

## Chapter 193

### HOUSING STANDARDS

**[HISTORY: Adopted by the Village Board of the Village of Hustisford 3-28-1994 as Title 15, Ch. 4 of the 1994 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 140.  
Fair housing — See Ch. 170.  
Fire prevention — See Ch. 176.  
Nuisances — See Ch. 229.  
Property maintenance — See Ch. 245.

#### **§ 193-1. Title.**

This chapter shall be known as the "Village of Hustisford Minimum Housing Code."

#### **§ 193-2. Intent and purpose.**

- A. This chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic, and property values.
- B. It is recognized that there may now be or may in the future be residential buildings, structures, yards or vacant areas, and combinations thereof, which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards are necessary to preserve and promote the private and public interest.

#### **§ 193-3. Word usage and definitions.**

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

- A. Word usage.
  - (1) Words used in the present tense shall include the future.
  - (2) Words used in the singular number shall include the plural number, and the plural the singular.
  - (3) The word "shall" is mandatory and not discretionary.
  - (4) The word "may" is permissive.

- (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

B. Definitions. The following definitions shall be applicable in this chapter:

**ADEQUATE** — Adequate as determined by the Building Inspector under the regulations of this chapter or adequate as determined by an authority designated by law or this Code. "Adequately" shall mean the same as "adequate."

**APARTMENT** — One or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one family.

**APPROVED** — Approved by the Building Inspector under the regulations of this chapter or approved by an authority designated by law, this chapter or this Code.

**ATTRACTIVE APPEARANCE** — An appearance which is in accordance with generally accepted professional practices for new construction within the Village and which is not likely to adversely affect the values of abutting or neighborhood properties or of the principal property.

**BASEMENT** — A portion of a 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.

**BOARDINGHOUSE** — See "lodging house" and "lodging room."

**BUILDING** — A combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.

**CAPACITY IN PERSONS** — The maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this chapter.

**COMPLIANCE INSPECTION** — An inspection performed in conjunction with a lawful order of the Village Board or Building Inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.

**DWELLING** — A place of abode, a residence, or a house for use by one or more persons, excluding hotels or motels.

**DWELLING UNIT** — One or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one family.

**EXTERMINATION** — The control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.

**FAMILY** — An individual, or two or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two roomers. For the purpose of this definition, "children" means natural children or a ward as determined in a legal guardianship proceeding. Up to two personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living shall be considered part of the family. Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

**FRIABLE MATERIAL** — Any material applied on ceilings, walls, structural members, piping, ductwork, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

**GOOD WORKING CONDITION** — Capable of performing the task for which it was designed and in the manner intended by this chapter.

**HABITABLE SPACE** — One or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.

**IMPERVIOUS TO WATER** — Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector and having tight-fitting joints.

**INFESTATION** — The sustained presence of household pests, vermin, or rodents.

**LIVING ROOM** — A room used primarily for living, dining, or cooking purposes.

**LODGING HOUSE** — A dwelling containing lodging rooms that will accommodate five or more persons not members of a family.

**LODGING ROOM** — A portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

**MIXED OCCUPANCY** — Occupancy of a building in part for residential use and in part for some other use not accessory thereto.

**OCCUPANT** — One who occupies or has actual possession of usable space.

**OPERATOR** — Any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.

**OWNER** — Every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the Village, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building. "Owner" does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.

**PERSON** — Includes any individual, firm, corporation, association, or partnership.

PROPERLY — As deemed proper by the Building Inspector under the regulations of this chapter or deemed proper by an authority designated by law or this chapter.

PROVIDED — Furnished, supplied, paid for or under control of the owner.

#### RESIDENTIAL BUILDING

- (1) A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:
  - (a) Single-family dwellings.
  - (b) Two-family dwellings.
  - (c) Multiple-family dwellings (including apartment hotels).
  - (d) Lodging houses.
  - (e) Fraternity and sorority houses.
- (2) For the purpose of this chapter, any building containing any of the above uses together with other uses shall be considered a residential building.

ROOM — A partitioned part of the inside of a building. For the purpose of this definition, "partition" shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than 1/3 of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

ROOMING HOUSE — See "lodging house" and "lodging room."

SLEEPING ROOM — A room used for sleeping purposes.

