

- inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
- (7) Agreement that the party designated under Subsection (b)(3), as responsible for long-term maintenance of the stormwater management practices, shall be notified by the Village of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable timeframe as set by the Village Engineer.
 - (8) Authorization for the Village Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under Subsection (b)(3) does not make the required corrections in the specified time period. The Village of Elk Mound shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subchapter VII of Chapter 66, Wis. Stats.

Sec. 15-3-11 Financial Guarantee.

- (a) **Establishment of the Guarantee.** The Village Engineer may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village Engineer and/or Village Attorney. The financial guarantee shall be in an amount determined by the Village Engineer to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village of Elk Mound the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the administering authority that the requirements of this Chapter have not been met.
- (b) **Conditions for Release.** Conditions for the release of the financial guarantee are as follows:
 - (1) The Village Engineer shall release the portion of the financial guarantee established under this Section, less any costs incurred by the Village of Elk Mound to complete installation of practices, upon submission of "as built plans" by a Wisconsin-licensed professional engineer. The Village Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (2) The Village Engineer shall release the portion of the financial guarantee established under this Section to assure maintenance of stormwater practices, less any costs incurred by the Village of Elk Mound, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

Sec. 15-3-12 Fee Schedule; Escrow Deposit.**(a) Fees; Escrow Deposit.**

(1) The applicant shall pay a deposit fee to cover the actual cost to the Village of Elk Mound for all engineering work and inspections incurred by the Village in connection with review of the stormwater management plan and inspections of the implementation of the plan. At the time the application is submitted, the applicant shall prepay a deposit fee. Following initial review of the plan, the Village Engineer shall estimate the total cost of the Engineer's review and inspections in connection with the review and implementation of the plan. If the amount is estimated to be more than the deposit, the Village Engineer shall require the applicant to deposit the remaining sum required by the Village Engineer's estimate in escrow with the Village Clerk-Treasurer. The Village Clerk-Treasurer shall pay bills submitted for engineering and inspection out of the funds escrowed under this Section. In the event the amount deposited with the Village Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the Village Engineer shall require the permittee to replenish the escrow to the original amount required. Upon final acceptance of implementation of the stormwater management plan, erosion control and right-of-way repair, the amounts remaining in escrow shall be refunded to the applicant minus a ten percent (10%) administrative fee. The Village Engineer may, at his/her discretion, waive or reduce all or part of the deposit.

(2) Fees shall be paid pElk Moundr to issuance of the permit if the engineering review fees have been billed by that time. If billed to the Village after issuance of the permit, the fee shall be paid within thirty (30) days of its receipt by the applicant. Failure to pay such a fee within thirty (30) days shall be grounds for revocation of the permit, issuance of a stop work order, and/or charging the cost as a special tax against the property pursuant to Sec. 66.0703, Wis. Stats., at the discretion of the Village Board.

(b) Fees Established. The fees referred to in other sections of this Chapter shall be established by the Village of Elk Mound and may from time to time be modified by ordinance or resolution. A schedule of the fees established by the Village shall be available for review in the Village Engineer's office.

Sec. 15-3-13 Exceptions and Waivers.

(c) General. Where the Village Engineer finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions and waivers to these regulations so that substantial justice may be done and the public interest secured, provided the exception or waiver shall not have the effect

of nullifying the intent and purpose of these regulations; and further provided the Village Engineer shall not approve exceptions and waivers unless they shall make findings based upon the evidence presented to them that all of the following conditions are met by the petitioner:

- (1) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - (3) Because of the location or conditions affecting the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 - (4) The relief sought will not materially alter the provisions of any existing regional stormwater management plan except that this document may be amended in the manner as prescribed by law.
 - (5) The granting of the exception or waiver will not result in a violation of State or Federal laws or permits.
- (d) **Conditions.** In approving exceptions or waivers, the Village Engineer may require such conditions as will in his/her judgment secure substantially the purposes described in this Chapter and accompanying written stormwater management and erosion control requirements.
- (e) **Procedures.** A petition for an exception or waiver shall be submitted in writing by the responsible party at the time when the development is filed for the consideration of the Village Engineer. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Sec. 15-3-14 Inspections and Enforcement.

- (a) **State Inspections.** The Village Engineer, Building Inspector, or designees may access the site periodically to inspect stormwater management practices and facilities to evaluate compliance with the approved stormwater management plan.
- (b) **Enforcement.** Any land disturbing construction activity or post-construction runoff initiated after the original effective date of this Chapter by any person, firm, association, or corporation subject to this Chapter's provisions shall be deemed a violation unless conducted in accordance with the requirements of this Chapter.
- (c) **Non-Compliance Notification.** The Village Engineer shall notify the responsible party by U.S. mail or email of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (d) **Corrective Work Upon Notification.** Upon receipt of written notification from the Village Engineer under Subsection (b), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The

- responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Village Engineer in the notice.
- (e) **Intervention by Village Engineer.** If the violations to a permit issued pursuant to the Chapter are likely to result in damage to properties, public facilities, or waters of the state, the Village Engineer may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village Engineer plus interest and legal costs shall be billed to the responsible party.
 - (f) **Stop Work Orders.** The Village Engineer is authorized to post a stop work order on all land disturbing construction activity that is in violation of this Chapter, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
 - (g) **Permit Revocation.** The Village Engineer may revoke a permit issued under this Chapter for non-compliance with ordinance provisions.
 - (h) **Validity of Revocation Actions.** Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Village Engineer or by a court with jurisdiction.
 - (i) **Legal Proceedings.** The Village Engineer is authorized to refer any violation of this Chapter, or of a stop work order or cease and desist order issued pursuant to this Chapter, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.
 - (j) **Penalties.** Any person, firm, association, or corporation who does not comply with the provisions of this Chapter shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
 - (k) **Injunctive Relief.** Compliance with the provisions of this Chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
 - (l) **Violations Inspections.** When the Village Engineer determines that the holder of a permit issued pursuant to this Chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Village Engineer or a party designated by the Village Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Village Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 15-3-11. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 15-3-15 Appeals.

- (a) **Appeals to the Zoning Board of Appeals.** The Zoning Board of Appeals, created pursuant to Title 2, Chapter 4 of the Village of Elk Mound Code of Ordinances, shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Engineer in administering this Chapter. The Zoning Board of Appeals shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Zoning Board of Appeals may authorize variances from the provisions of this Chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Chapter will result in unnecessary hardship.
- (b) **Who May Appeal.** Appeals to the Zoning Board of Appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the Village of Elk Mound affected by any decision of the Village Engineer.

