

Chapter 9

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9.01 TITLE

This ordinance shall be known as the "Housing Code" of the City of Wisconsin Rapids, Wisconsin. (MC#75)

9.02 PURPOSE

The purpose of this ordinance is to protect the health, safety and welfare of the people of the City of Wisconsin Rapids, Wisconsin by providing for a housing ordinance establishing minimum housing standards and to eliminate and prevent the development of slum conditions, determine and establish the responsibilities of owners and occupants of residential buildings, and provide for administration, enforcement, and penalties.

9.03 APPLICATION

- (1) The provisions of this code shall apply to all buildings used or designed or intended to be used for human habitation. Such occupancies and uses in existing buildings may be continued if such use of occupancy was legal at the time of adoption of this code, provided such structures are not substandard and such continued use is not dangerous to life. The decision of the chief housing official therein shall be subject to appeal to the appeal board as herein provided.
- (2) Alterations and Relocations. Existing buildings which are altered or enlarged shall be made to conform to this code insofar as the new work is concerned, and in accordance with the provisions of the Building Code of the City of Wisconsin Rapids. Existing buildings which are moved or relocated shall be considered new buildings and shall comply with all the requirements of this code.

9.04 ENFORCEMENT

- (1) The enforcement officer of this code shall be the chief housing official, who is hereby authorized and directed to enforce the provisions thereof, and the term housing official as used in this code shall mean the chief housing official or his duly designated and authorized representative. The chief housing official shall be the building inspector.
- (2) Notice of Violation. Whenever the chief housing official determines that there exists a violation of any provisions of this code, he shall give notice of such violation to the person or persons responsible therefor and order compliance. Such notice and order shall:

- (a) Be in writing;
 - (b) Include a list of violations referring to the sections of the code violated.
 - (c) Set a reasonable time, not to exceed 90 days in any event, for the performance of any act it requires;
 - (d) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this code.
 - (e) Advise the owner or occupant of the procedure for appeal;
 - (f) Be served upon the owner or occupant by delivering it to him personally or by mailing a copy thereof by certified mail to his last known address or if the person to be served is unknown, by posting said notice in some conspicuous place on the premises;
- (3) Duplicate Notice. Whenever the owner of a dwelling is notified by the chief housing official of a violation for which he is responsible, a copy of the notice shall also be posted on the premises, delivered, or sent by ordinary mail to the occupants of the dwelling; and whenever an occupant is notified by the chief housing official of a violation for which he is responsible a copy of the notice shall also be delivered, or sent by ordinary mail to the owner of the dwelling. Failure to send such duplicate notice, however, shall not affect the validity of any proceedings against the owner or occupant.
- (4) Removal of Substandard Buildings. All buildings or portions thereof which are determined to be substandard as herein defined are hereby declared to be public nuisances and shall be abated by repair or rehabilitation; or by demolition or removal in accordance with the procedure as specified in Section 66.05 of Wisconsin Statutes.
- (5) Emergency Procedure. Whenever the chief housing official shall find an emergency existing which requires immediate action to protect the public health or safety, he shall, without notice or hearing, issue an order reciting the existence of such an emergency and requiring such action be taken as he deems necessary to meet the emergency; notwithstanding any other provision of this code such order shall be immediately effective and no person shall knowingly violate the provisions of such order.

2.05 ORDER TO VACATE

- (1) Where a notice of violation and order to comply has been issued as herein provided and upon re-inspection at the end of the time specified for compliance it is found that the violation or violations have not been corrected, or at any time when required in accordance with the emergency procedure, the chief housing official may order the dwelling or the parts thereof affected by the continued violations to be vacated in accordance with the following procedures:
- (a) The vacation shall be within a reasonable time as determined by the chief housing official, but not to exceed 60 days;
 - (b) Vacated buildings shall have all outer doors, windows, or other openings securely boarded so as to prevent entry.
 - (c) The building shall be posted "Cannot be used for Human Habitation, Occupancy or Use";
- (2) Such buildings shall not be used for human habitation until all violations have been corrected and a written determination obtained from the chief housing official that the dwelling complies with the provisions of this code.
- (3) If a dwelling or part thereof is not vacated within the time specified in the vacation order in a court of competent jurisdiction for the vacation of such dwelling part thereof, notwithstanding the fact that such disobedience may also be punishable by fine or imprisonment as hereinafter provided in this code.