STRUCTURE — Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attachment to something having permanent location on the ground.

SUPPLIED — Paid for, furnished, or provided by or under control of the owner or operator.

#### § 193-4. Minimum standards.

- A. Purpose. The purpose of this section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage and disposal of garbage, recyclables and other refuse, safe means of egress, and provision of light,

air, heat, and electrical service.

B. Minimum standards. No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:

- (1) Basic plumbing requirements. Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in § COMM 82.40, Wis. Adm. Code.
- (2) Water-heating facilities. Every residential building shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than 110° F.
- (3) Refuse storage. Each resident in every residential building shall be responsible for supplying such building with garbage, refuse and recyclable materials storage facilities, the type and location of which are in compliance with Village regulations.
- (4) Egress. Every dwelling unit and lodging room shall have direct access to at least two accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided that the platforms or stairways terminate at a point not more than 10 feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of 14 square feet with a minimum dimension of three feet. All stairways and platforms shall be protected with handrails and guardrails as specified in Ch. COMM 62, Wis. Adm. Code. Existing variances to the height limitations specified above may be approved by the Zoning Board of Appeals, provided that the platforms or stairs are maintained in a sound structural condition.
- (5) Plumbing. Each lodging house shall provide at least one flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, for each seven persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Zoning Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin

and bathtub or shower shall be supplied with hot water at all times.

- (6) Windows and ventilation.
  - (a) Every living room, sleeping room, kitchen or bathroom shall have available natural light and ventilation complying with § COMM 21.05 or Ch. COMM 64, Wis. Adm. Code, as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with Department of Commerce codes may remain in use with the granting of a variance by the Zoning Board of Appeals.
  - (b) Exhaust ventilation shall be installed in all toilet rooms, except those having only one fixture (water closet or one urinal) and in which the window area is greater than four square feet and more than two square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two cubic feet per minute per square foot of floor area.
  - (c) All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than 16 wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, to be annually installed during May before June 1 and maintained until storm windows are installed in autumn.
  - (d) All exterior doors and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15 but no later than November 15 annually.
  - (e) Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one air change per hour. All required exhaust vents shall terminate outside the structure.
- (7) Electrical. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this subsection, "electrical service" shall mean the conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.) The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety-type, tamper-proof fuses, not to exceed the capacity of the smallest wire size in the circuit.
  - (a) Every dwelling unit or room shall have electric service capable of providing at least three watts per square foot of total floor area (air conditioners, ranges, space heaters and motor-driven equipment 1/8 horsepower or over excluded).

- (b) Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room and furnace room shall contain at least one approved ceiling or wall-type electric light fixture equipped with sufficient lamps or tubes to provide no less than five footcandles at floor level at the center of the room. Where more than one fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for the ceiling or wall fixture in the dining room.)
- (c) Convenience outlet receptacles shall be provided as follows (measurements are at room perimeter and include doors and door-alcoves):
  - [1] Living room: one per 75 square feet or major fraction (minimum of two).
  - [2] Dining room: one per 75 square feet or major fraction (minimum of two).
  - [3] Kitchen: one per eight feet or fraction of countertop and preparation area measured at the rear ("preparation area" includes countertops, sinks, range tops, and all other similar areas at counter height). Island-type work areas require one for each eight feet or less of length. Separate outlets shall be provided for refrigerators.
  - [4] Dining areas in kitchens: one per 75 square feet or major fraction.
  - [5] Bedroom: one per 75 square feet or major fraction (minimum of two).
  - [6] Laundry: one when laundry equipment is present.
  - [7] Bathrooms and lavatories: one (may be part of wall fixture if 72 inches or less from the floor).
  - [8] Other habitable rooms: minimum of two.
- (d) Fixed appliances exceeding a one-eighth-horsepower or three-hundred-watt rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to prevent the use of extension cords (NEC 400-A).
- (e) All cords and temporary wiring not in compliance with NEC Article 400-A and all exposed abandoned wiring shall be removed immediately upon the direction of the Building Inspector or Fire Inspector.
- (f) Switches or equivalent devices for turning on one light in each room or passageway shall be located so as to conveniently control the area to be lighted.
- (g) Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times so as to provide in all parts thereof at least 2 1/2 footcandles of light at the tread or floor level. Halls

and stairways in structures containing not more than three dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full-time or automatic time-switched lighting. When dwelling unit doors open to the outside, a minimum of 2 1/2 footcandles of illumination at the locks are required. Required parking areas for more than three cars shall be lighted to a minimum of one footcandle on all surfaces.