Sec. 15-3-16 Limitations on Village Responsibility.

Nothing in this Chapter creates or imposes, nor shall be construed to create or impose, any greater obligation or responsibility on the Village of Elk Mound, which has adopted this Chapter, than those minimum requirements specifically required by the Wisconsin Statutes and Wisconsin Department of Natural Resources (WisDNR) regulations.

Title 15 ► Chapter 4

Minimum Housing & Property Maintenance Code

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Sec. 15-4-1 Title.

This Chapter shall be known as the Village of Elk Mound Minimum Housing and Property Maintenance Code.

Sec. 15-4-2 Intent and Purpose.

(a) **Purpose.**

- (1) **General Purposes.** This Chapter is adopted for the purpose of ensuring and promoting the public health, and general welfare of the people of the Village of Elk Mound and its environs. This includes, but is not limited to, safety, health, sanitation, aesthetic, and property valuation public policy objectives.
- (2) **Statutory Authority; Other Applicable Standards and Regulations.** This Chapter is enacted pursuant to the general police powers conferred on municipalities by the

Wisconsin Statutes and applies to all structures and premises in the Village of Elk Mound. The provisions of this Chapter shall not limit the authority of the Village or other applicable jurisdictions to abate problems on improperly maintained and/or unsafe or unfit structures or premises pursuant to other applicable laws and ordinances.

- (3) **Recognition of Public Health, Safety and General Welfare Issues.** It is recognized that there presently exists, or may exist in the future, residential buildings and dwelling units (owner-occupied and rental properties), non-residential structures, yards or vacant areas, and combinations thereof, which are so dilapidated, neglected, unsafe, dangerous, unhygienic, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to be detrimental to the health, safety, and general welfare of the people of the Village of Elk Mound, or to the economic values of area properties.
 - (4) **Interpretation.** The provisions of this Chapter shall be reasonably and liberally construed to be an exercise of police powers intended to maintain a safe and healthful environment within the Village of Elk Mound.
- (b) **Scope; Conflict of Regulations.**
- (1) **Scope.** This Chapter shall pertain to all structures and buildings, and associated surrounding outside premises, in the Village of Elk Mound, with certain provisions specifically applicable to residential dwellings and dwelling units, including, but not limited to, single-family residential dwellings and rental dwelling units.
 - (2) **Conflict of Regulations.** The provisions of this Chapter, and other property maintenance regulations in this Code of Ordinances, and the standards herein are minimum standards. In situations where a provision of this Chapter is in conflict with another provision of this Code of Ordinances or a state regulation, the provision which establishes the higher or more restrictive standard for the protection of the public health, safety and welfare shall take precedence and be complied with.
 - (3) **New Construction Exception.** The provisions of this Chapter shall not apply to the construction of new buildings, which are subject to other local and state regulations.
- (c) **Responsibility.** The responsible person or party, as defined herein, shall maintain their structure(s), building(s) and property in accordance with this Chapter. A responsible party shall not occupy, or permit another person to occupy, a structure, building or premises that does not comply with the provisions of this Chapter. Occupants, including owner occupants and tenants, of a structure, building or premises are responsible for caring for and maintaining that part of the structure or premises that they occupy or control. All responsible persons and parties shall be jointly and severally responsible for securing compliance of their structure or premises with this Chapter.
- (d) **Validity of Prior Regulations.** Equipment, systems, and safeguards required by a previous state regulation, local ordinance or code effective when a structure was constructed or lawfully altered shall be maintained in good repair and working order. The requirements

of this Chapter are not intended to provide the basis for removal or abrogation of fire protection or safety systems in good repair and working order.

- (e) **Historic Buildings.** The provisions of this Chapter shall apply to structures designated and as allowed as federal, state or local government-designated historic structures. However, any construction work performed on such historic structures shall also comply with appropriate Village zoning, building code and historic preservation ordinances and the requirements of the Wisconsin Administrative Code and Wisconsin Statutes, including, but not limited to, the Uniform Dwelling Code and Sec. 101.121, Wis. Stats.
- (f) **Referenced Statutes, Ordinances, Codes and Standards.** The Statutes, Ordinances, Codes and standards referenced in this Chapter shall be incorporated herein by reference and be a part of the requirements of this Chapter to the prescribed extent of each such reference, and include amendments, renumbering and successor acts.
- (g) **Requirements Not Covered By This Chapter.** The requirements necessary for the strength, stability, or proper functioning of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Chapter, shall be determined by the Village Board, with a recommendation from the appropriate Village enforcement official, subject to a right of appeal to the Zoning Board of Appeals.

Cross-Reference: Title 11, Chapter 6, Public Nuisances and Section 10-5-8 Junked Vehicles and Appliances on Private Property

Sec. 15-4-3 Rules of Interpretation and Definitions.

- (a) **Rules of Interpretation.** In the construction and interpretation of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
 - (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:
 - (1) **Accessory Building.** A detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principal building or structure or use of the land; i.e., garden shed, greenhouse, garage, storage shed, fence, retaining wall, etc.
 - (2) **Adequate.** Shall mean adequate as determined by the Building Inspector or other designated Village official under the regulations and standards of this Chapter or

adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as "adequate."

- (3) **Apartment.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (4) **Approved.** Approved by the Building Inspector as being in accordance with the regulations of this Chapter, or approved by an authority designated by law, this Chapter, or this Code of Ordinances.
- (5) **Attractive Appearance.** An appearance which is in accordance with generally accepted professional practices for new construction within the Village of Elk Mound and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
- (6) **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.
- (7) **Bath.** A bathtub or shower stall properly connected with both hot and cold water lines.
- (8) **Bathroom.** A non-habitable room with a dwelling unit which is used, or intended to be used, primarily for bathing and/or toilet purposes, and which contains a toilet, bathtub or shower facilities.
- (9) **Bedroom.** A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room. "Bedroom", however, shall not be interpreted so as to prohibit efficiency apartments.
- (10) **Boarding House.** See "Rooming House" and "Rooming Unit."
- (11) **Building.** Any structure used or intended for supporting or sheltering any use or occupancy. For multi-unit structures, each non-residential unit is deemed a separate "building" subject subject to this Chapter; in multi-unit structures, individual residential units are to be considered a part of the larger building that encompasses the other residential units.
- (12) **Communal.** Used or shared by, or intended to be used or shared by, the occupants of two (2) or more rooming units or two (2) or more dwelling units.
- (13) **Compliance Inspection.** An inspection performed in conjunction with a lawful order of the Village Board, Village Clerk-Treasurer, Zoning Administrator, Building Inspector, Fire Inspector, law enforcement officer, or public health authorities, or designee, for the purpose of verifying the fulfillment of an official requirement listed in a compliance order.
- (14) **Deadbolt Locking Device.** Any keyed, mortised lockset with at least a 3/4 inch bolt capable of being opened from the inside by a single turn of a knob.
- (15) **Dwelling.** A place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.