9.06 REMOVAL OF NOTICES

No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by the chief housing official, without his permission.

9.07 INSPECTION OF DWELLINGS AUTHORIZED

The chief housing official is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, and premises located within the city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and the general public. All inspections and investigations of residential property must be conducted in compliance with the requirements for a reasonable search. Initially this means consent or a warrant must be obtained in order to enter the premises. For the purpose

of making such inspections and to perform any duty imposed upon him by this code, the chief housing official is hereby authorized according to law to enter, examine, and survey at all reasonable times all such premises.

9.08 FREQUENCY OF INSPECTIONS

The chief housing official shall cause a periodic inspection to be made of every multiple dwelling or leased dwelling unit. Such inspection shall include a thorough examination of all parts of such dwelling and the premises connected therewith. The chief housing official is also empowered to make similar inspections of all dwellings as frequently as may be necessary or convenient.

9.09 HOUSING BOARD OF APPEALS

- (1) There is hereby created a housing board of appeals in order that the provisions of the housing code may be properly and reasonably applied that substantial justice will be done and unnecessary hardship relieved, where it would result from the strict application of the provisions hereof, and where the intent and spirit of the law and ordinance may be observed and obtained and the public safety secured.
- (2) Membership and Appointment. The board of appeals shall consist of five members, including one alderperson member, whom shall be appointed by the mayor, subject to approval by the common council. The term of office of each member shall be as hereinafter provided and shall expire on May 1 of each year. The membership of the board shall be as follows:
 - (a) one member of the common council for one year
 - (b) four citizen members for a term of four (4) years each, except when said commission is first constituted, one member shall be appointed for one year, one member shall be appointed for two years, one member shall be appointed for three years, and one member shall be appointed for four years.All members of this commission shall serve without compensation. A majority of this commission shall constitute a quorum for the transaction of business. (MC#686)
- (3) Meetings. The board shall meet at the call of the chairman, or in his absence the secretary and shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the board and the vote of each member on each question. The board may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (4) Appeals.
 - (a) Any person affected by any notice, order, decision or ruling of an official, issued in connection with the enforcement of this code, may request and shall be granted a hearing on the matter before the board.
 - (b) The petition shall be in writing and shall specify the name, address, and telephone number of the petitioner and a brief statement of the grounds for appeal, and shall be accompanied by an appeal fee of \$10.00 and shall be filed within 10 days after the day of the notice and order are served. Upon receipt of such petition, the chief housing official shall set a time for a hearing before the board and shall give the petitioner written notice thereof.
- (5) Variance. Applications for variance shall be made in accordance with the procedure as provided for appeals. Variances may be provided and authorized by the board of appeals as to any of the terms, provisions, or requirements of this ordinance in accordance with the standards as provided in Section 9.09 of this code.
- (6) Hearings. Hearings shall be commenced within a reasonable time after a petition has been filed, and the petitioner shall be notified thereof. At such hearings the petitioner shall be entitled to appear in person or by agent or attorney and to show cause why the matter appealed should be modified or withdrawn or a variance granted. The failure of a petitioner or a representative to appear at a hearing shall constitute an abandonment of the petition.
- (7) Decisions. After a hearing the board shall sustain, modify or withdraw the notice and order depending upon its findings. If it clearly appears that, by reason of special conditions, undue hardship would result from the strict application of any section of this code, the board may permit a variance from the mandatory provisions thereof in such a manner that the public safety shall be secured, substantial justice done, and the spirit of this code upheld. The majority vote of members present of the board shall be necessary to reverse or modify any order of the chief housing official or grant a variance under this section.

