24 hours after having relinquished proprietorship or having sold, transferred, given away, or otherwise disposed of such interest or control of any rooming house, and shall file in writing with the Department of Building Inspection the name and address of the operator to whom proprietorship has been relinquished by sale, gift, or other method of transferral or disposition.

(i) Relationship of Permit to Building Code — Enforcement of Building Code. The issuance of a rooming house permit to any rooming house shall not in any way signify or imply that the rooming house conforms with the Wisconsin Commercial Building Code or the building and zoning code of the City of Manitowoc. It shall be the duty of the Building Inspector or his/her designee to enforce the provisions of said building and zoning codes. The issuance of a rooming house permit shall not relieve the owner or operator of the responsibility for compliance with said building and zoning codes and shall not relieve the Department of Building Inspection of the responsibility for enforcement of said building and zoning codes.

(j) Applicability of Other Subsections of This Section. No person shall operate a rooming house unless applicable requirements of subsections (7), (8), and applicable parts of subsections (9)(b), (h), (i), and (j) of this section are complied with; provided, that, for the purpose of interpreting the requirements of the designated sections applicable in the enforcement of this subsection, the words **multiple dwelling** or **dwelling** shall be interpreted to mean “rooming house” and the words **dwelling unit** or **dwelling units** shall be interpreted to mean “rooming unit” or “rooming units.” Every dwelling unit located within a rooming house shall comply with all of the requirements for dwelling units as established in accordance with the provisions of this chapter.

(k) Toilets and Lavatory Basins. At least one toilet and one lavatory basin supplied with hot and cold water, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator’s family whenever they share the use of said facilities; provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of toilets.

(l) Baths. At least one bathroom, properly connected to an approved water and sewer system, supplied with hot and cold water, and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator’s family whenever they share the use of said facilities.

(m) Location of Sanitary Facilities. Every toilet, lavatory basin and bath shall be located within a room or rooms which afford privacy to a person within said room or rooms. All such facilities shall be so located within the rooming house as to be accessible to the occupants of each rooming unit sharing such facilities without going outside of the dwelling and without going through a dwelling unit or through a rooming unit of another occupant.

(n) Minimum Floor Area for Sleeping Purposes. Every room occupied for sleeping purposes by one person shall cover at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

(o) Maximum Occupancy for Rooming Unit. No rooming unit consisting of only one habitable room shall be occupied by more than four occupants.

~~(p) Numbering of Rooming Units and Class Two Dwelling Units. Every rooming unit and every Class two dwelling unit shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such rooming unit or Class two dwelling unit. No two doors shall bear the same number. No number on any door of any rooming unit or Class two dwelling unit shall be changed to any other number without first securing the written approval of the Building Inspection Department.~~

~~(q) Residence of Children in Rooming Units Prohibited. No child under 16 years of age shall live or sleep in a rooming house unless said child resides in a dwelling unit contained therein. No such child shall reside in a rooming unit.~~

~~(r) Preparation or Eating of Meals in Rooming Units Prohibited. No occupant of a rooming house shall prepare or eat meals in a rooming house unless such meals are prepared or eaten in a dwelling unit contained therein; if provided, the occupants may prepare and eat meals in a communal kitchen and may eat meals in a communal dining room in accordance with the provisions of subsections (11)(s) and (t) of this section.~~

~~(s) Communal Kitchens. A communal kitchen shall comply with the following requirements:~~

~~1. The minimum floor area, for the room for the preparation of food, shall be 60 square feet;~~

~~2. The minimum floor area of a communal kitchen in which roomers are permitted to prepare and eat meals shall be 100 square feet;~~

~~3. A communal kitchen in which occupants are permitted to eat meals shall be supplied with one dining chair and two lineal feet of dining table space, in addition to the required surface area for food preparation required under subsection (11)(s)(8) of this section, for each occupant of a rooming house who is permitted to eat in the kitchen at any particular time. The surface of each dining table shall be smooth, free of cracks, and easily cleanable;~~

