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HOUSING MAINTENANCE CODE
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HOUSING MAINTENANCE CODE 15.01

ADMINISTRATION

15.01 **SCOPE.** (1) **TITLE.** This chapter shall be known as the Minimum Properties Standards Code for all structures and properties and is referred to herein as the Housing Maintenance Code or "this chapter".

(2) **PURPOSE.** The purpose of this chapter is to protect the public health, safety and welfare in buildings and on the premises as provided by:

(a) Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance; for cooking equipment in all structures now in existence.

(b) Fixing the responsibilities of owners, operators and occupants of all structures.

(c) Providing for administration, enforcement and penalties.

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

(4) **TRAVEL TRAILERS AND MOBILE HOMES.** All moveable units used for human occupancy and the areas, grounds or parcels on which they are located, insofar as they are applicable and not in conflict with, shall comply with the requirements of this chapter.

15.02 **APPLICABILITY.** Every portion of a building or premises used or intended to be used shall comply with the provisions of this chapter, irrespective of when such building shall have been constructed, altered or repaired, except as provided in this chapter.

(1) **APPLICATION OF BUILDING CODE.** Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this chapter shall be done in accordance with applicable sections of the City building code.

HOUSING MAINTENANCE CODE 15.02(2)

(2) APPLICATION OF ZONING LAW. Nothing in this Chapter shall permit the establishment or conversion of a multi-family dwelling in any zone except where permitted by the zoning code, nor the continuation of such nonconforming use in any zone except as provided therein.

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

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

(5) EXISTING REMEDIES. Nothing in this chapter shall be deemed to abolish or impair existing remedies of the municipality or its buildings which are deemed to be dangerous, unsafe, or unsanitary.

15.03 **DEFINITIONS.** (1) GENERAL. (a) Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(b) Terms Defined in Building Code. Where terms are not defined in this section and are defined in the building code, they shall have the same meanings ascribed to them as in the building code.

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

(d) Terms Included. Whenever the words "multi-family dwelling," "rooming house," "rooming unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

(2) APPLIED MEANING OF WORDS AND TERMS. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated:

HOUSING MAINTENANCE CODE 15.03(2)1.

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

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

Basement. A portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground. See Cellar.

Building Code. The building code officially adopted by the City Council or such other code as may be originally designated by the City Council for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

Building Official. The official designated by the City to enforce building, zoning or similar laws and this chapter or his authorized representative. See Housing Inspector.

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

Debris. Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles or machinery or parts thereof, furniture not made for outdoor use, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or material, such as may tend to depreciate property values in the area, create a blighted condition, or create a nuisance or hazard shall not be allowed on any property, except when such materials are properly housed and out of public view.

Dwellings. 1. One Family Dwelling. A building containing one dwelling unit with not more than 5 lodgers or boarders.

2. Two-Family Dwellings. A building containing 2 dwelling units with not more than 5 lodgers or boarders per family, but not more than 20 individuals.

3. Multi-Family Apartment House. A building containing more than 2 dwelling units.

4. Boardinghouse, Lodging House, Tourist House. A building arranged or

HOUSING MAINTENANCE CODE 15.03(2)5.

used for the lodging with or without meals, for compensation, more than 5 and not more than 20 individuals.

5. Dormitory. A building arranged or used for lodging 6 but not more than 20 individuals and having common toilet and bathroom facilities.

6. Hotel. A building arranged or used for the sheltering, sleeping, or feeding, for compensation, of more than 20 individuals.

Dwelling Unit. One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Enforcement Officer. The official designated herein or otherwise charged with the responsibilities of administering this chapter or his authorized representative.

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

Extermination. The control and elimination of insects, rodents or other inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

Family. Any number of individuals related by blood, marriage or legal adoption living together as a single housekeeping unit, including domestic servants. A related family may also include not more than 2 roomers, boarders or permanent guests (whether or not gratuitous) in addition to the related family and servants. A group including servants and/or roomers, boarders, or permanent guests of not more than 4 unrelated individuals living together as a single housekeeping unit, shall also constitute a family.

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

Gross Floor Area. The total area of all habitable space in a building or structure.

Habitable Room. A room or enclosed floor space arranged for living, eating, and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces).

Hotel. See Dwellings.

HOUSING MAINTENANCE CODE 15.03(2)6.

Housing Inspector. The City Housing Inspector who shall enforce the provisions of this chapter.