- (16) **Dwelling Unit.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged and intended for use by one (1) family.
- (17) **Extermination.** The control or elimination of insects, rodents or other pests 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.
- (18) **Exterior Premises.** The open spaces on the premises or the portion of the premises upon which there is not a structure.
- (19) **Family.** An individual, or two (2) 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 (2) roomers. For the purpose of this Subsection, "children" means natural or legally adopted children, or a ward as determined in a legal guardianship proceeding. Up to two (2) 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.
- (20) **Friable Material.** Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
- (21) **Garbage.** The animal and vegetable waste resulting from the preparation, handling, cooking and consumption of food.
- (22) **Good Repair.** Free from blighting and hazardous conditions, clean and sanitary, in a safe condition and meeting applicable building codes.
- (23) **Good Working Condition.** Capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (24) **Habitable Space.** One (1) or more rooms or enclosed floor area in a dwelling used or intended to be used, for living, cooking, sleeping, or dining purposes, excluding bathrooms, foyers, pantries, laundries, closets and storage spaces.
- (25) **Imminent Hazard.** A condition which could cause serious or life-threatening injury or death at any time.
- (26) **Impervious to Water.** Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, or designee, and having tight-fitting joints.
- (27) **Infestation.** The sustained presence of detrimental household insects, vermin, rodents or other pests within a dwelling or on the dwelling premises.
- (28) **Inoperable or Nuisance Vehicle.** Any inoperable, unlicensed, unroadworthy, disassembled or wrecked motorized or unmotorized vehicle or trailer in violation of Section 10-5-8 of this Code of Ordinances.

- (29) **Kitchen.** A habitable room or area used or intended to be used for cooking or the preparation of meals.
- (30) **Living Room.** A room used primarily for living, dining, recreational or cooking purposes.
- (31) **Mixed Occupancy.** Occupancy of a building in part for residential use and in part for some other use not accessory thereto. An example would be a building with commercial retail space on the first floor and apartments on the second floor.
- (32) **Nuisance.** For purposes of this Chapter, shall be defined as follows:
 - a. Whatever is dangerous to human life or safety, or is detrimental to health.
 - b. Insufficient ventilation or illumination.
 - c. An attractive nuisance which may be detrimental to children, whether in a building or upon a lot. An attractive nuisance includes, but is not limited to: any abandoned shafts, wells or basements; unprotected basements and excavations; inoperable motor vehicles; structurally unsound structures; or trash, refuse, garbage, lumber, construction debris or vegetation which may prove a hazard for inquisitive minors.
 - d. Inadequate or unsanitary sewerage or plumbing facilities.
 - e. Unsafe or dangerous electrical wiring or natural gas lines.
 - f. Uncleanliness.
 - g. Whatever renders air, food or drink unwholesome or is detrimental to the health of humans.
 - h. Deteriorated, dilapidated or blighted to the extent that doors, windows, plumbing or heating fixtures or appurtenances of the building are damaged or removed.
 - i. As also defined in Sections 8-1-2, 8-1-5, 8-1-6, 8-1-8, 10-5-8 and 11-6-2 of this Code of Ordinances, whichever is more restrictive.
- (33) **Occupant.** Any person living, sleeping or eating in, or having actual possession of a dwelling or dwelling/rooming unit.
- (34) **Occupied.** A building is occupied when it is open to the public, when a business activity is performed therein, when people reside therein, or when any personal property is moved therein. Any building or structure shall be deemed to be occupied if one (1) or more persons actually conducts a lawful business or resides in all or any part of the building, or as the legal or equitable owner/occupant(s) or tenant(s) on a non-transient basis, or any combination of the same. For purposes of this Chapter, evidence offered to prove that a building is occupied may include, but not be limited to, the regular receipt of mail delivery through the U.S. Postal Service; proof of continual cable television, internet, electricity, natural gas, water and sewer service to the property.
- (35) **Operator.** Any person who has charge or control of a building or part thereof in which dwelling units or rooming rooms are located or let.
- (36) **Owner.** Every person, partnership, limited partnership, corporation, service corporation, limited liability corporation or partnership, or other legally-recognized entity or association, who alone or jointly or severally with others:

- a. Has legal title to a building or structure;
 - b. Has legal right or obligation to the care, charge, or control of any building or structure, in any capacity including, but not limited to, agent; executor, administrator, trustee, guardian, or personal representative of the estate of the holder of legal title; or an agent, trustee, receiver or other person appointed by court order with authority to have possession or control of the building or structure;
 - c. Is a mortgagee, where either:
 1. The mortgagee has obtained a judgment of foreclosure against the mortgagor with regard to the premises containing the occupied or vacant building or structure;
 2. The mortgage or note secured by the mortgage contains a provision authorizing the mortgagee to act to secure or repair the property of the mortgagor, and the mortgagor no longer maintains the occupied or vacant building or structure; or
 - d. Is a land contract vendor, where either:
 1. The land contract vendor has obtained a judgment of foreclosure against the land contract vendee with regard to the premises containing the occupied or vacant; or
 2. The land contract contains a provision authorizing the land contract vendor to act to secure or repair the property of the vendee, and the vendee no longer maintains the occupied or vacant building or structure.
 - e. "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.
 - f. "Owner" does not include any real estate licensee providing brokerage services in accordance with Ch. 452, Wis. Stats.
- (37) **Partially Vacant.** A multi-story building or structure that has one (1) or more stories or suites.
- (38) **Person.** Any individual, firm, corporation, limited liability corporation, association, or partnership.
- (39) **Plumbing.** Shall mean and include the following: all piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems, and also includes the installation thereof or a water pressure system other than the municipal system as provided in Ch. 144, Wis. Stats.
- (40) **Premises.** A lot together with all buildings and structures thereon.
- (41) **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.