~~4. A communal kitchen containing less than 100 square feet of floor area shall not be used for the eating of meals. The eating of meals in a rooming house, prepared in such a kitchen, shall be restricted to a communal dining room which complies with the provisions of subsection (11)(t) of this section;~~

~~5. It shall contain at least one supplied kitchen sink of an approved type;~~

~~6. It shall contain at least one supplied kitchen gas stove or electric stove. Every such supplied stove shall have at least two top burners and an oven;~~

~~7. It shall contain one supplied refrigerator with adequate food storage capacity.~~

~~8. It shall contain at least one supplied table or other facility having a total surface area for food preparation of not less than six square feet. The surface of each table or other facility shall be suitable for the preparation of food, smooth, free of cracks, and easily cleanable;~~

~~9. It shall contain at least one supplied cabinet of adequate size for and suitable for storage of food and eating and cooking utensils;~~

~~10. Every kitchen sink in a communal kitchen shall be supplied with hot and cold water at all times; and~~

~~11. Every communal kitchen shall be located within a room accessible to the occupant of each rooming unit, sharing the use of such kitchen, without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.~~

(t) Communal Dining Rooms. Every rooming house, within which the occupant of any rooming unit is permitted to prepare meals or cook within a communal kitchen containing less than 100 square feet of floor area as provided in subsection (11)(s) of this section, shall contain a communal dining room which complies with all of the following requirements:

1. Every communal dining room shall be located on the same floor of the rooming house as the communal kitchen and such dining room shall be as nearly adjacent to the communal kitchen as is practicable;
2. Every communal dining room shall be located within a room accessible to the occupant of each rooming unit sharing such dining room without going outside of the dwelling, without going through a dwelling unit or rooming unit of another occupant;
3. Every communal dining room shall contain not less than 70 square feet of floor area; and
4. Every communal dining room shall be supplied with one dining chair and two lineal feet of dining table space for each occupant of a rooming house who is permitted to occupy such a dining room at any particular time. The surface of each dining table shall be smooth, free of cracks, and easily cleanable.

(u) Posting of "No Cooking" Signs. The operator shall post in every rooming unit a sign on which shall be written or printed in letters not less than one inch in height the following words: "No Cooking Permitted In This Room," and such sign shall remain so posted at all times.

(v) Bed Linens and Towels. The operator of every rooming house shall change supplied bed linens and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a reasonable clean and sanitary manner.

(w) Shades, Drapes, etc. Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other similar devices which, when properly used, will afford privacy to the occupant of the room.

(x) Sanitary Maintenance. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and said operator 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.

(y) Rubbish Storage. Adequate rubbish storage containers whose type and location are approved shall be supplied by the rooming house operator. The operator shall be responsible for the disposal of all rubbish in a clean and sanitary manner by placing it in the required containers for regularly scheduled removal.

(z) Garbage Disposal or Storage. Adequate garbage disposal facilities or garbage storage containers whose type and location are approved shall be supplied by the rooming house operator. The operator shall be responsible for the disposal of all garbage in a clean and sanitary manner through the use of approved mechanical equipment or by placing it in the required containers for removal per MMC 13.010(7)(b).

(aa) Placing Screens and Storm Windows. The operator of a rooming house shall be responsible for placing all screens and storm windows required under the provisions of this section or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service. Screens shall be placed not later than the first day of June each

year. Storm windows shall be placed not later than the fifteenth day of November of each year.

(bb) Extermination of Pests. The operator of a rooming house shall be responsible for the extermination of any insects, rodents, or other pests therein; and said operator shall be further responsible for such extermination on the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator. Notwithstanding the foregoing provisions of this subsection, whenever infestation of a rooming house is caused by failure of the owner to maintain the dwelling within which the rooming house is contained in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner.