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

Motel. For purposes of this chapter, a motel shall be defined the same as a hotel.

Multi-Family (Multiple) Dwelling. See Dwellings.

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

Openable Area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors. Whenever the words "multifamily dwelling, residence building, dwelling unit, rooming house, rooming unit or premises" are used in this chapter, they shall be construed as though they were followed by the words " or any part thereof ".

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

Owner. The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possessions, assignee or rents, receiver, executor, trustee, lessee or other person in control of a building or of premises or their authorized agents.

Person. An individual, firm, corporation, association or partnership.

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

Premises. A lot, plot or parcel of land including the buildings or structures thereon.

Residence Building. A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the Ch. 14 of this Code of Ordinances.

HOUSING MAINTENANCE CODE 15.03(2)6.

Rooming House. Any residence building or part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than 5 persons who are not members of the family. See Dwellings - Boardinghouse.

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

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

Supplied. Installed, furnished or provided by the owner or operator.

Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

1. Mechanical. Ventilation by power driven devices.
2. Natural. Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices.

Workmanlike. Whenever the words "workmanlike state of maintenance and repair" are used in this chapter, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

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

ENVIRONMENTAL REQUIREMENTS

15.10 **SCOPE.** The provisions of this subchapter shall govern the minimum conditions of property and buildings. Every building or structure occupied by humans, except as exempted by Ch. 15.02(4), and the premises on which it stands, shall comply with the conditions prescribed in this chapter wherever applicable.

HOUSING MAINTENANCE CODE 15.11

15.11 **EXTERIOR PROPERTY AREAS.** No person shall occupy as owner-occupant or let to another for occupancy any structure or premises which does not comply with the following requirements. The Housing Inspector shall cause periodic inspections to be made of all premises to secure compliance with these requirements.

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

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

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

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

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

(6) **MOTOR VEHICLES.** No person shall leave any vehicle, whether registered or nonregistered, on any property within the City for a period exceeding 10 days if such vehicle is junked, wrecked, partially dismantled or disassembled, nonoperating or unable to be operated safely or legally on a public street. No person in charge or control of any property within the City, as owner, tenant, occupant, lessee or otherwise shall allow any vehicle, whether registered or nonregistered, to remain on such property longer than 10 days, if such vehicle is junked, wrecked, partially dismantled or disassembled, nonoperating or unable to be operated safely or legally on a public street. This section shall not apply to a vehicle in an enclosed building; or a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business.

15.12 **EXTERIOR STRUCTURE.** No person shall occupy as owner occupant or let to another for occupancy any structure or portion thereof which does not comply with the requirements in this section:

(1) **FOUNDATIONS, WALLS AND ROOF.** Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

HOUSING MAINTENANCE CODE 15.12(2)

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

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

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

(5) STAIRS, PORCHES AND RAILINGS. Stairs and other exit facilities shall be adequate for safety as provided in Ch. 14 of this Code of Ordinances and this section.

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

(7) RAILS. Where the Housing Inspector deems it necessary for safety, every flight of stairs which is more than 2 risers high shall have rails which shall be located as required by Ch. 14 of this Code of Ordinances and every porch which is more than 24" above grade shall have guardrails so located and of such design as required by Ch. 14 of this Code of Ordinances. Every rail and balustrade shall be firmly fastened and shall be maintained in good condition.

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

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

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

(11) WINDOWS TO BE OPENABLE. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

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

HOUSING MAINTENANCE CODE 15.12(13)

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

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

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

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

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

(a) **Guards for Basement Windows.** Every basement or cellar window which is openable shall be supplied with corrosion resistive rodent proof shields of not less than No. 22 U.S. gauge perforated steel sheets or No. 20 B&S gauge aluminum or No. 16 U.S. gauge expanded metal or wire mesh screens, with not more than 1/4" mesh openings, or with other material affording equivalent protection against the entry of rodents, including storm windows.

(b) **Insect Screens.** From June 1st to October 15th of each year, every door opening directly from any dwelling or multi-family dwelling to the outdoors and every window or other outside opening used for ventilation purposes shall be supplied with approved screening, and every swinging screen door shall have a self-closing device in good working condition, except that no such screens shall be required for a dwelling unit above the 5th floor. The Housing Inspector has authority to waive the requirement for screen doors on newer homes that have ornamental entrance doors and air conditioning where there is no need for screen door ventilation. Window type air conditioning units are not included in this exception.