9.10 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- (1) Basement shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (2) Cellar shall mean a portion of the building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (3) Dwelling shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- (4) Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- (5) 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, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.
- (6) Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- (7) Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes excluding bathrooms, water closet compartment, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.
- (8) Health Officer shall mean the legally designated health authority of the city of Wisconsin Rapids, or his authorized representative.
- (9) Infestation shall mean the presence, within or around a dwelling, or any insects, rodents, or other pests.
- (10) Multiple Dwelling shall mean any dwelling containing two or more dwelling units.
- (11) Occupant shall mean any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- (12) Operator shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (13) Ordinary Minimum Winter Conditions shall mean the temperature 15° F above the lowest recorded temperature for the previous 10 year period.
- (14) Owner shall mean any person who, alone or jointly or severally with others:
 - (a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - (b) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (15) Person shall mean and include any individual, firm, corporation, association or partnership.
- (16) Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- (17) 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 persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator.
- (18) Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (19) Rubbish shall mean combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

- (20) Supplied shall mean paid for, furnished, or provided by or under the control of the owner or operator.
- (21) Meaning of Certain Words: Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "premises", are used in this ordinance, they shall be construed as though they were followed by words "or any part thereof."
- (22) Nuisance shall be defined as, but not limited to:
- (a) Any public nuisance known at common law or in equity jurisprudence;
 - (b) Any hazardous condition which may prove attractive to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any un-abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures, or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors;
 - (c) Whatever is dangerous to human life or detrimental to health;
 - (d) Over crowding a room with occupants.
 - (e) Insufficient ventilation or illumination;
 - (f) Unsanitary sewer or inadequate plumbing fixtures;
 - (g) Uncleanliness;
- (23) Substandard Building is any building or portion thereof, or the premises on which the same is located, in which there exists any conditions that endanger the health, property, safety, or welfare of the public or the occupants thereof, arising from any of the following: inadequate sanitation, structural hazards, nuisance, hazardous wiring, hazardous plumbing, hazardous mechanical equipment, faulty weather protection, fire hazard, faulty materials or construction, hazardous or unsanitary premises, inadequate exits, inadequate fire protection, or improper occupancy.

9.11 MINIMUM STANDARD FOR BASIC EQUIPMENT AND FACILITIES

- (1) 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 minimum standards for basic equipment and facilities as provided herein.
- (a) Kitchen Sink. Every dwelling unit shall contain a kitchen sink in good working condition.
 - (b) Water Closet and Lavatory. Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet, and a lavatory in good working condition.
 - (c) Bathtub or Shower. Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition.
 - (d) Water Heating Facilities. Every kitchen sink, lavatory, and bathtub or shower required by the code shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water heating facilities which are properly installed, are maintained in safe and good working condition, and are 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, bathtub or shower at a temperature of not less than 110°F to 120°F.
 - (e) Water and Sewerage Facilities. All plumbing fixtures required by this code shall be properly connected to an approved water system and to an approved sewerage system.
 - (f) Garbage and Rubbish Disposal. Every dwelling unit shall have adequate garbage and rubbish storage containers in which to place the garbage and rubbish therein. The containers shall consist of water tight galvanized metal or plastic cans, not more than 32 gallons in capacity, equipped with adequate handles or bails, or dumpsters in accordance with Chapter 7 of this code. In lieu of a garbage container, a dwelling unit may be equipped with a garbage disposal unit connected with an integral part of the sewerage system of the building and capable of reducing all garbage deposited therein to particles no greater than one-half inch in any dimension.
 - (g) Exitways. Every dwelling unit shall have access to one unobstructed exitway leading to a public street or alley. Where there are two or more dwelling units located on the second story of the dwelling or where there are more than two stories in a dwelling every floor above the first shall have a minimum of two approved means of egress, two of which shall be accessible to all occupants of the floor, without passing through another dwelling unit.

- (1) A second story may be served by a single interior stairway if such stairway is enclosed by one hour fire resistive materials, and all doors opening into the stairway shall be self-closing class "B" fire doors or solid wood doors not less than 1-3/4 inches thick at any one point. This exception shall not apply in cases where the second story exceeds 1,000 square feet of habitable floor area.