- (h) When the service in an existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be 100 amps for the first two dwelling units in a building and 50 amps for each additional unit. Where electric heat and air conditioning over 20 amps are added or in place, additional capacity to cover this demand is required. All electrical work shall be done in accordance with the National Electrical Code.

(8) Heating.

- (a) All habitable rooms shall be provided with a permanently connected heating system complying with the Village ordinances.
- (b) The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of 67° F. shall be maintained in all habitable rooms when the outdoor temperature is above 0° F., absent the windchill factor, and a minimum temperature of 60° F. shall be maintained in all habitable rooms when the outdoor temperature is 0° F. or lower, absent the windchill factor. The outdoor temperature for the Village shall be the temperature as reported by the National Oceanic and Atmospheric Administration, and the reports thereof shall be admissible in evidence and conclusive as to temperature.
- (c) The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

(9) Lighting.

- (a) Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three or more apartments, and lodging houses. The illumination shall be provided during a period one hour before sunset to one hour after sunrise.
- (b) Every residential building that will accommodate transients, three or more families, or 20 persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign

bearing the word "Exit" in plain letters five inches high, or a red illuminated translucent exit sign may be used.

- (10) Cooking areas restricted. The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.
- (11) Emergency work information. Every owner of a multifamily dwelling shall make available to the occupants the names of two or more persons who may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

**§ 193-5. Safe and sanitary maintenance of property.** <sup>1</sup>

- A. Purpose. The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.
- B. Maintenance requirements. Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:
  - (1) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least 1/2 inch per foot for a minimum of five feet where possible or by other means such as eaves, troughs and downspout extensions.
  - (2) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this Code<sup>2</sup> and the Wisconsin Statutes. Where required weed and grass cutting is not performed by the property owner, the Public Works Superintendent shall perform said weed cutting and process the charge therefor as a special charge against the benefited property.
  - (3) Debris. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within 24 hours.
  - (4) Fences, walks and parking areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall

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1. Editor's Note: See also Ch. 245, Property Maintenance.

2. Editor's Note: See Ch. 245, Property Maintenance, Art. I, Brush, Grass and Weeds.

provide convenient all-weather access to buildings.

- (5) Exterior surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
- (6) Yard areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot-water heaters, water softeners, or building material not used within 10 days or any unsightly bulk items. Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Lawns shall be maintained to a height in compliance with Village ordinances.<sup>3</sup> Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and Village. The Village, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special charge due against the property.
- (7) General requirements.
  - (a) Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
  - (b) Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained as to

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3. Editor's Note: See Ch. 245, Property Maintenance, Art. I, Brush, Grass and Weeds.

ensure that they safely and properly remove the products of combustion from the building.

- (c) Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.
- (8) Stairs. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in § COMM 21.04 or Ch. COMM 62, Wis. Adm. Code, as dictated by the type of occupancy in the building.
  - (9) Plumbing fixtures. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
  - (10) Bathrooms. Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
  - (11) Supplied facilities.
    - (a) Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained that it will function in a proper working condition.
    - (b) The owner of any dwelling or apartment in which a cooking stove and/or refrigerator is furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
    - (c) It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
  - (12) Equipment removal restricted. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him, except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies when discontinuance of service is approved by an authorized inspector.
  - (13) Abandoned fuel oil tanks. Abandoned fuel oil tanks shall be removed from the building.
  - (14) Removal of debris.

- (a) No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
- (b) No landowner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than 10 days.
- (c) All vacant lands within the Village shall be leveled off to permit the mowing of weeds as outlined within this Code.<sup>4</sup> This includes the removal of stones, bottles, wires and other debris that will interfere with mowing operations.
- (d) All lands in the Village shall be kept free of weeds and maintained so there is no detrimental influence on the public health, safety, comfort or general welfare of the immediate neighborhood or community.