15.13 INTERIOR STRUCTURE. No person shall occupy as owner-occupant or let to another for occupancy any structure or portion thereof which does not comply with the following requirements:

(1) **FREE FROM DAMPNES.** In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure as required by Ch. 14 of this Code of Ordinances.

(2) **STRUCTURAL MEMBERS.** The supporting structural members of every building

HOUSING MAINTENANCE CODE 15.13(3)

shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of Ch. 14 of this Code of Ordinances.

(3) INTERIOR STAIRS AND RAILINGS. Stairs shall be provided in every structure as required by Ch. 14 of this Code of Ordinances.

(4) MAINTAINED IN GOOD REPAIR. All interior stairs of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of Ch. 14 of this Code of Ordinances.

(5) HANDRAILS. Every stairwell and every flight of stairs which is more than 2 risers high shall have handrails or railings located in accordance with the provisions of Ch. 14 of this Code of Ordinances. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads as required by Ch. 14, shall be placed on the open portions of stairs, balconies, landings and stairwells.

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

(7) SANITATION. The interior of every dwelling and structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under . 15.20(10) and (11) of this chapter.

(8) INSECT AND RODENT HARBORAGE. Buildings shall be kept free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

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

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

HOUSING MAINTENANCE CODE 15.13(11)

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

(12) INTERIOR WALLS, CEILINGS AND FLOORS. All interior walls, ceilings and floors shall be structurally sound, in good repair, free from defects, clean, painted and decorated.

SPACE AND OCCUPANCY REQUIREMENTS

15.20 **BASIC FACILITIES.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements:

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

(2) WATER CLOSET. Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet.

(3) LAVATORY. Every dwelling unit shall contain a lavatory which, when a closet is required, shall be in the same room with such water closet.

(4) BATHTUB OR SHOWER. Every dwelling unit shall contain a room which affords privacy to a person in such room and which is equipped with a bathtub or shower.

(5) KITCHEN SINK. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under sub. (3).

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

(7) WATER HEATING FACILITIES. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with hot water under sub. (6). Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than 130E at any time needed.

HOUSING MAINTENANCE CODE 15.20(8)

(8) HEATING FACILITIES. Every dwelling and multi-family dwelling shall have heating facilities, and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of 70E with an outside temperature of 10E below zero. The owner shall maintain a minimum average room temperature of 70E in all habitable rooms, including bathrooms and toilet rooms when rented, at all times on the basis of 10E below zero outside. The temperature shall be existent at a level of 3' above the floor level and 3' or more from an exterior wall.

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

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

(11) GARBAGE STORAGE OR DISPOSAL FACILITIES. Every dwelling or multi-family dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be any adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Housing Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can or cans.

15.21 **INSTALLATION AND MAINTENANCE.** No person shall occupy as owner-occupant, or let to another for occupancy, any building or structure which does not comply with the following requirements:

(1) FACILITIES AND EQUIPMENT. All required equipment and all building space and parts in every building or structure shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of Ch. 14 of this Code of Ordinances.

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

(3) PLUMBING FIXTURES. In building and structure water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of Ch. 14 of this Code of Ordinances or the Plumbing Code of the City.

HOUSING MAINTENANCE CODE 15.21(4)

(4) PLUMBING SYSTEMS. In buildings and structures every plumbing stack, waste and sewer line shall be so installed and maintained so as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of Ch. 14 of this Code of Ordinances or the Plumbing Code of the City.

(5) HEATING EQUIPMENT. Every space heating, cooking and water heating device located in a building or structure shall be properly installed, connected and maintained and shall be capable of performing the function for which it was designed in accordance with the provisions of Ch. 14 of this Code of Ordinances.

(6) ELECTRICAL OUTLETS AND FIXTURES. Every electrical outlet and fixture as required in . 15.23 shall be installed, maintained and connected to the source of electric power in accordance with the provisions of Ch. 14 of this Code of Ordinances or Electrical Code of the City.

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

15.22 **OCCUPANCY REQUIREMENTS.** No person shall occupy or let to another for occupancy any dwelling unit for the purpose of living therein which does not comply with the following requirements:

(1) MINIMUM CEILING HEIGHTS. Habitable rooms in existing buildings, except as provided in . 15.02(4), shall have a clear ceiling height over the minimum area required by this chapter at not less than 7-1/3', except that in attics or top half stories the ceiling height shall be not less than 7' or not less than 1/3 of the minimum area required by this chapter when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of 5' or more may be included.