9.12 MINIMUM STANDARDS FOR LIGHT, VENTILATION, HEATING, AND COMPLIANCE WITH

- (1) 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 minimum standards for light, ventilation, and heating as herein provided.
 - (a) Windows. Every habitable room shall be provided with natural light by means of glazed openings. Glazed openings shall consist of windows or skylights or a combination of the two. The area of glazed openings shall equal at least eight percent of the net floor area.
 - (1) Exception; one- and two-family dwellings
 - (a) Habitable rooms, other than bedrooms, located in basements need not be provided with natural light.
 - (b) Natural light may be obtained from adjoining areas through glazed openings, louvers, or other approved methods. Door openings into adjacent areas may not be used to satisfy this requirement.
 - (b) Ventilation. Natural ventilation shall be provided to all habitable rooms, kitchens, and bathrooms by means of openable exterior doors, skylights, or windows. The net area of the openable exterior doors, skylights, or windows shall be at least 3.5 percent for one- and two-family dwellings and four percent for commercial code classifications, of the net floor area of the room.
 - (1) Exception.
 - (a) One- and two-family dwelling. Mechanical ventilation may be provided in lieu of openable exterior doors, skylights, or windows provided the system is capable of providing at least one air change per hour.
 - (b) Habitable rooms in motels and hotels and similar sleeping rooms in buildings accommodating transients shall not be required to be provided with openable doors and windows or skylights if the rooms are provided with mechanical ventilation supplying tempered outside air as specified in the state building code. (Section ILHR 64.06)
 - (2) Exhaust ventilation. All exhaust ventilation shall terminate outside the building.
- (c) Ventilation in Bathrooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as herein provided, except that no window or skylight shall be required in bathrooms or water closet compartments which are equipped with a mechanical ventilating system to the outside air which is capable of exhausting a minimum of 50 CFM against the static pressure resistance.
- (d) Electrical Service. Each dwelling unit shall be provided with a branch circuit panelboard with branch circuit overcurrent protection devices. A minimum of two 20 ampere appliance branch circuits shall be provided to the kitchen area and any receptacles adjacent to the sink area shall be GFCI protected in accordance with National Electrical Code 210-8 and 210-52 requirements. A separate branch circuit shall be provided to the bathroom area and the GFCI requirements adhered to. The remaining habitable rooms shall be provided with at least one wall switch controlled light fixture outlet or switched receptacle and two other separate wall type electric convenience outlets. Each hallway and stair shall have permanent electrical lighting fixtures switched at both ends of the stairway area. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner. In all multiple dwellings, all subpanels and switching for full time lighting shall be located in areas not accessible to the public. Minimum electrical requirement, as specified in National Fire Protection Agency NFPA-73 for dwelling units shall be incorporated in requirements of the Housing Code Standard.
- (e) Lighting in Public Halls. Every public hall and stairway in every multiple dwelling and in every rooming house or hotel serving 10 or more rooming units, shall be adequately lighted in

accordance with ILHR 19 at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and serving less than the above number of dwelling or rooming units shall be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full time lighting. Illumination levels shall be in accordance with ILHR-19 requirements.

- (f) Window Screens. Every window used for ventilation shall also be supplied with screen. During that portion of each year when the housing official deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens; and every window or other device with opening to outdoor space used or intended to be used for ventilation, shall likewise be supplied with screens. Provided that such screens shall not be required during such period in rooms deemed by the housing official to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas of this city, which are deemed by the housing official to have so few insects as to render screens unnecessary.
- (g) Screens on Basement Windows. Every basement or cellar window used for ventilation shall also be supplied with a screen or such other device as will effectively prevent the entrance of rodents.
- (h) Heating Facilities. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70°F, at a distance of three feet above floor level when the outside temperature is 0°F. Portable heating equipment employing a flame or heating equipment using gasoline or kerosene as fuel are not permitted. All heating appliances/equipment shall have state approval.
- (i) Storm or insulated windows shall be provided in accordance with state or federal energy requirements.

9.13 MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

- (1) 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 minimum standards for space, use, and location as herein provided.
 - (a) Minimum Floor Area. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
 - (b) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant 12 years of age and over and at least 35 square feet of floor space for each occupant under 12 years of age.
- (2) Single-family Owner-occupied Dwelling. Single family owner-occupied dwellings shall comply with the provisions of (a) and (b) above.
- (3) Room Arrangement. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only going through another sleeping room or water closet compartment.
- (4) Minimum Ceiling Height. At least one-half of the floor area of every habitable room, bathroom, water closet compartment, and hallway shall have a ceiling height of not less than six feet six inches (6'6"). The floor area of that part of any habitable room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (5) Basement Dwelling Units. No basement space shall be used as dwelling or rooming unit unless:
 - (a) The floor and walls are impervious to leakage or underground and surface run-off water.