**§ 193-6. Space in residential buildings.**

- A. Purpose. The purpose of this section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.
- B. Size of dwellings and rooms.
  - (1) Detached single-family dwellings. Every detached single-family dwelling shall have at least 500 square feet of floor area on the first-floor level.<sup>5</sup>
  - (2) Size of rooms.
    - (a) Apartments. The floor area of an apartment shall provide not less than 150 square feet of floor area for the first occupant and at least 100 additional square feet of floor area for each additional occupant.
    - (b) Lodging rooms. The floor area of a lodging room shall provide not less than 70 square feet of floor area for one occupant and 50 square feet for each additional occupant.
  - (3) Excluded spaces. The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsection B(1) and (2) above.
  - (4) Hallways. Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.

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4. Editor's Note: See Ch. 245, Property Maintenance, Art. I, Brush, Grass and Weeds.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (5) Cellar space. No cellar space shall be used as a sleeping room.
- (6) Basement used as a sleeping area. No basement space shall be used for a sleeping room unless:
  - (a) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
  - (b) The total window area in each room is equal to at least the minimum window area required in this chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area.
  - (c) The total of openable window area in each room is equal to at least the minimum as required under this chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

**§ 193-7. Responsibilities of owners, operators and occupants.**

- A. Purpose. The purpose of this section is to fix the responsibilities of owners, operators, and occupants of residential buildings.
- B. Responsibilities. The responsibilities of owners, operators, and occupants of residential buildings are as follows:
  - (1) Every owner of a residential building containing two or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
  - (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his refuse, recyclables, and garbage as required by this Code.<sup>6</sup>
  - (3) Every owner of a residential building shall be responsible for the hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code.
  - (4) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing, when the infestation is caused by failure of the owner to maintain a residential building

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<sup>6</sup>. Editor's Note: See Ch. 272, Solid Waste.

in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.

- (5) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, and fit for human occupancy and complies with the requirements of this chapter and compliance inspections/orders thereunder and the occupancy is limited to the maximum permitted thereby.
- (7) Every owner of a lodging house shall make available to the occupants the names of two or more persons who may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.
- (8) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

**§ 193-8. Inspections.**

- A. The Building Inspector is authorized and empowered to inspect all residential buildings within the Village for the purpose of determining whether or not said residential buildings comply with the requirements of this chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.
- B. No owner of a residential building may deny the Building Inspector the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

**§ 193-9. Unfit dwellings; vacant buildings.** <sup>7</sup>

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

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<sup>7</sup>. Editor's Note: See also Ch. 140, Building Construction, § 140-8, Unsafe buildings.

- A. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector:
- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.
  - (2) One which lacks illumination, ventilation, heating, basic equipment, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
  - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
  - (4) One which, because of its general condition, location or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.
- B. Any dwelling, dwelling unit, building or structure designated and placarded as unfit for human habitation and in need of repair by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.
- C. No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.
- D. No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.
- E. Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector and which in the opinion of the Building Inspector would be unreasonable to repair shall be razed or removed upon legal written service of the order of the Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such violation to the Village Attorney, who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this chapter.
- F. Vacant buildings.
- (1) Any building which has been vacant for more than 30 days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows, and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage.

- (2) The building utilities, plumbing, electrical and heating systems, in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.
- (3) When any building has been damaged by fire or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or the boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three days of the damage by fire or other cause.

**§ 193-10. Notice of violation; hearings; emergencies; appeals.**

A. Notice of violation.

- (1) Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:
  - (a) Be in writing.
  - (b) Include a statement of the reasons why it is being issued.
  - (c) Allow a reasonable time for the performance of any act it requires.
  - (d) Be served upon the owner, or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally; if a copy thereof is sent by registered mail to his last known address; if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.
- (2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with the rules and regulations adopted pursuant thereto.

B. Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.

C. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building

Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than 10 days after the day on which the petition was filed. Upon application of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten-day period if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement.

- D. Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this chapter and the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within 10 days after such notice is served. Following a hearing in the case of any notice suspending any permit required by chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within 10 days after such notice is served.
- E. The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- F. Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but upon petition to the Building Inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector shall continue such order in effect, modify it, or revoke it.
- G. Determinations of the Building Inspector under this section may be appealed to the Zoning Board of Appeals using the procedures prescribed in Chapter 325, Zoning, of this Code.