(cc) Exits. Every exit shall comply with all of the following requirements:

1. It shall be easily accessible from every rooming unit and dwelling unit by passage through public passageways and without passing through any part of any other rooming unit or dwelling unit;
2. It shall be kept in a reasonably good state of repair;
3. It shall be unobstructed at all times;
4. All stairways of more than three risers shall be provided with at least one handrail for the full length of the stairs. Handrails shall be provided on all open sides of stairs consisting of more than three risers, and on both sides of stairways which are five feet or more in width;
5. All handrails shall be at least 34 inches, but no more than 38 inches, vertically above the nosing of the treads. Guardrails shall be located not less than 42 inches above stairway platforms; handrails and guardrails shall have balusters or ornamental pattern such that a four inch diameter sphere cannot pass through;
6. Exits and stairway details shall be provided to meet requirements of the local and Wisconsin Commercial Building Code.

(dd) Reporting of Communicable Disease by Operator. It shall be the duty of the operator of a rooming house to report to the County Health Department, within 24 hours, the name of any person living in the rooming house who is suffering from any communicable disease, and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house may be afflicted with any communicable disease.

(ee) Keeping of Register. Every person to whom a rooming house permit has been issued shall at all times keep a standard hotel register within the rooming house, in which shall be inscribed the names of all occupants renting or occupying rooming units and Class two dwelling units in such rooming house. The register shall be signed by the person renting a rooming unit or Class two dwelling unit. After the name or names of persons renting or occupying any rooming unit or Class two dwelling unit, the operator, or said operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be at all times open to inspection by the County Health Department and any peace officer or firefighter of the City of Manitowoc.

(ff) Entry of True Name in Register. No person shall write or cause to be written in any rooming house register any other or different name than the true name of such person or the name by which such person is generally known.

~~(gg) Assignment of Rooms. No rooming house operator, or agent of said operator, shall assign any rooming unit to two persons of the opposite sex unless such persons shall be registered as husband and wife.~~

~~(hh) Hearing When Rooming House Permit Is Denied. Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing on the matter before the Building Board of Appeals under the procedure provided by subsection (4) of this section.~~

~~(ii) Suspension of Permit. Whenever upon inspection of any rooming house the Housing Code Inspector finds that conditions or practices exist which are in violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Housing Code Inspector shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the Housing Code Inspector, the operator's rooming house permit will be suspended. At the end of such period the Housing Code Inspector shall reinspect such rooming house, and if said Housing Code Inspector finds that such conditions or practices have not been corrected, he/she shall suspend the permit and give notice in writing to the operator that the latter's permit has been suspended. If the operator has been convicted of leasing or letting any dwelling, room, or other premises for the purpose of prostitution or lewdness, which dwelling, room or other premises is required to have a permit under this subsection (11), the Chief of Police shall notify the Housing Code Inspector in writing of such conviction, and the said Housing Code Inspector shall then suspend the permit and give notice in writing to the operator that the latter's permit has been suspended.~~

~~(jj) Hearing When Rooming House Permit Is Suspended — Revocation of Permit. Any person whose permit to operate a rooming house has been suspended, or who has received notice from the Housing Code Inspector that such person's permit is to be suspended unless existing conditions or practices at said person's rooming house are corrected, may request and shall be granted a hearing on the matter before the Building Board of Appeals under the procedure provided by subsection (4) of this section; provided, that if no petition for such hearing is filed within 20 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such rooming house and after the elapse of a reasonable period of time, to be determined by the Housing Code Inspector, no person shall occupy for sleeping or living purposes any dwelling unit or rooming unit therein. If an operator's rooming house permit has been a premises for prostitution or lewdness, the Housing Code Inspector shall not subsequently issue a permit to the operator for the operation of any dwelling for which a permit is required in accordance with the provisions of this chapter.~~

(12) Hotels. Hotel permits and inspections shall be the same as provided in the Wisconsin Statutes.

(13) Minimum Maintenance Requirements for Vacant Buildings.

(a) It shall be unlawful to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire, or safety hazard, or that may provide harborage for rodents or other animals.

(b) Every foundation, roof, floor, wall, stair, ceiling, or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.

(c) Any plumbing fixtures, including those used for operation of a sprinkler system, shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.