- (b) The total glazed window area in each room is equal to at least eight percent of the floor area, and is entirely above the grade of the ground adjoining such window area; or, if below grade, an areaway shall be provided in compliance with the uniform dwelling code.
- (c) The total openable window area in each room is equal to 3.5 percent (for one- and two-family dwellings) and 4 percent (for all other) of the minimum window area, except where there is supplied a mechanical ventilation system to the outside air capable of completely changing the air in the room every hour for one- and two-family dwellings, or in accordance with ILHR Commercial Code for all other residential occupancies.
- (d) The ceiling height throughout the unit is at least seven feet.
- (e) It is separated from the heating equipment, incinerators or other equally hazardous equipment by a standard one hour fire partition.
- (f) Access can be gained to the unit without going through a furnace room;
- (g) Two independent means of egress are provided from every basement containing more than one dwelling unit or one rooming unit. (MC#142)

9.14 MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE OF DWELLINGS AND DWELLING UNITS

- (1) 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 minimum standards for safe and sanitary maintenance of dwellings and dwelling units as herein provided:
 - (a) Foundation, Walls, Roof. The foundation, exterior walls and roof shall be kept in sound condition and repair as follows:
 - (1) The foundation elements shall be weather tight and adequately support the dwelling at all points;
 - (2) Every exterior wall and foundation, including the skirting around the base of the dwelling shall be free of holes, breaks, loose or rotting boards or timbers and weather tight;
 - (3) The roof shall be tight and have no defects that will admit water;
 - (b) Walls, Ceilings, Floors, Partitions. The interior and exterior walls, floors and ceilings shall be kept in sound condition and good repair as follows:
 - (1) The floor shall be free of holes, wide cracks, loose, warped or rotting boards;
 - (2) All walls and ceilings shall be free of holes and wide cracks;
 - (3) Room partitions shall be of standard construction;
 - (4) Every toilet room and bathroom floor surface shall be reasonably impervious to water and shall be capable of being maintained easily. Permanent carpeting is not allowed; throw rugs are.
 - (c) Protection of Exterior Wood Surfaces. All exterior wood surfaces shall be reasonably protected from the elements and against decay.
- (d) Every window, exterior door and basements hatchway shall be weather tight, water tight, rodent-proof, fully supplied with window panes without cracks or holes, and each sash, door or hatch shall fit tightly within its frame.
- (e) Stairs, Porches. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition, good repair and in conformance with the following conditions:
 - (1) Every flight of stairs and every porch floor shall be free of holes, grooves and cracks which are large enough to constitute possible accident hazards;
 - (2) No flight of stairs shall have more than one inch of settlement from its intended position or shall be separated from its supporting structures;
 - (3) No flight of stairs or porch shall have rotting, loose or deteriorating supports;
 - (4) Every stair tread shall be strong enough to bear a live load of at least 100 pounds per square foot.
 - (5) All stairways more than three risers high shall be equipped with handrails not less than 30 inches nor more than 34 inches high, measured vertically from nose of the tread to the top of the rail, and guardrails not less than 36 inches higher than the adjacent highest level

where there is more than 24 inches difference in height. Stairways more than 48 inches wide shall be equipped with two handrails, one on each side.

- (6) Exterior stairways leading to second story dwelling units shall be enclosed (top, sides, and bottom) with a roof for the entire length of the stairway, and provision must be made so that snow and ice do not accumulate. The proper hand rail shall be placed on the outside edge of the stairway and if any portion of the stairway is open on both sides, two hand rails shall be provided.
- (f) Supplied Facilities. Every supplied plumbing fixture, piece of equipment or utility required under this code shall be so constructed or installed that it will function properly and shall be maintained in satisfactory working condition.
- (g) Facilities Not to be Shut Off. No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are being made.
- (h) Floor Surfaces. All floor surfaces shall be constructed and maintained so as to permit the floor to be easily kept in a clean and sanitary condition. Baths and kitchens in rentals shall not have carpeting permanently secured to the floor.
- (i) Chimneys and Supplied Smoke Pipes. Every chimney and every supplied smoke or vent pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.
- (j) Non-dwelling Structures. Every non-dwelling structure shall be kept in reasonably good state of maintenance and repair or shall be removed.
- (k) Cleanliness of Public Areas. All public areas, yards and premises shall be kept in a reasonably clean and sanitary condition.

