

Municipal Code of the Village of Rochester, Racine County, Wisconsin

CHAPTER 20 HOUSING CODE

20-1. UNSAFE AND UNSANITARY BUILDINGS.

Whenever the Building Inspector finds any building or part thereof within the Village to be in his or her judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy, or use, and so that it would be unreasonable to repair the same, the Building Inspector shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Wis. Stat. s. 66.0413.

20-2. APPLICABILITY OF STANDARDS.

- A. The provisions of this Chapter apply to all structures in the Village containing one or more rental dwelling units and to all dwelling units that are either rented for human habitation or permitted by the owner thereof to be occupied for human habitation by the owner or a person other than the owner.
- B. This Chapter establishes minimum standards for the human habitation or occupancy of premises in the Village, and does not replace or modify the standards otherwise established for the construction, replacement, or repair of buildings contained in Chapter 11, the Building Code, except such as are in conflict with the provisions of this Chapter.

20-3. DEFINITIONS.

The following definitions shall apply to the interpretation and enforcement of this Chapter.

“Owner” means any person or entity who alone, or jointly, or severally with others, owns or has charge, care or control of any dwelling unit within the Village as owner, lessee, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder and all such other persons are bound to comply with the provisions of this Chapter to the same extent as the owner.

“Building Inspector” means the official of the Village appointed and designated as the Building Inspector, Plumbing Inspector and/or Electrical Inspector, as applicable.

“Health Officer” means the official of the Village appointed and designated as the Health Officer.

“Habitable Room” means every room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations, but does not include private laundries, bathrooms, toilet rooms, pantries, storerooms, corridors, rooms for mechanical equipment for service in the building or other similar spaces not used by persons frequently or during extended periods.

“Rented Premises” means all premises which are actually rented under verbal or written lease to one or more tenants, and also to the use of premises by one or more persons other than the owner or owners thereof, who may be permitted by such owner to occupy such premises rent free or without consideration being paid to the owner or owners for such use.

“Approved” means approved by or in accordance with regulations under this Chapter, enforced and interpreted by the Building Inspector or others as indicated elsewhere in this Chapter.

“Bedroom” means a habitable room within the dwelling unit that is used or intended to be used primarily for the purpose of sleeping.

“Dwelling Unit” means a suite of habitable rooms, occupied by or intended to be occupied by not more than one family as a residence and forming a single habitable unit with cooking, living, sanitary and sleeping facilities.

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“Basement” means a story having part but not more than one-half of its floor to clear ceiling height below the average finished ground grade adjoining the building walls. When a basement is used for storage garages for use of occupants of the building or facilities common for the operation of the rest of the building other-than facilities for dwelling or lodging, it shall not be counted as a story.

“Cellar” means a story having more than one-half of the floor to clear ceiling height below the average finished ground grade at the building walls. A cellar is not included in computing the number of stories for the purpose of height measurement.

“Family” means the body of persons who live together in one dwelling unit as a single housekeeping entity.

20-4. MINIMUM STANDARDS FOR LIGHTING, VENTILATION AND HEATING.

No person shall occupy as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- A. Every habitable room, kitchen, bathroom and toilet room shall have a window or windows with a total glass area equal to at least eight per cent of its floor area unless in the opinion of the Building Inspector the structure of the building precludes the use of windows, in which case other means of lighting and ventilation approved by the Building Inspector may be used. Such windows shall open onto a street, alley, yard, court or easement open to the sky. Such window or windows shall be so constructed that at least one-half may be fully opened and so that the sash can be opened and securely closed. Approved mechanical ventilation may be substituted.
- B. Every public hall and public stairway of every dwelling containing four or more dwelling units shall be adequately lighted by means of properly located electric light fixtures at all times, provided that such electrical lighting may be omitted from sunrise to sunset where there are windows or skylights opening directly to the outside and where the total window or skylight area is at least 1/10 of the combined horizontal area of such hall and stairway and if such windows or skylights provide adequate natural light to all parts of each such public pathway. Every public hall and stairway in dwellings containing two or three dwelling units shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting. Adequate bulbs shall be provided in every public hall and on every public stairway so that a minimum of two foot-candles of light is delivered to all parts in the public hall or stairway.
- C. Every kitchen and habitable room within every dwelling and/or dwelling unit shall contain at least two separate wall type electric convenience outlets or one such convenient outlet and one supplied ceiling or wall type electric light fixture. Every toilet room, bathroom, furnace room, laundry room and public hall shall contain at least one supplied ceiling type or wall type electric light fixture. Every outlet and fixture shall be installed and maintained in good working condition and shall be connected with the source of electric power in conformance with Ch. 11 of this Municipal Code. These may be serviced by approved wiring.
- D. Each dwelling unit shall have supplied heating facilities and such facilities shall be properly installed, be maintained in reasonably good working condition and be capable of adequately heating all habitable rooms, bathrooms and toilet rooms contained therein where intended for use by the occupants thereof, to a temperature of at least 68 degrees F., at a distance of three feet above floor level when the outdoor temperature is at ten degrees below zero degrees F. Every supplied central heating system shall comply with the following requirements:
 - 1. The central heating unit shall be in reasonably good operating condition.
 - 2. Every heat duct, steam pipe and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.