(d) Every exterior door or opening large enough for a person to penetrate shall be secured with a lock or with a locking mechanism deemed equivalent or better by the code enforcement officer. Every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.

(e) A working fire department lockbox (Knoxbox) key shall be provided and maintained for buildings that otherwise would require a Knoxbox.

(f) All life safety systems including but not limited to alarm systems, egress doors, exit lights, emergency lighting, sprinkler systems, and fire extinguishers shall remain operational.

(g) Exterior and interior stairs shall have treads, platforms, risers and railing that are sound, securely fastened and have no rotting, loose or deteriorating supports.

(h) Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

(i) Any opening on a building shall be closed and sealed to prevent damage from weather or nature.

(k) Boarding of vacant properties as a method of permanent security or closing of openings is prohibited. Temporary boarding for emergency purposes shall be allowed for no more than 30 days.

(13) Class Two Dwellings. No person shall operate a Class two dwelling, or shall occupy or let to another for occupancy, any Class two dwelling unit in any Class two dwelling, except in compliance with the following requirements:

~~(a) Permit Required. No person shall operate a Class two dwelling unless said person holds a valid Class two dwelling permit issued by the Building Inspection Department in the name of the operator.~~

~~(b) Application for Permit. The operator shall file, in duplicate, an application for a Class two dwelling permit in the office of the Building Inspection Department on application forms prepared by said Department.~~

~~(c) Inspection by Housing Code Inspector — Referral of Applications to and Reports by the Building Inspector. The Housing Code Inspector shall, whenever an application is filed for a Class two dwelling permit for a Class two dwelling which does not have a valid Class two dwelling permit, inspect the Class two dwelling within 30 days of such filing. Within 72 hours after the operator files an application for permit, the Housing Code Inspector shall transmit to the Building Inspector or his/her designee a duplicate copy for the application. The Building Inspector or his/her designee shall, within 30 days after the date on which such Class two dwelling permit application was filed, report in writing to the Housing Code Inspector the maximum number of dwelling units, including Class two dwelling units, which may be contained within the Class two dwelling in accordance with the provisions of applicable zoning laws. No Class two dwelling permit shall be issued to any operator which would authorize the occupancy of a larger number of dwelling units in a Class two dwelling than is permitted under the provisions of applicable zoning laws.~~

~~(d) Issuance of Permit — Fees. When all applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto have been complied with by the operator, the Building Inspection Department shall issue a Class two dwelling permit upon the payment of an initial fee of \$5.00 per dwelling unit and an annual renewal fee of \$20.00 for a Class two — Type I dwelling; and an initial fee of \$5.00 per dwelling unit and an annual fee of \$40.00 for a Class two — Type II dwelling. For a change of a currently valid license to a new owner, a \$10.00 reissue fee shall apply. All Class two dwelling permits so issued shall expire on the first~~

day of January following the date of issuance, unless sooner suspended or revoked as hereinafter provided. The permit shall list the maximum number of Class two dwelling units that may be occupied in the Class two dwelling for which the permit is issued.

~~(e) Repealed.~~

~~(f) Posting of Permit. Every Class two dwelling permit issued by the Building Inspection Department shall be conspicuously posted by the operator in a public corridor or hallway or other public portion of the Class two dwelling for which it is issued and shall remain so posted at all times.~~

~~(g) Operator to Control Occupancy. No operator shall at any time permit a larger number of persons to occupy any individual Class two dwelling unit than the maximum number of persons permitted by subsections (9)(c) through (f) of this section.~~

~~(h) Nontransferability of Permit. No Class two dwelling permit issued under the provisions of this chapter shall be transferable and every operator shall notify the Building Inspection Department in writing within 24 hours after having relinquished proprietorship or having sold, transferred, given away, or otherwise disposed of such interest or control of any Class two dwelling and shall file in writing with the Building Inspection Department the name and address of the operator to whom proprietorship has been relinquished by sale, gift, or other method of transferral or disposition.~~