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

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

(4) ACCESS LIMITATION OF DWELLING UNIT TO COMMERCIAL USES. No habitable

HOUSING MAINTENANCE CODE 15.22(5)

room, bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room or similar room used for public purposes.

(5) LOCATION OF BATH AND SECOND SLEEPING ROOM. No residence building or dwelling unit containing 2 or more sleeping rooms shall have a room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. Existing one family dwellings where no lodgers are occupants may be exempt from the requirement concerning access through a first sleeping room.

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

(a) Floors and walls are watertight.

(b) Total window area, total openable area and ceiling height are in accordance with this chapter.

(c) Required minimum window area of every habitable room is entirely above the grade of the ground adjoining the window area.

15.23 **LIGHT AND VENTILATION.** No person shall occupy as owner-occupant or let to another for occupancy any building or structure for the purpose of occupancy which does not comply with the following requirements:

(1) NATURAL LIGHT IN HABITABLE ROOMS. Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of Ch. 14 of this Code of Ordinances. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than 3' from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(2) LIGHT IN NONHABITABLE WORK SPACE. Every laundry, furnace room and all similar nonhabitable work spaces located in a building or structure shall have one supplied electric light fixture available at all times.

(3) LIGHT IN COMMON HALLS AND STAIRWAYS. Every common hall and inside

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stairway in every building, other than one family dwellings, shall be adequately lit at all times with an illumination of at least 5 lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

(4) **ELECTRIC OUTLETS REQUIRED.** Where there is electric service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least 2 separate and remote outlets, one of which may be a ceiling or wall type electric light fixture. In kitchens 3 separate and remote wall type electric convenience outlets or 2 convenience outlets and 1 ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

(5) **WINDOWS.** Every room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least 45% of the minimum window area size required in sub. (1), except that no openable window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

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

(7) **OVERCROWDING OF ROOMS.** If any room in a dwelling is overcrowded, the Housing Inspector may order the number of persons sleeping or living in such room to be so reduced that there shall be not less than 400 cu. ft. of air to each adult and 200 cu. ft. of air to each child under 12 years of age occupying such room.

(8) **EATING FACILITIES.** No cooking or eating shall be permitted in any sleeping room in any dwelling or dwelling unit and no cooking facility or appliance shall be permitted in any sleeping room.

15.24 **MINIMUM REQUIREMENTS FOR SAFETY FROM FIRE.** No person shall occupy as owner-occupant or shall let to another for occupancy any structure which does not comply with the applicable provisions of the fire prevention sections of Ch. 14 of this Code of Ordinances and the following additional requirements for safety from fire:

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

HOUSING MAINTENANCE CODE 15.24(2)

(2) COOKING AND HEATING EQUIPMENT. All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of Ch. 14 of this Code of Ordinances or other applicable laws or ordinances of the City. Portable cooking equipment employing flame is prohibited.

(3) SMOKE DETECTORS IN ONE AND TWO FAMILY DWELLINGS. (a) Required. Except as otherwise specifically provided in this chapter, the provisions of Ch. ILHR 28, Wis. Adm. Code, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any provision of the Wisconsin Administrative Code incorporated herein is required or prohibited by this subsection. Any future amendments, revisions or modifications of the Wisconsin Administrative Code incorporated herein are intended to be made a part of this chapter. When any of the provisions incorporated herein is inconsistent with another portion of this Code of Ordinances dealing with smoke detectors, the provision that is the most strict in its application shall apply.

(b) Responsibilities. 1. The building owner shall be responsible for the installation of smoke detectors.

2. The building owner shall be responsible for maintaining the smoke detectors in proper working order.

3. Building tenants shall be responsible for notifying the building owner, in writing, of detector malfunctions, including the notification of the need for a new battery in the case of a battery powered detector.

4. The building owner shall have 5 days upon the receipt of written notice from the tenant to repair or replace the detector or to replace the battery. The building owner shall check batteries at the beginning of a new lease and shall replace the battery at least annually.

5. The building owner shall furnish to the tenant written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detector maintenance and testing.