- (42) **Provided.** Furnished, supplied, paid for or under control of the owner.
- (43) **Residential Building.** A building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families, tenants or lodgers, and which includes, but is not limited to, the following types:
- a. Single-family dwellings.
 - b. Two (2) family dwellings.
 - c. Multiple-family dwellings (including apartment hotels).
 - d. Rooming houses.
 - e. Any building containing any of the above uses together with other uses shall be considered a residential building.
- (44) **Responsible Person.** Within the scope of this Chapter, the "responsible person or party" is the owner of record of a property or premises according to the County land records system or the operator or manager of any structure or premises.
- (45) **Room.** A partitioned part of the inside of a building. For the purposes 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 one-third (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.
- (46) **Roomer.** An occupant of a rooming house who is not a member of the family of the operator of that rooming house, or an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.
- (47) **Rooming House.** Any dwelling, or that part of any dwelling, containing one (1) or more rooming units, in which space is let by the owner or operator to more than four (4) roomers.
- (48) **Rooming Unit.** Any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and/or operator to more than four (4) roomers.
- (49) **Rubbish.** Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, yard trimmings, metal containers, glass, crockery, and dust and other similar materials.
- (50) **Secured.** A building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all of its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, and panels intact and unbroken.
- (51) **Sleeping Room.** A room used for sleeping purposes.

- (52) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.
 - (53) **Structure Unfit for Occupancy.** An unsafe structure; or a structure which is unfit for habitation or occupancy because of the extent to which the structure is dilapidated, in disrepair or lacks proper maintenance, or a structure which is unsanitary, vermin-infested, is filthy or contaminated, is unsafe, or which lacks adequate ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this Chapter.
 - (54) **Supplied.** Furnished, provided by, or under the control of the owner or operator.
 - (55) **Unsafe Structure.** A structure that endangers safety for reason that it is in imminent danger of failure or collapse, or a portion of the building has failed or collapsed, or the structure is in a condition of decay or dilapidation.
 - (56) **Vacant.** A building or structure shall be deemed to be vacant if no person or persons currently conducts a business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s), tenant-occupant(s), owner-occupant(s) or tenant(s) on a non-transient basis. Vacant status is determined from a totality of circumstances. For purposes of this Chapter only, rebuttable evidence of vacancy include, but is not limited to, low or no utility usage, lack of customary furnishing consistent with occupancy, accumulation of mail or delivered packages, and fixtures or window coverings which are not secured.
 - (57) **Waste.** Garbage, ashes, rubbish and trash, but not construction materials or soil.
 - (58) **Weeds.** Those weeds as set forth in Sec. 23.235, Wis. Stats., and Title 8, Chapter 1 of this Code of Ordinances.
 - (59) **Workmanlike.** Work of such character so as to meet manufacturer's specifications, accepted national/state standards or recognized trade practices, and intended to provide a durable result ensuring public safety, health and welfare insofar as they are affected by building construction, use and occupancy.
- (c) **Terms Not Defined.** Where terms are not defined herein, such terms shall have ordinarily accepted meanings, such as the context indicates.

Sec. 15-4-4 Maintenance of Exterior Landscaping.

- (a) **Attractive, Safe and Sanitary Exterior Property Areas.** All exterior property and landscaping areas shall be maintained in an attractive, safe and sanitary condition, free from any accumulation of rubbish, brush, unused construction materials, recyclables or other refuse as required by Section 10-5-8 and this Chapter. Landscape vegetation and plantings shall be reasonably maintained and not be excessively overgrown.
- (b) **Vegetation and Landscaping.** Vegetation and landscaping shall present an attractive appearance with generally accepted practices and as follows:

- (1) **Noxious and Nuisance Weeds.** Noxious and nuisance weeds are defined in Secs. 23.235 and 66.0407, Wis. Stats., and Section 8-1-4 of this Code of Ordinances, and shall be abated pursuant to the requirements of those regulations.
- (2) **Prohibited and Restricted Invasive Species.** Per the requirements of NR 40, Wis. Adm. Code, the listed prohibited invasive species, or terrestrial plants not currently found in Wisconsin with the exception of small pioneer stands, are prohibited. They shall be eradicated from properties and may not be transported, possessed, transferred (including sale), or introduced. A property owner may be required to remove such invasive plants pursuant to NR 40, Wis. Adm. Code.
- (3) **Excessive Length of Lawns and Grasses.**
 - a. The Village Board finds that lawns and grasses on residential, commercial and industrial parcels exceeding the height standards of this Code of Ordinances adversely affect the public health and safety of the public in that they tend to emit pollen and other particulate plant matter, constitute a fire hazard, and may pose a safety and sanitation problem in that hazardous debris may be hidden in the grass and rodents or other vermin may be drawn to and inhabit such overgrown areas.
 - b. All exterior property areas shall be kept free from noxious weeds and excessive growth of vegetation and grasses as required by Sections 8-1-4, 8-1-5 and 8-1-6 of this Code of Ordinances and the Wisconsin Statutes. Where required weed and grass cutting is not performed by the property owner after issuance of a compliance notice, the Village or designee shall perform said weed and grass cutting pursuant to Sections 8-1-4, 8-1-5 and 8-1-6, and process the charge therefor as a special charge against the benefitted property.
- (4) **Natural Lawns.** Natural or prairie lawns shall comply with the standards of Section 8-1-5 of this Code of Ordinances.
- (5) **Excessive or Improperly Placed Vegetation Affecting Drainageways.** Excessive vegetation or improperly planted vegetation which improperly impedes the proper functioning of a drainage swale or ditch shall be removed when so ordered by the Village.
- (6) **Hazardous Vegetation and Plantings.** No person shall maintain, plant, or permit to remain on any private property plantings, trees and vegetation which negatively present a hazard to structures, persons or vehicles; violate intersection vision clearance standards of Section 13-1-120 and/or the visibility or utility of public infrastructure. It shall be unlawful for any person to plant, allow to grow, or maintain any trees, bushes, shrubbery, or vegetation of any kind which is an obstruction to the clear and complete visions of any traffic sign, sidewalk, or driveway approach to a Village street, and the same shall be removed upon order from the Village. The standards of Title 6, Chapter 4 of this Code of Ordinances regarding trees shall be complied with.
- (7) **Brush Piles.** Piles of brush (tree branches, yard waste, etc.), downed trees, and removed stumps shall not be allowed to accumulate and/or be stored on parcels of

residentially-zoned land for more than thirty (30) days. Such brush piles may harbor vermin, present a fire or safety hazard, and block access by emergency personnel and equipment to the property and neighboring parcels.