~~(i) Relationship of Permit to Building Code—Enforcement of Building Code. The issuance of a Class two dwelling permit to any Class two dwelling shall not in any way signify or imply that the Class two dwelling conforms with the Wisconsin Commercial Building Code or the Building and Zoning Code of the City of Manitowoc. It shall be the duty of the Building Inspector or his/her designee to enforce the provisions of said building and zoning codes. The issuance of a Class two dwelling permit shall not relieve the owner or operator of the responsibility for compliance with said building and zoning codes and shall not relieve the Building Inspector or his/her designee of the responsibility for enforcement of said building and zoning codes.~~

~~(j) Applicability of Other Subsections of This Section. No person shall operate a Class two dwelling and no person shall occupy any Class two dwelling unit in a Class two dwelling unless the applicable requirements of subsections (6), (7), (8), (9), and (10) of this section are complied with.~~

~~(k) Numbering of Class Two and Other Dwelling Units. Every Class two dwelling unit and every other dwelling unit in every Class two dwelling shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to each such Class two dwelling unit and other dwelling unit. No two doors shall bear the same number. No number on any door of any Class two dwelling unit or other dwelling unit shall be changed to any other number without first securing the written approval of the Housing Code Inspector.~~

~~(l) Posting of Maximum Number of Occupants Signs. The operator shall post in every Class two dwelling unit within a Class two dwelling a sign on which shall be written or printed in letters not less than three-eighths of one inch in height the following words: "Not More Than ___ Persons Permitted to Occupy This Unit"; provided, that an appropriate Arabic number shall be inserted in the blank space as hereinafter provided. The Arabic number which the operator inserts in any such sign in a Class two unit shall not be a larger number than the maximum number of persons permitted by subsections (9)(c) and (f) of this section. The required sign shall remain posted in each Class two dwelling unit at all times.~~

~~(m) Occupant to Observe Occupancy Limitation. No occupant shall allow a larger number of persons to occupy a Class two dwelling unit than the maximum number of persons permitted to occupy said Class two dwelling unit, as listed on the sign which the operator of the Class~~

two dwelling is required to post in the Class two dwelling unit in accordance with the provisions of subsection (13)(f) of this section.

~~(n) Hearing When Class Two Dwelling Permit Is Denied. Any person whose application for a permit to operate a Class two dwelling has been denied may request and shall be granted a hearing on the matter before the Building Board of Appeals under the procedure provided by subsection (4) of this section.~~

~~(o) Suspension of Permit. Whenever upon inspection of any Class two dwelling the Housing Code Inspector finds that conditions or practices exist which are in violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Housing Code Inspector shall give notice in writing to the operator of such Class two dwelling that unless such conditions or practices are corrected within a reasonable period, to be determined by the Housing Code Inspector, the operator's Class two dwelling permit will be suspended. At the end of such period the Housing Code Inspector shall reinspect such Class two dwelling, and if said Inspector finds that such conditions or practices have not been corrected he/she shall suspend the license and give notice in writing to the operator that the latter's permit has been suspended.~~

~~(p) Hearing When Class Two Dwelling Permit Is Suspended, Revocation of Permit. Any person whose permit to operate a Class two dwelling has been suspended, or who has received notice from the Housing Code Inspector that his/her permit is to be suspended unless existing conditions or practices at his/her Class two dwelling are corrected, may request and shall be granted a hearing on the matter before the Building Board of Appeals under the procedure provided by subsection (4) of this section; provided, that if no petition for such hearing is filed within 20 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such Class two dwelling and after the elapse of a reasonable period of time to be determined by the Housing Code Inspector, no person shall occupy for sleeping or living purposes any dwelling unit therein.~~

(14) **Unsafe Buildings.** Wisconsin Statutes Section 66.0413 is adopted and incorporated by reference. No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which has been deemed unsafe or unfit for occupancy or use by the Code Enforcement Officer. Any building or structure to be razed shall comply with Manitowoc Municipal Code 16.070.