(c) Smoke Detector Definition. 1. A smoke detector, as specified in this chapter, shall be a device capable of sensing visible or invisible products of combustion, other than heat, and providing a suitable audible alarm when the products are present.

2. The detectors may be battery powered or powered by the building electrical system.

HOUSING MAINTENANCE CODE 15.24(3)(c)3.

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

(d) Location of Smoke Detectors. The detector shall usually be located in the hall area giving access to rooms used for sleeping purposes. In multiple level dwelling units, the detector should usually be located at the top of the stairs.

RESPONSIBILITY OF PERSONS

15.30 **SCOPE.** Occupants of structures and premises and owners or operators of rooming houses shall be responsible for their maintenance as provided in this subchapter.

(1) **CLEANLINESS.** Every occupant of a building or part of a building shall keep that part of the building or premises which he occupies, controls or uses in a clean and sanitary condition.

(2) **DISPOSAL OF RUBBISH.** Every occupant of a building or part of a building shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by . 15.20(10) of this chapter.

(3) **DISPOSAL OF GARBAGE.** Every occupant of a building or part of a building shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities or, if such facilities are not available, by removing all nonburnable matter and securely wrapping such garbage and placing it in tight metal garbage storage containers as required by . 15.20(11) of this chapter or by such other disposal method as may be required by applicable laws or ordinances of the City.

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

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

15.31 **ROOMING HOUSES.** Every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house shall obtain an annual license from the City Inspection Division and comply with the provisions of every section of this chapter, except as provided in the following subsections:

(1) **WATER CLOSET, HAND LAVATORY AND BATH FACILITIES.** At least one water

HOUSING MAINTENANCE CODE 15.31(2)

closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each 4 rooms within a rooming house wherever such facilities are shared. All facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(2) **MINIMUM FLOOR AREA FOR SLEEPING PURPOSES.** Every room occupied for sleeping purposes by one occupant shall contain at least 70 sq. ft. of floor area and every room occupied for sleeping purposes by more than 2 persons shall contain at least 50 sq. ft. of floor area for each occupant.

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

(4) **SHADES, DRAPERIES, ETC.** Every window of every rooming unit shall be supplied with shades, drawn draperies or other devices or material which, when properly used, will afford privacy to the occupant of the rooming unit.

(5) **SANITARY CONDITIONS.** The operator of every rooming house shall maintain all walls, floors, ceilings and every other part of the rooming house in a sanitary condition, as well as the entire premises where the structure or building within which the rooming house is contained is leased or occupied by the operator.

(6) **SANITARY FACILITIES.** Every water closet, flush urinal, lavatory basin and bathtub or shower required by sub. (1) shall be located within the rooming house and within a room or rooms which:

(a) Afford privacy and are separate from the habitable rooms.

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

ENFORCEMENT AUTHORITY

15.40 **ENFORCEMENT OFFICER.** The Inspection Division shall enforce the provisions of this chapter.

15.41 **COORDINATION OF ENFORCEMENT.** Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the exclusive responsibility of the Building Department of the City. Wherever, in the opinion

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of the Housing Inspector it is necessary or desirable to have inspection of any condition by any other department, he shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors, nor to multiple or conflicting orders. No order for correction of any violation under this chapter shall be issued without the approval of the Housing Inspector and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved in the case in question.

15.42 **ADMINISTRATIVE LIABILITY.** Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the City charged with the enforcement of this chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. No person who institutes or assists in the prosecution of a criminal proceeding under this chapter shall be liable to damage hereunder unbelieveing that the person accused or prosecuted was guilty of any unlawful act or omission. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative of the City until the final determination of the proceedings.

15.43 **INSPECTIONS.** (1) The Housing Inspector shall make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of this chapter. The Housing Inspector is authorized to enter any structure or premises at any reasonable time for the purpose of performing his duties under this chapter. The owner, occupant or operator of every structure or premises or the person in charge shall give the Housing Inspector free access to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

(2) No person shall refuse entrance to or impede an inspector or officer authorized under this chapter in the performance of his duties and every such inspector or officer shall have the right to enter, examine and survey all premises, grounds and structures and every part thereof at all reasonable times upon display of proper identification.

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

15.44 **ACCESS BY OWNER OR OPERATOR.** Every occupant of a structure or

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

15.45 **CONDEMNATION.** Structures shall be condemned as dangerous structures or unsafe for human occupancy as provided herein.