Sec. 15-4-5 Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Service.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, plumbing, and electrical services for habitable residential buildings and parts thereof to safeguard the public health and safety, promote sanitation, 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 and fostered by having available: adequate water and sanitary facilities; proper storage; proper removal of garbage, recyclables and other refuse; safe means of ingress/egress and ventilation; and adequate 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 or dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:
- (1) **Basic Plumbing Requirements.**
 - a. Every dwelling unit shall contain a properly functioning kitchen sink, a water flush toilet, 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.
 - b. The water flush toilet, bathtub or shower, and lavatory basin shall be contained within a separate room, irrespective of the sink required as part of the kitchen facility. The kitchen sink shall be located in the room in which food is cooked or prepared.
 - c. The room wherein the toilet and bathtub or shower required under this Section are installed shall afford privacy to a person within. The bathtub or shower may be in a room separate from the room housing the toilet and lavatory basin, but shall afford privacy to a person within.
 - d. Plumbing systems shall be maintained in a sanitary and functional condition. Leaking pipes or broken fixtures shall be considered unsanitary.
 - (2) **Water Supply.**
 - a. Every required kitchen sink, lavatory basin, bathtub and shower shall be properly connected with both hot and cold potable water, and every flush toilet shall be properly connected to a supply of water adequate in volume and pressure for flushing purposes.
 - b. Water pressure shall be available at all fixtures as specified in the Wisconsin Administrative Code.

- (3) **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 one hundred twenty (120°) degrees Fahrenheit.
- (4) **Refuse and Garbage Receptacles and Storage.** Each owner of any residential building shall be responsible for ensuring that every dwelling unit is provided with garbage/refuse receptacles large enough to store garbage, refuse and recyclable materials generated by that residential unit. Such receptacles shall be maintained in serviceable condition and comply with the standards established by the Village and/or its designated collection service, specifically, but not limited to: Title 8, Chapter 3 "Refuse Disposal and Collection", and Title 8, Chapter 4 "Recycling" of this Code of Ordinances.
- (5) **Ingress/Egress in One- and Two-Family Dwellings; Stairways; Multi-Family Dwellings.**
 - a. Every one- and two-family dwelling unit and rooming unit shall have direct access to at least two (2) accessible unobstructed means of egress/ingress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, are permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform.
 - b. All stairs in one and two-family dwellings shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet with a minimum dimension of three (3) feet in depth. All stairways and platforms shall be protected with handrails and guardrails as specified in SPS 321.04, Wis. Adm. Code, and shall be equipped with treads and risers reasonably uniform. Guardrails in place at the time of the adoption of this Chapter are not required to be replaced until such time as the guardrails are:
 1. Not in a sound structural condition;
 2. Deteriorated;
 3. No longer functional; or
 4. Unsafe.
 - c. Stairways and porches in multi-family dwellings shall comply with the appropriate provisions of the Wisconsin Uniform Dwelling Code, as may be amended from time to time.
 - d. Every inside and outside stairway, porch, guardrail and appurtenance thereto shall be so constructed and maintained as to be safe to use and capable of supporting the load that normal use would be caused to be placed thereon, and shall be kept

in good repair and in sound condition. Stairways shall be kept free of refuse or stored material which could pose a threat to the safety of users.

(6) **Rooming House Plumbing.**

- a. Each rooming house shall provide at least one (1) water flush toilet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities.
- b. All such rooming house 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.

(7) **Natural Gas Ranges.** When used or provided in any dwelling unit, natural gas or LP gas ranges, ovens and oven/range combination units of any such type shall be installed, maintained and operated in a safe and non-hazardous manner, pursuant to any state or national codes and regulations and the manufacturer's specifications. If such an appliance is determined to be unsafe, no person shall use, or permit others to use, the appliance until all appropriate repairs have been made.

(8) **Smoke Detector Alarms; Carbon Monoxide Detector Alarms.**

- a. All occupied or vacant dwelling units shall be provided with a functioning, listed and labeled smoke detector alarm in the basement and on each floor of the dwelling, excluding the attic, garage and storage areas of said dwellings, as required by Sec. 101.645, Wis. Stats., and SPS 328.03, Wis. Adm. Code. Alarms shall be certified by Underwriters Laboratories.
- b. Smoke detector alarms may be separate or combination units powered by batteries, except in the case of new dwellings constructed after June 1, 1980, smoke detectors shall be directly powered by the dwelling's electrical system, with battery backup power.
- c. Owners are responsible for smoke detector and carbon monoxide alarm installations and battery replacement as necessary. Tenants shall be responsible for notifying the owner in writing of any smoke detector or carbon monoxide alarm malfunction, including the need to replace batteries. Owners shall repair or replace a smoke detector or carbon monoxide alarm within five (5) days of written notice from a tenant or an inspector. The property owner shall, at a minimum, replace the battery of each detector at the beginning of a new lease or tenancy, or on an annual basis, whichever is sooner. The owner shall provide the tenant at the start of a new lease or tenancy written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detector and carbon monoxide alarms, including maintenance and battery replacement.
- d. All residential structures, new and existing, shall have functioning carbon monoxide detectors on every floor near sleeping areas, as required by SPS 321

and SPS 326, Wis. Adm. Code and Sec. 101.647, Wis. Stats. Newly constructed dwellings shall have carbon monoxide detectors which are directly powered by the dwelling's electrical service; owners of existing homes may install battery-powered or plug-in detectors. Owners of multi-family dwellings shall comply with the rules for alarms in the Wisconsin Commercial Building Code as prescribed in SPS 361-366, Wis. Adm. Code, specifically SPS 362.1200, Wis. Adm. Code.

- e. A person may apply for a waiver to smoke detector and carbon monoxide alarm requirements provided the standards of Sec. 101.648, Wis. Stats., can be met.