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20-5. RESPONSIBILITY OF OWNERS RELATED TO THE MAINTENANCE OF DWELLINGS AND DWELLING UNITS.

No person shall occupy as owner-occupant or let to or offer to let to another for occupancy any dwelling unit or portion thereof for the purpose of living therein which does not comply with the following requirements:

- A. Every foundation, exterior wall and roof shall be reasonably weather-tight and rodent-proof and shall be kept in a good state of maintenance and repair.
- B. Every interior partition wall, floor and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair and maintained so as to permit them to be kept in a clean and sanitary condition.
- C. All rain water shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceiling or floors of any habitable room, bathroom or toilet room.
- D. Every window, exterior door and basement hatchway shall be reasonably weather-tight and rodent-proof and shall be kept in reasonably good working condition and a reasonably good state of maintenance and repair.
- E. All exterior surfaces shall be protected from the elements and against decay and deterioration by paint or by other approved protective coating applied in workmanlike fashion.
- F. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be reasonably safe to use and capable of supporting such a load as normal use may cause to be placed thereon and shall be kept in sound condition and reasonably good state of maintenance and repair.
- G. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good, sanitary working condition.
- H. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.
- I. Every toilet room floor surface and bathroom floor surface shall be maintained so as to be reasonably impervious to water and so as to permit such floors to be kept in a clean and sanitary condition.
- J. Every supplied facility, piece of equipment or utility which is required under this Code shall be so constructed or installed that it shall function properly and shall be maintained in reasonably good working condition.
- K. No owner or operator shall cause any service facility, equipment or utility which is required to be supplied under the provisions of this Chapter to be removed from, shut off from or disconnected from any occupied dwelling or dwelling unit let or occupied by him except for such temporary interruptions as may be necessary while actual repairs, replacement or alterations are in the process of being made.
- L. Every owner of a building containing one or more dwelling units shall be responsible for the extermination of rodents or pests on the premises. Wherever infestation exists in any of the dwellings or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- M. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a reasonably clean, sanitary condition all communal, shared or public areas of dwellings or premises thereof which are used or shared by the occupants of two or more dwelling units.

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- N. No owner shall occupy, rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit unless it is reasonably clean, sanitary and complies with all provisions of this Chapter and all rules and regulations adopted pursuant thereto.

20-6. MINIMUM SPACE USE AND LOCATION REQUIREMENTS.

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

- A. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or toilet room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall such room arrangements exist that access to a sleeping room can be had only by going through another sleeping room or bathroom or a toilet room.
- B. In every dwelling unit at least one room occupied for sleeping purposes by one or more occupants shall contain at least 100 square feet of floor space.
- C. Every occupant of every dwelling unit shall have unrestricted access to a toilet and to a kitchen sink or lavatory basin located within the dwelling unit.
- D. No basement or cellar space shall be used as a habitable room or dwelling unit unless:
 - 1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - 2. The total window area in each room is equal to at least the minimum window area sizes as required in s. 20-4.A.
 - 3. The total of openable window area in each room is equal to at least the minimum as required under s. 20-4.A., except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.¹

20-7. RESPONSIBILITY OF OWNERS RELATING TO THE MAINTENANCE OF NON-DWELLING STRUCTURES, FENCES AND PREMISES.

No owner shall permit any non-dwelling structure or fence to exist on any premises or maintain any premises which does not comply with the following requirements:

- A. All exterior surfaces of non-dwelling structures shall be properly protected from the elements and against decay and decomposition by paint or other approved protective coating applied in a workmanlike manner.
- B. Every fence shall be kept in a good state of maintenance and repair or shall be removed.
- C. Every lot shall be graded and maintained so that all water is diverted away from buildings and drained from the lot and so as to prevent standing water and soil saturation detrimental to structures and lot use; provided however that the water shall not be drained onto adjacent lots except as consented to by the owners thereof or as part of an approved grading plan.

¹ Amended 10-13-2014, Ordinance #2014-5

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- D. All open spaces or areas containing a dwelling unit for which an occupancy permit has been issued shall be put into a lawn (except for such areas set aside for trees, shrubbery and gardens) within two years after an occupancy permit has been issued.
- E. Every premises and/or lawn thereon shall be maintained in a presentable and reasonably well kept condition.
- F. No persons shall store firewood in the front yard, or side yard area that adjoins a public street.