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

(2) **STRUCTURES UNFIT FOR HUMAN OCCUPANCY.** (a) Whenever the Housing Inspector finds that any structure constitutes a hazard to the safety, health or welfare of the occupants or to the public because it lacks maintenance; is in disrepair, unsanitary, vermin infested or rodent infested; because it lacks the sanitary facilities or equipment; or otherwise fails to comply with the minimum provisions of this chapter, but has not yet reached a state of complete disrepair as to be condemned as a dangerous structure as provided herein, he may declare such structure as unfit for human occupancy and order it to be vacated.

(b) If any structure or any part thereof is occupied by more occupants than permitted under this chapter or was erected, altered or occupied contrary to law, such structure shall be deemed an unlawful structure and the Housing Inspector may cause such structure to be vacated. No person shall again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

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

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

- (a) Name of City.
- (b) The name of the authorized department having jurisdiction.
- (c) The chapter and section of the chapter under which it is issued.

HOUSING MAINTENANCE CODE 15.45(4)(d)

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

(e) The date that the placard is posted.

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

(5) FORM OF NOTICE. Whenever the Housing Inspector has declared a structure as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the structure as unfit for human occupancy. Such notice shall:

(a) Be in writing.

(b) Include a description of the real estate sufficient for identification.

(c) Include a statement of the reason or reasons why it is being issued.

(d) State the time to correct the conditions.

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

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

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

(b) By certified or registered mail addressed to the owner at his last known address with postage prepaid.

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

(7) REMOVAL OF PLACARD OR NOTICE. No person shall deface or remove the placard from any structure which has been declared or placarded as unfit for human habitation, except by authority in writing from the Housing Inspector.

(8) VACATING OF DECLARED BUILDING. Any structure which has been declared and placarded as unfit for human occupancy by the Housing Inspector shall be vacated within a reasonable time as required by the Housing Inspector and no owner or operator shall let to any person for human occupancy such structure and no person shall occupy any structure which has been declared or placarded by the Housing Inspector as unfit for human occupancy after the date set forth in the placard.

(9) OCCUPANCY OF BUILDING. No structure which has been declared or placarded as unfit for human occupancy shall again be used for human occupancy until written

HOUSING MAINTENANCE CODE 15.45(10)

approval is secured from the Housing Inspector. The Housing Inspector shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

(10) REPORT OF NOTICE TO VACATE. The Housing Inspector shall furnish a copy of each notice to vacate a building to the Health Officer, Chief of the Fire Prevention Bureau and any other designated City official concerned therewith.

15.46 VIOLATIONS. When required, notice of violation shall be served upon the owner of record, provided that such notice shall be deemed to be properly served upon such owner if a copy is delivered to him personally or, if not found, by leaving a copy at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents or by sending a copy by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy in a conspicuous place in or about the structure affected by the notice. Such notice shall not be required in cases where the owner has already received notice for similar violations within the past five years.

(1) SERVICE OF NOTICE. Whenever the Housing Inspector determines there has been or that there are reasonable grounds to believe that there has been or is a violation of any provision of this chapter, he shall give notice of such violation or alleged violation to the person or persons responsible unless such notice is not required as provided herein. If the notice is required, the notice shall:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Specify the violation which exists and the remedial action required.
- (d) Allow a reasonable time of up to 6 months for the performance of any act required.

(2) PROSECUTION OF VIOLATION. Prosecution of Violation. In case any violation order is not promptly complied with, or if no violation order is required, the Housing Inspector may request the legal representative to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:

- (a) To restrain, correct or remove the violation or refrain from any further execution of work.
- (b) To restrain or correct the erection, installation or alteration of such building.
- (c) To require the removal of work in violation.

HOUSING MAINTENANCE CODE 15.46(2)(d)

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

(e) To enforce the penalty provisions of this chapter.

(3) PENALTY FOR VIOLATIONS. Penalty for Violations. Except as otherwise provided, any person found to be in violation of any provision of this chapter or any rule or order promulgated hereunder shall be subject to a penalty as provided in §25.04 of this Code of Ordinances.

15.47 **REPEALED BY ORDINANCE No. 3315**

Historical Updates			
Page	Paragraph	Ordinance No.	Date Adopted
3, 19	Definitions, 15.31	3154	03/26/03
22, 23	15.46, 15.47	3315	12/13/06