(9) **Windows, Doors and Ventilation.**

- a. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Sec. SPS 321.05, Wis. Adm. Code, as dictated by the occupancy of the building. Generally every habitable room shall be provided with openable door and/or window areas equal to a minimum of four percent (4%) of the floor area, except mechanical ventilation can be provided in a kitchen in lieu of doors/windows when the ventilation system is designed and installed according to accepted engineering practices or manufacturer's specifications.
- b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [toilet or one (1) urinal] and in which the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.
- c. All doors and windows openable directly to the outside shall be properly screened with untern screens in serviceable condition.
- d. Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.
- e. Exterior entry/exit doors shall be of a solid construction, designed to function as a door, and capable of providing security with a locking device.
- f. In providing natural lighting, every habitable room shall be provided with window areas equal to at least eight percent (8%) of the floor area.
- g. All openings to a residential building which might provide an entry for rodents shall be effectively protected at all times so as to prevent rodent entry.

(10) **Electrical Service.**

- a. 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, maintained in good and safe working conditions, and be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code or in this Subsection, whichever is more restrictive.
- b. Every habitable room shall contain a minimum of two (2) separate wall electric convenience outlets or one (1) such wall convenience outlet and one (1) ceiling-type or wall-type electric fixture.

- c. Every toilet compartment, furnace room, laundry room, and public hall shall contain a minimum of one (1) ceiling or wall-type electric fixture. Every bathroom shall contain one (1) wall electric convenience outlet or one (1) wall or ceiling light fixture.
 - d. In every building containing two (2) or more dwelling units using the same corridors and stairways, adequate lighting shall be provided in such corridors and stairways when needed, by the following means:
 - 1. Corridor light switches: Conveniently located light switches.
 - 2. Stairway light switches: At least the equivalent of a three-way light switch system located at the bottom and top of all stairways.
 - 3. Any automatic type of operation which will maintain adequate lighting at all times, either natural or artificial.
 - e. Exterior lighting shall be required to illuminate exterior entry/exit steps leading to dwelling units.
 - f. 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.
 - g. Electrical service panels shall be readily accessible to all occupants in a dwelling without passing through another dwelling unit, as required by the Wisconsin Electrical Code
- (11) **Heating.**
- a. Every dwelling shall have heating equipment which is capable of adequately and safely heating all habitable rooms and bathrooms to a minimum temperature of sixty-five (65°) degrees Fahrenheit when the outdoor temperature is (0°) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60°) degrees Fahrenheit shall be maintained in all habitable rooms and bathrooms when the outdoor temperature is zero (0°) degrees Fahrenheit or lower, absent the wind-chill factor. The outdoor temperature for the Village for compliance purposes shall be the temperature as reported by the National Weather Service.
 - b. The occupant of a room or an apartment may voluntarily maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable residential areas of the building and the heating equipment is capable to maintaining the required levels of warmth.
- (12) **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 (3) or more apartments, and rooming houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.

- b. Every residential building that will accommodate transients, three (3) or more families, or twenty (20) persons shall have lights at the emergency exit doors or other places as may be necessary to direct an occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be employed on the premises.
- (13) **Emergency Work Contact Information.** Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. Such names, with their telephone numbers and email addresses, shall be revised periodically as necessary to maintain accurate information at all times.
- (c) **Optional KNOX Box Requirement.** When ordered as necessary by the Building Inspector or Fire Inspector, a KNOX box shall be installed on the exterior of a multi-family dwelling with six (6) or more dwelling units to gain non-destructive entry to the structure for fire and other public safety emergency responses. The cost of the KNOX box and installation shall be the responsibility of the property owner.

Sec. 15-4-6 Safe and Sanitary Maintenance of Property.

- (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 of Elk Mound overall and provide a suitable environment for enhancing physical and monetary property values.
- (b) **Exterior Premises and Structural Maintenance Requirements.** Every owner, operator, occupant or tenant shall properly maintain all property under his/her control, including but not limited to residential property (owner-occupied and rental), to comply with the following minimum requirements:
 - (1) **Drainage.** All lawns, yards, or other areas on the premises shall be properly graded to divert water away from the residential building. When a structure has persistent issues with water draining into the building or its basement, the adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs, downspout extensions or rain gardens.
 - (2) **Weeds and Excessive Vegetation Growth.** The standards of Section 15-4-4(b)(3) shall be complied with.
 - (3) **Miscellaneous Debris; Vermin; Health and Safety Hazards.** Pursuant to this Chapter, Section 8-1-2 "Health Nuisances, Abatement of", Section 8-1-8 "Unhealthy, Hazardous or Unsightly Materials on Public or Private Property", Section 10-5-8 "Junked Vehicles and Appliances on Private Property" and Title 11, Chapter 6 "Public

Nuisances", 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, accumulations of animal feces, and inoperable or unlicensed vehicles or equipment as required by Section 10-5-8 and Title 11, Chapter 6 of this Code of Ordinances. All animal feces shall be removed as required by Village ordinance. Specifically, all exterior property areas shall be maintained:

- a. Free from refuse, rubbish and garbage which are not properly contained as required by Section 8-1-2 "Health Nuisances, Abatement of", Section 8-1-8 "Unhealthy, Hazardous or Unsightly Materials", and Title 8, Chapter 3 "Refuse Disposal and Collection" for purposes of storage and collection.
 - b. Free from recyclable materials which are not properly separated and stored as required by Title 8, Chapter 4 "Recycling" for purposes of collection and storage, provided such outside storage of recyclables is not for longer than fourteen (14) days or to accommodate collection, whichever is first.
 - c. Free from items such as inoperable or nuisance vehicles, boats, recreational vehicles, trailers, building materials, scrap metals, appliances, furniture, or other debris in violation of Section 10-5-8 "Junked Vehicles and Appliances on Private Property".
 - d. In a condition so as not to become infested with rodents or be a rodent harborage. All premises shall be kept from harboring raccoons, skunks, undomesticated rodents, insect infestations and other pests as determined by the Building Inspector or public health authorities. Where such pests are found, they shall be promptly humanely exterminated or removed in a lawful manner.
 - e. Free from building materials as required by Section 10-5-8 "Junked Vehicles and Appliances on Private Property", unless such materials are temporarily stored on the property for use with a building project pursuant to a valid Village building permit.
 - f. Free from substantial accumulations of animal feces as required by Title 7, Chapter 1 of this Code of Ordinances.
 - g. Free from physical hazards.
 - h. Free from any accumulation of combustible materials which are not used as an integral part of an authorized business lawfully conducted on the premises. Oil, solvents, combustible fluids, fuels, vehicle fluids, pesticides and other potentially hazardous or unsafe fluids shall not be stored outside in a manner which could present a safety hazard of fire or contamination of groundwater or public utilities.
 - i. In a manner which does not constitute a threat to health or safety or is a public nuisance per Title 11, Chapter 6 or this Chapter.
- (4) **Fences, Walks, Parking Areas.** Fences, other accessory construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe and properly maintained condition. Pursuant to Village Zoning Code standards,

all fences shall be maintained in good repair, be structurally sound and plumb. Fence surfaces shall be reasonably free of rust corrosion, deterioration, decay, missing parts, and peeling, flaking or deteriorated paint or stain. Wood surfaces, other than decay-resistant wood, shall be protected from the elements and decay by staining, painting or other protective coating or treatment. Fences shall not be of a type prohibited by the Village Zoning Code. [See Section 13-1-200].