9.15 MINIMUM BASIC REQUIREMENTS FOR RENTAL UNITS

- (1) No dwelling or dwelling unit shall be rented, leased or otherwise offered or provided for occupancy unless said unit shall comply with the minimum standards for basic equipment and facilities as specified in Section 9.11, the minimum standards for light, ventilation, and heating as specified in Section 9.12, the minimum space, use, and location requirements as specified in Section 9.13, and the minimum standards for safe and sanitary maintenance of dwellings and dwelling units as specified in Section 9.14.
- (2) Responsibilities of Owners. Every owner:
 - (a) Shall not rent, lease or otherwise offer or provide for occupancy any dwelling or dwelling unit not meeting the minimum basic requirements as provided in Section 9.15, except where a variance has been authorized as provided in Section 9.09;
 - (b) Shall be responsible for maintaining each unit so as to meet the minimum basic requirements as provided in Section 9.15, and if the owner is prevented from doing so by the actions of the tenant or leasee, it shall be the obligation of the owner to terminate the tenancy or the lease and evict the tenant;
 - (c) Shall be responsible for maintaining in a clean and sanitary condition the shared public areas of the dwelling and premises of a dwelling containing more than two dwelling units;
 - (d) Shall hang and remove all screens and storms which have been put in place from the outside on those dwelling units located above the first story, and on all windows of rooming houses or hotels, except where special written agreements between tenant and owner provide for other means of performing this service.
 - (e) Shall not occupy or let any other occupant any vacant dwelling unit unless it is clean, sanitary, fit for human occupancy, and complies with all the applicable provisions of this code;
 - (f) Shall exterminate any insects, rodents or other pests in a dwelling unit if the infestation is caused by his failure to maintain the dwelling unit in a reasonable rodent-proof and insect-proof condition;
 - (g) Shall furnish and provide adequate rubbish and garbage disposal facilities as required by this code when occupancy is held by three or more tenants;
 - (h) Shall be responsible for an approved, safe and adequate water supply.
- (3) Responsibilities of Occupants. Every occupant:

- (a) Shall not rent, lease or otherwise occupy any dwelling unit not meeting the basic requirements as provided in Section 9.15, except where a variance has been authorized as provided in Section 9.09;
- (b) Shall cooperate with and assist the owner so as to permit the owner to keep and maintain the dwelling unit so as to meet the minimum basic requirements as provided in Section 9.15, and if the occupant shall act so as to prevent such maintenance, such action shall be sufficient cause for the summary eviction of such tenant or leasee by the owner and the cancellation of this lease;
- (c) Shall keep in a clean and sanitary condition that part of the premises which he occupies and controls;
- (d) Shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in rubbish or garbage facilities and providing for its removal; occupants of two or less units to provide garbage or rubbish facilities;
- (e) Shall hang and remove all screens required for his dwelling unit by the code, except where the owner is expressly made responsible therefore;
- (f) Shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof;
- (g) Shall exterminate any insects, rodents, or other pests infesting his dwelling unit unless the owner is required to exterminate them as provided in Section 9.15(2)(f) of this code.
- (h) Shall not sublet any portion of a dwelling unit which he occupies or controls in such a manner that such subletting violates or causes to be violated any of the provisions of this code;
- (i) Shall comply with the provisions of this code after due and proper notice of the building official. The failure to do so on the part of the occupant of a dwelling unit shall be deemed sufficient cause for the summary eviction of such tenant or leasee by the owner and the cancellation of his lease.

9.16 MINIMUM STANDARDS FOR ROOMING HOUSES AND HOTELS

(1) General Provisions. Every rooming house and hotel shall comply with the minimum standards for dwellings and dwelling units set forth in this code in the following sections and chapters:

- (a) Section 9.12 on minimum standards for light, ventilation, and heat
- (b) Section 9.13 on minimum standards for space, use, and location
- (c) Section 9.14 on minimum standards for safe and sanitary maintenance of dwellings and dwelling units
- (d) Section 9.15(2) on responsibilities of owners
- (e) Section 9.15(3) on responsibilities of occupants

(2) Rooming Houses:

- (a) Effective 60 days after passage and publication of this ordinance, no person shall operate a rooming house unless he holds a valid rooming house permit issued by the city clerk, upon approval of the chief housing official, and in the name of the operator, and for the specific dwelling or dwelling unit. The operator shall apply to the city clerk for such permit, which shall be issued by the city clerk upon approval of the chief housing official and upon compliance by the operator with the applicable provisions of this ordinance and of any rules and regulations adopted pursuant thereto, together with a fee of \$20.00 for rooming houses with four or less rooming units, plus \$2.00 for each additional five, or fraction thereof, rooming units in excess of four such units. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the chief housing official within 30 days after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house permit shall expire at the end of the calendar year in which issued, unless sooner suspended or revoked as herein provided. (MC#380)
- (b) The issuance of a rooming house permit shall not in any way signify or imply that a rooming house conforms with the Wisconsin State Building Code or the Building and Zoning Codes of the City of Wisconsin Rapids, Wisconsin.

- (c) 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 housing appeals board, under the procedure provided in Section 9.09 of this ordinance.
 - (d) Whenever upon inspection of any rooming house the chief housing official finds that conditions or practices exist which are in violation of any provision of this ordinance or of any rules or regulation adopted pursuant thereto, the chief housing official 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 chief housing official, the operator's rooming house permit will be suspended. At the end of such period, the chief housing official shall re-inspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.
 - (e) Any person whose permit to operate a rooming house has been suspended, or who has received notice from the chief housing official that his permit is to be suspended, unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the housing appeals board, under the procedure provided by Section 9.09 of this ordinance. Provided that if no petition for such hearing is filed within 10 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.
- (3) Basic Equipment. Every rooming house and hotel shall be equipped with at least one flush closet, one lavatory, and one bathtub or shower for each eight persons, or fraction thereof, within the rooming house or hotel, including members of the family of the owner or operator if they share the use of the facilities. The lavatory and bathtub or shower shall be connected to the hot water system, as specified in Section 9.11(4) of this code. In a rooming house or hotel in which both sexes are accommodated, separate toilet rooms, each with water closet, lavatory, and bath tube or shower, a minimum of two flush water closets and lavatory located in separate rooms, which are conspicuously marked, shall be required. In a rooming house or hotel in which rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets.
 - (4) Location of Toilets, Baths. Every flush closet, flush urinal, lavatory, and bathtub or shower required in Section 9.16(3) shall be located within the rooming house or hotel in 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 hotel; and
 - (c) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.
 - (5) Shades, Drapes, etc. Every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials which, when properly used, will afford privacy to the occupant of the room.
 - (6) Bedding, Bed Linen, Towels. Where bedding, bed linen, or towels are supplied, the owner shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once a week and prior to the letting of any room to any occupant.
 - (7) Means of Egress. Rooming houses or hotels, occupied or containing accommodations for 10 or more persons on the second story, or which are more than two stories in height, shall conform to the egress requirements for multiple dwellings contained in Section 9.11(1)(g) of this code.
 - (8) Sanitary Maintenance by Owner. The owner of every rooming house or hotel shall keep all walls, floors, and ceilings in a clean, safe, and sanitary condition.
 - (9) Guest Register. The owner of every rooming house or hotel shall keep at all times, in a convenient place, a book or register wherein every person applying for accommodations must sign his name and place of residence before such accommodations are furnished and such book or register shall be available for inspection by the chief housing official at all times.
 - (10) Garbage and Rubbish Containers. The owner of every rooming house or hotel, where garbage and rubbish is produced, shall provide adequate containers therefore, as specified in Section 9.11(1)(f) of this code.

9.17 VIOLATIONS AND PENALTY

- (1) Standard Penalty. Unless another penalty is expressly provided by this code for any particular provision, section, or chapter, any person violating any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall upon conviction, be subject to a forfeiture of not more than \$200.00 and the costs of prosecution. In default of immediate payment of such forfeiture and costs, such person shall be committed to the county jail until such forfeiture and costs are paid. Every commitment shall limit the duration of such imprisonment to a definite term not exceeding 90 days.
- (2) Each Day a Violation. Each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.
- (3) Applicability. The penalty provided by this section or any section of this code applies to the amendment of any section of this code or any code adopted therein by reference to which the penalty relates, whether or not such penalty is reenacted in the amendatory ordinances, unless otherwise provided in the amendment.
- (4) Reference to Sections. Reference to any section of this code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.
- (5) Failure of Officers to Perform Duties. The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided.