20-8. INSPECTION BY BUILDING INSPECTOR.

The Building Inspector or his or her designated representative is authorized to, and upon receipt of a written complaint shall, make exterior inspections to determine whether the buildings, structures and premises located within the Village conform to the requirements of this Chapter. For the purpose of making exterior inspections, the Building Inspector is authorized to enter, examine and survey at a reasonable time the exterior portions of all buildings, structures or premises. Every owner or occupant shall give the Building Inspector free access to any said premises. The Building Inspector or his or her delegated representative, having probable cause to believe a violation of this Chapter exists, shall have the authority to enter any of such premises after written notice has been given to the owner, occupant or his or her agent. If, after such notice is given, access is denied to the Building Inspector, the Inspector may apply to the Circuit Court for a special inspection warrant.

20-9. ADMINISTRATIVE PROVISIONS.

- A. The Building Inspector is hereby made responsible for the enforcement of this Chapter. All inspections, enforcement, orders or matters relating to violations of this Chapter shall be under his or her direction and supervision.
- B. The Building Inspector shall be supplied with official identification and upon request shall exhibit such identification when entering any premises subject to this Chapter. The Inspector shall conduct himself or herself to avoid intentional embarrassment or inconvenience to occupants, and in a safe manner.

20-10. NOTICE.

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, notice of such alleged violation shall be given to the person or persons responsible therefore, which shall:

- A. Be in writing;
- B. Indicate the nature of the violation(s);
- C. Indicate the time for the correction of the violation in accordance with subsection E hereof.
- D. Be served upon the owner or his agent, or the occupant or operator, as the case may require. Such notice shall be deemed to be properly served upon such owner, or his or her agent, or occupant, or operator, if a copy thereof is:
 - 1. Served upon him or her personally, or
 - 2. Sent by registered or certified mail to his or her last known address, or
 - 3. Posted in a conspicuous place in or about the building or structure affected by notice.

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- E. State a reasonable amount of time, not to exceed 30 days, to correct or abate the violation;
- F. Advise the person served of the right to request a hearing before the Village Board and that the notice shall become an order of the Building Inspector five days after service unless such a hearing is requested.

20-11. PLACARD ON BUILDING.

- A. The Building Inspector shall cause to be placed upon a building, structure or premises a placard that states the determination of the Building Inspector as to the building, structure, or premises being unfit for use or occupancy whenever all of the following occur:
 - 1. Any building, structure or premises does not substantially comply with the requirements of this Chapter; and
 - 2. The Building Inspector has given notice of the violations involved as provided for in Section 20-10; and
 - 3. The owner, occupant or operator has failed to correct the violations set forth in said notice;
 - 4. The Building Inspector has further determined that the building, structure, or premises are so damaged, decayed, dilapidated, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public, and is therefore unfit for use or occupancy.
- B. The form of the placard placed under the provisions of this Section shall be determined by the Building Inspector but shall also substantially state the specific violations of this Chapter.
- C. No person shall deface or remove the placard from any building, structure or premises that has been placed by the Building Inspector until removal of such placard is authorized by the Building Inspector.
- D. Any building, structure or premises that has been determined by the Building Inspector as being so damaged, decayed, dilapidated, unsafe or vermin-infested that it creates a serious hazard to the health and safety of the occupants, and said building, structure or premises has been placarded by the Building Inspector, shall be vacated within such reasonable time as is determined and ordered by the Building Inspector.
- E. No building, structure, or premises that has been determined by the Building Inspector as unfit for use or occupancy and placarded as provided herein shall again be used or occupied until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall grant such approval and remove such placard in the event that the violations have been corrected and the Building Inspector determines that the building, structure or premises are now fit for use or occupancy.

20-12. NONCOMPLIANCE - REMEDY OF DEFECTS.

- A. The owner, occupant or operator of any building, structure or premises shall have the time as specified in the notice under Section 20-10 to remedy the violations specified in such notice.
- B. In the event the Building Inspector determines in his or her discretion that the owner, occupant or operator is within said time making a good faith effort to correct the violations, the Inspector may extend the time for compliance.
- C. If the owner, occupant or operator of building, structure or premises fails or refuses, after notice and order of the Building Inspector, to remedy the violations specified in such notice, then the Building Inspector may

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cause such work to be done and certify the cost thereof to the Village Clerk, who shall extend such cost against the property as a special charge upon the tax roll of the Village.

20-13. TRANSFER OF OWNERSHIP OF NONCOMPLYING BUILDING.

It shall be unlawful for the owner of any building, structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of the noncomplying building to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the Building Inspector a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

20-50. PENALTY.

Any person who violates any provision of this Chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Chapter 50 of this Municipal Code. Each violation and each day a violation continues or occurs constitutes a separate offense. This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this Chapter.

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