~~(14) Repealed March 17, 2003, reserved for future use.~~

(15) Responsibilities of Owners Relating to the Maintenance of Nondwelling Structures, Fences, and Premises. No owner shall permit any premises to exist or any nondwelling structure or fence to exist on any premises which does not comply with the following requirements:

~~(a) Maintenance of Nondwelling Structures. Every foundation, external wall, roof, window, exterior door, basement hatchway, and every other entranceway of every nondwelling structure shall be in sound structural condition and so maintained as to prevent the structure from becoming dilapidated or a harborage for rodents and shall be kept in a reasonably good state of maintenance and repair.~~

~~(b) Protection of Exterior Surface. All exterior surfaces of all nondwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating or material applied in a workmanlike manner.~~

~~(c) Maintenance of Fences. Every fence shall be kept in a reasonably good state of maintenance and repair or shall be removed.~~

~~(d) Grading and Drainage of Premises. Every premises shall be graded and maintained so no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises.~~

~~(e) Pest Control. Every premises shall be so maintained as to prevent the premises from becoming a harborage for rodents, birds, and insect pests. Whenever infestation with rodents, birds, or insect pests exists on any premises upon which no structure or nondwelling structures are located, extermination thereof shall be the responsibility of the owner if said owner is also the operator, but shall be the responsibility of the operator if the operator is a person different from the owner.~~

~~(16) Condemnation of Unfit Dwellings, Dwelling Units, and Nondwelling Structures, Legal Procedure of Condemnation and Placarding for Human Habitation or Occupancy.~~ The designation of dwellings, dwelling units or nondwelling structures buildings as unfit for human habitation or occupancy and the procedure for the condemnation and placarding of such unfit dwellings, dwelling units or nondwelling structures buildings shall be carried out in compliance with Wis. Stat. § 66.0413, “Razing buildings,” with the following requirements:

~~(a) Condemnation of Dwellings, Dwelling Units and Nondwelling Structures as Unfit for Human Habitation or Occupancy. Any dwelling, dwelling unit or nondwelling structure which the Housing Code Inspector Code Enforcement Officer/Building Inspection Department shall find to have any of the following defects shall be condemned as unfit for human habitation or occupancy:~~

- ~~1. One which is so old, out of repair, damaged, decayed, dilapidated, unsanitary, dangerous, unsafe, or vermin infested that it creates a hazard to the health or welfare of the occupants or the public; or~~
- ~~2. One which lacks illumination, heat and ventilation, or sanitary facilities adequate to protect the health or welfare of the occupants or of the public; or~~
- ~~3. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or welfare of the occupants or of the public.~~

~~Any dwelling, dwelling unit or nondwelling structure may be condemned as unfit for human habitation or occupancy by the Housing Code Inspector Code Enforcement Officer/Building Inspection Department if the owner or occupant failed to comply with any order based on the provisions of this section or any rules or regulations adopted pursuant thereto; provided, that such dwelling, dwelling unit or nondwelling structure is, in the opinion of the Housing Code Inspector Code Enforcement Officer/Building Inspection Department, unfit for human habitation or occupancy by reason of such failure to comply.~~

~~(b) Notice to Owner of Condemnation and Intent to Placard. Whenever the Housing Code Inspector/Building Inspection Department Code Enforcement Officer has condemned a dwelling, dwelling unit or nondwelling structure as unfit for human habitation or occupancy, said Inspector/Department the Code Enforcement Officer shall give notice to the owner of such condemnation and of its intent to placard the dwelling, dwelling unit or nondwelling structure as unfit for human habitation or occupancy. Such notice shall:~~

- ~~1. Be written;~~
- ~~2. Include a description of the real estate sufficient for identification;~~
- ~~3. Include a statement of the reason or reasons why the notice is being issued;~~

4. Include a description of the repairs and improvements required to bring the condemned dwelling, dwelling unit or nondwelling structure into compliance with the provisions of this section and any rules or regulations adopted pursuant thereto;

5. Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Housing Code Inspector/Building Inspection Department in accordance with the provisions of subsections (4)(b) and (c) of this section; and

6. Be served upon the owner of record or owner's agent; provided, that such notice shall be deemed to be properly served upon such owner or owner's agent if a copy thereof is delivered to him/her personally, or, if not found, by leaving a copy thereof at his/her usual place of abode, in the presence of someone of the family of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by certified mail, with return receipt requested, to his/her last known address, or, if the certified letter with the copy is returned with a receipt showing it has not been delivered to him/her, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

(c) Appeal of Notice Relating to Condemnation. Any owner affected by any notice relating to the condemnation of a dwelling, dwelling unit or nondwelling structure as unfit for human habitation or occupancy may file a written request, and shall be granted a hearing on the matter before the Building Board of Appeals under the procedure set forth in subsection (4)(b) of this section.

(d) Placarding of Condemned Dwelling, Dwelling Units, and Nondwelling Structures as Unfit for Human Habitation or Occupancy. After the condemnation notice which is required under the provisions of subsection (16)(b) of this section has resulted in an order, in accordance with the provisions of subsection (16)(c) of this section, the Housing Code Inspector/Building Inspection Department shall placard the affected dwelling, dwelling unit or nondwelling structure as unfit for human habitation or occupancy. The Housing Code Inspector/Building Inspection Department shall post, in a conspicuous place or places upon the affected dwelling, dwelling unit or nondwelling structure, a placard or placards bearing the following words: "Condemned as Unfit for Human Habitation or Occupancy."

(e) Vacation of Condemned and Placarded Dwellings, Dwelling Units and Nondwelling Structures. Any dwelling, dwelling unit, or nondwelling structure which has been condemned and placarded as unfit for human habitation or occupancy by the Housing Code Inspector/Building Inspection Department shall be vacated within a reasonable time as required by said Inspector/Department. No owner or operator shall let to any person for human habitation or occupancy and no person shall occupy any dwelling, dwelling unit, or nondwelling structure which has been condemned and placarded by the Housing Code Inspector/Building Inspection Department after the date on which said inspector has required the affected dwelling or dwelling unit to be vacated.

(f) Placard Not to Be Removed Until Defects Are Eliminated. No dwelling, dwelling unit, or nondwelling structure which has been condemned and placarded as unfit for human habitation or occupancy shall again be used for human habitation or occupancy until written approval is secured from, and such placard is authorized to be removed by, the Director of Building Inspection. The Housing Code Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(g) Placard to Be Removed Only by Housing Code Inspector. No person shall deface or remove the placard from any dwelling, dwelling unit or nondwelling structure which has been condemned as unfit for human habitation or occupancy and placarded as such, except as provided in subsection (16)(f) of this section.

~~(17)~~ **(15) No Impairment of Authority.** Nothing in this chapter shall be construed or interpreted to in any way impair or limit the authority of the City of Manitowoc to define and declare nuisances or to cause the removal or abatement of nuisances by summary proceedings or other appropriate proceedings.

~~(18)~~ **(16) Chapter Does Not Abrogate Provisions of Building Code.** The provisions of this chapter shall not abrogate the responsibility of any person to comply with any provisions of the Wisconsin Commercial Building Code and the building and zoning code of the City of Manitowoc.

~~(19) Penalties.~~ Repealed.

~~(20)~~ **(17) Effect of Partial Invalidity.** If any subsection, sentence, clause, phrase, or other part of this section is for any reason held to be void or invalid, such decision shall not affect the validity of the remaining portions of this section. The Common Council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases or other parts be declared void or invalid.

(18) Penalties. Violations of this section shall be punishable by a forfeiture of not more than \$2000. Each day a violation exists or continues to exist shall constitute a separate offense.

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact: \$???
Funding Source: ???
Finance Director Approval:
Approved as to form: /kmm

This resolution was drafted by Elizabeth Majerus

\\city_server\ca2flr\CYCOM\WpDocs\D010\P003\Ord to Amend 16.150 Minimum Housing Standards.DOCX