9.18 FAIR HOUSING (MC#357)

- (1) Declaration of Policy. It is hereby declared to be the policy of the City of Wisconsin Rapids to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, marital status of person maintaining a household, lawful source of income, place of birth, age, or familial status and to that end, to prohibit discrimination in housing by any person. (MC#539)
- (2) Definitions.
 - (a) Discrimination or Discriminatory Housing Practice means any difference in treatment based upon race, color, religion, ancestry, national origin, sex, handicap, marital status of the person maintaining a household, lawful source of income, place of birth, age, or familial status, or any act that is unlawful under this ordinance. (MC#539)
 - (b) Dwelling shall mean any building, structure, or portion thereof, which is occupied as, or designated for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for construction thereon of any such buildings or structure.
 - (c) Family includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, and receivers.
 - (d) Person includes a single individual.
 - (e) To Rent includes to lease, sublease, to let, and otherwise grant for consideration the right to occupy premises not owned by the occupant.
- (3) Unlawful Practices. In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental, financing, or lease of any housing accommodation, it shall be unlawful within the City of Wisconsin Rapids for a person, owner, financial institution, real estate broker, or real estate salesman or any representative of the above to:
 - (a) Refuse to sell, purchase, rent or lease (or deny to), or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex, handicap, marital status of the person maintaining a household, lawful source of income, place of birth, age, or familial status. (MC#539)
 - (b) To discriminate against any person in the terms, conditions, or privileges of the sale, purchase, rental, or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith.
 - (c) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental, or lease, when in fact it is so available; or to refuse to permit a person to inspect any housing accommodation because of his race, color, religion, ancestry, national origin, sex,

handicap, marital status of the person maintaining a house-hold, lawful source of income, place of birth, age, or familial status. (MC#539)

- (d) To make, publish, print, circulate, post, or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement; or to announce a policy, or to sign or use a form of application for the sale, purchase, rental, lease, or financing of any housing accommodation, or make a record of inquiry in connection with the prospective sale, purchase, rental, lease, or financing of any housing accommodation which indicates any discrimination, or any intent to discriminate.
 - (e) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental, or lease for the listing for any of the above, of any housing accommodation by representations regarding the entry of prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.
 - (f) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted in, or participated in any manner in any investigation, proceeding, hearing, or conference under this ordinance.
 - (g) For any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole, or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, sex, handicap, marital status, lawful source of income, place of birth, age, or familial status of such person or any person associated with him in the connection of such loan or other financial assistance or the purpose of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given. (MC#539)
 - (h) To deny any qualified person access or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, sex, handicap, marital status, lawful source of income, place of birth, age, or familial status. (MC#539)
- (4) Exemptions. This ordinance shall not apply to:
- (a) A religious organization, association, or society, or any non-profit institution or organization operating, supervised, or controlled by, or in conjunction with, the religious organization, association, or society, which limits the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, sex, handicap, or lawful source of income, place of birth, age, or familial status. (MC#539)
 - (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
 - (c) Any single-family house sold or rented by an owner provided that such private individual owner does not own more than three such single-family houses at any one time; provided further that in the case of the sale of any such single-family house by a private owner, not residing in such house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption granted by this subsection shall apply only with respect to one such sale within a 24 month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf under any express or voluntary agreement, titled to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, the sale or rental of any such single-

family shall be excepted from the application of this ordinance only if such house is sold or rented:

- (1) Without the use of any manner of the sales or rental facilities, or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or employee or agent of any such broker, agent, salesman, or person, and
- (2) Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c) or of Section 9.18(3) of this ordinance; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (d) Rooms or units in dwellings containing living quarters occupied, or intended to be occupied, by no more than four families living independently of each other, or if the owner actually maintains and occupies one of such living quarters of his residence.
- (5) Procedure. Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the municipal clerk of Wisconsin Rapids 30 days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than 60 days after the alleged unlawful practice has occurred. The municipal clerk of Wisconsin Rapids shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the chairperson to the Wisconsin Rapids Housing Authority to forward the complaint and findings to appropriate state and federal agencies.
- (6) Any person violating any provision of this ordinance, shall upon conviction thereof, for the first violation, forfeit not less than \$25.00 nor more than \$200.00. (MC#357)