- (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration due to the type of siding used shall be treated with a protective coating of paint, stain or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint, stain or other preservative shall be maintained so as to prevent excessive chipping, cracking, or other deterioration of the exterior surface or surface treatment and to present an attractive appearance.
- (6) **Yard Areas.**
 - a. 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 non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, construction debris or building material not used within thirty (30) days, or any unsightly bulk items.
 - b. Plantings shall be maintained 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 provisions of Section 10-5-8 shall be complied with regarding the outside storage of vehicles, boats, recreational vehicles, construction equipment and other refuse and debris.
 - c. The unpaved public terrace area, as defined in Title 6, Chapter 2, abutting private property shall be maintained by the abutting property owner in accordance with, but not limited to, Sections 8-1-4, 8-1-5 and 8-1-6.
- (7) **Prohibited Storage of Debris.** No person shall store or dispose of, other than temporarily with a current project, rocks, trees, stumps, waste materials or other debris from land development, building construction, installation of underground utilities, or from any other activity upon the surface of any parcel in the Village regardless of zoning classification, except at approved disposal sites.
- (8) **Accessory Buildings.** All accessory structures and buildings, including windows, doors and roofs which are a part thereof, shall be maintained structurally sound, in good repair, reasonably watertight and rodent-proof. Factors indicating a state of disrepair include, but are not limited to, defective or collapsed roofs, missing windows and doors, deteriorated or missing siding, and/or substantial leaning indicating structural damage.

- (9) **Graffiti.** The owner, occupant, operator, or tenant of any building or accessory building/structure shall be responsible for removing all graffiti therefrom within fifteen (15) days following receipt of a Village notice to remove such graffiti as required by Section 11-3-12 of this Code of Ordinances..
 - (10) **Structural Members.** All structural members shall be maintained structurally sound in good repair, and be capable of safely supporting the imposed loads.
 - (11) **Windows.** Every window, storm window, skylight and/or screen window, including frames, shall be kept in sound condition, good repair and weathertight. All window glazing shall be maintained free from holes and large cracks.
 - (12) **Roofs and Drainage.** The roof and flashing shall be maintained structurally sound and not have defects which consistently admit water. Roof coverings shall be in good repair, free from missing components, storm damage, and not have missing components. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner which creates a public nuisance or unsafe conditions.
 - (13) **Overhang Extensions.** All canopies, marquees, awnings, signs, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained structurally sound and in good repair with proper anchorage.
 - (14) **Porches, Ramps, Decks, Balconies and Exterior Stairways.** Every porch, deck, exterior stairway, ramp and/or balcony, and all appurtenances attached thereto, shall be maintained in a structurally sound condition, in good repair, with proper anchorage, and capable of supporting imposed loads. Any new or replacement exterior stairway, deck, porch, ramp and/or balcony shall be installed in accordance with the Wisconsin Uniform Dwelling Code.
- (c) **Interior Maintenance Requirements.**
- (1) **General Maintenance and Cleanliness.** Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept reasonably 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 texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
 - (2) **Weathertight, Watertight and Rodent-Proof Premises.** Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodent-proof 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 so as to ensure that it safely and properly removes the products of combustion from the building. 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.

- (3) **Stairway Maintenance.** Every inside and outside stairway, 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 Sec. SPS 321.04, Wis. Adm. Code, or other Wisconsin Administrative Code provisions as dictated by the type of occupancy in the building.
- (4) **Plumbing Fixtures Maintenance.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (5) **Bathroom Maintenance.** 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 reasonably clean and sanitary condition.
- (6) **Supplied Facilities.**
 - a. Every supplied facility, piece of equipment, or utility connection shall be so constructed, installed, and maintained so 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 are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical and safe 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.
- (7) **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 rooming unit let or occupied by him/her, 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.
- (8) **Abandoned Fuel Oil Tanks.** Abandoned fuel oil tanks shall be removed from the building.
- (9) **Public/Shared Areas.** Every owner of a dwelling containing three (3) or more dwelling units shall be responsible for maintaining a clean and sanitary condition the shared or public areas of the dwellings and premises thereof.
- (d) **Hazardous Conditions.** It is the owner's responsibility that dwellings be structurally sound and free of conditions which constitute a substantial hazard to the health and safety of the

occupant(s) or which create an unreasonable risk of personal injury resulting from any reasonable foreseeable use of the dwelling (other than the negligent use of the dwelling by the occupants). Such violations include, but are not limited to, sewage or water accumulations in the basement, excessive damage to the interior which may pose health problems, or excessive human, animal or other solid waste accumulation inside the structure which may pose a health problem.

- (e) **Animals – Unsanitary Conditions.** No occupant of a residence shall keep any animals or pets in a dwelling or rooming unit, or on any premises, in such manner as to create unsanitary conditions, including, without limitation, accumulation of excrement. [See Title 7, Chapter 1 of this Code of Ordinances].

Sec. 15-4-7 Conditions of Occupancy and Use of 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 health and safety. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential units. No person shall occupy or let to another person for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the requirements herein.
- (b) **Size of Dwellings and Dwelling Units.**
- (1) **Detached Single-Family Dwellings.** Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.
 - (2) **Floor Space.**
 - a. Every dwelling unit, except for hotels and rooming houses, shall contain a minimum of one hundred fifty (150) square feet of habitable floor area for the first occupant and a minimum of one hundred (100) additional square feet of floor area for each additional occupant.
 - b. The floor area of a rooming house room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
 - (3) **Excluded Spaces.** Floor area shall be calculated on the basis of habitable room area. Closet and hallway areas within the dwelling unit may count for no more than ten percent (10%) of the required habitable floor area. The space used as a laundry, workshop, furnace room, and common hallways shall not be included as part of the space required in Subsections (b)(1) and (2) above.
 - (4) **Bathroom Access.** Every occupant of a dwelling unit shall have unrestricted access to a bathroom and flush toilet, and to a sink or lavatory basin, located within the dwelling unit. Such access shall not be through more than one (1) sleeping room.

- (5) **Ceiling Height.** At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor area of that part of any room where ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing floor area of the room for determining maximum permissible occupancy thereof.
- (6) **Basement Use.** A basement space may only be used for a sleeping room if:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and excess humidity is controlled.
 - b. The space being utilized complies with the requirements for habitable rooms.
 - c. The total openable window area in each basement room is equal to at least the minimum required under this Chapter or applicable building code standard, except where there is supplied some other means affording adequate ventilation.
 - d. A basement-only structure shall not be used as a dwelling.
- (c) **Habitability of Mobile Homes.** Wrecked, damaged or dilapidated mobile homes shall not be placed, kept, stored or occupied upon any parcel in the Village. The Building Inspector, Fire Inspector or public health authorities shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy and constitutes a public nuisance. Upon such a finding, the abatement procedures of this Chapter shall be followed, and the dilapidated, wrecked or damaged mobile home shall be removed from the Village or is properly repaired allowing safe and sanitary occupancy.

Sec. 15-4-8 Vacant Buildings.

- (a) **Title.** This Section shall be known as, referred to and cited as the "Vacant Buildings Code" or this Section.
- (b) **Purpose.** This Section is enacted to facilitate the identification of, inspection of, and property maintenance of vacant buildings for purposes of preserving and safeguarding the public health, safety and general welfare, and to abate and prevent property maintenance issues, public and private nuisances, and potential vandalism and fire hazards. The purpose of this Section is to establish the measures and requirements reasonably necessary to protect the health, safety and welfare of the public from blight, hazards, public nuisances and negative market impacts of vacant or abandoned buildings and structures.
- (c) **Applicability; Exemptions.**
 - (1) The provisions of this Vacant Building Code shall apply to all residential single-family, two-family and multi-family dwellings vacant for one hundred eighty (180) consecutive days and all manufacturing, commercial, institutional, and mixed occupancy buildings vacant for three hundred sixty-five (365) consecutive days.
 - (2) Upon application to the Village Board, an exemption from the provisions of this Section may be granted for a period up to three hundred and sixty-five (365) days.

In the event an exemption is granted, the premises must be maintained in a clean and sanitary condition, with weeds/grasses cut, sidewalk snow removed, and the building maintained in good condition during the exemption period consistent with the requirements of this Code of Ordinances.

- (3) The exemption may be revoked for a failure of the applicant to maintain the building or premises associated with the building free from violation(s) of law or this Code of Ordinances. Any one (1) of the following circumstances may be a basis for an exemption from the provisions of this Section:
 - a. A building under active construction, rehabilitation, renovation or repair for which a building permit has been obtained and is being complied with.
 - b. A building with a raze permit or a raze order pending from the Village.
 - c. A building whose owner is actively seeking in good faith to rent or sell the building, which good faith is supported by evidence to the reasonable satisfaction of the Village Board of such activity.
- (d) **Conflict.** In any case where a provision of this Section is found to be in conflict with a provision of the Uniform Building Code (UDC) or any other provision of this Code of Ordinances, the provision which established the higher standard for the protection of the public health, safety and welfare shall prevail.
- (e) **Administration.**
 - (1) **Enforcement Official.** The Enforcement Official ("Code Official") responsible for the administration and enforcement of this Section shall be as authorized by the Village Board, and may be the Building Inspector, Zoning Administrator, Village Engineer, Fire Inspector or a law enforcement officer, or a combination of such officials.
 - (2) **Inspections.** The Enforcement Official has the power to inspect premises and structures to determine compliance with this Section. All reports of such inspections shall be signed and dated by the Enforcement Official.
 - (3) **Right of Entry; Inspections.** The Enforcement Official is authorized to enter structures or premises, at reasonable times, with the express or implied consent of the owner, operator or occupant, to conduct administrative interior and exterior inspections for administration and enforcement purposes regarding this Section. If entry is refused or not obtained, the Enforcement Official is authorized to pursue recourse to obtain entry as provided by law, such as obtaining an inspection warrant.
 - (4) **Reinspections.** Every owner, operator and occupant of a premises shall cooperate with and facilitate reinspections of premises at reasonable times pursuant to reasonable notice from the Enforcement Official to determine compliance with this Section with an Order to Repair. Failure by said owner, operator or occupant to cooperate with and facilitate such reinspections by the Enforcement Official shall be a violation of this Section.
 - (5) **Identification.** The Enforcement Official shall carry Village-issued identification when entering and inspecting premises in the performance of his/her duties under this Section and display such identification when asked.

- (6) **Obstruction; Denial of Entry.**
 - a. No owner or operator of a premises may deny the Enforcement Official the right to enter and inspect any portion thereof under the control of a lawful occupant where such occupant has consented to such entry and inspection.
 - b. No occupant of a premises shall obstruct the owner thereof from complying with any order(s) of the Enforcement Official made under the authority of this Section. Obstruction shall include the denial of entrance into a premises at reasonable times pursuant to reasonable notice.
- (f) **Vacant Building Permit; Vacant or Abandoned Building Requirements.**
 - (1) **Vacant Building Permit.** The owner of a vacant building or structure subject to this Section shall obtain a Vacant Building Permit for the period during which it is vacant. When a building or structure becomes vacant, as defined in this Section for a period of time greater than allowed, the owner of the building or structure shall apply for and obtain from the Village an annual Vacant Building Permit. Upon the expiration of a Vacant Building Permit, if the building or structure is still vacant, the owner shall arrange for an inspection of the building and premises with the Enforcement Official pursuant to this Subsection and renew the permit within fifteen (15) days of expiration in the same manner as the expired permit. All renewed permits shall be subject to all conditions and obligations imposed by this Section.
 - (2) **Code Compliance.** The owner of a vacant building or structure shall comply with all building, fire, property maintenance, UDC, and other applicable Code or Ordinances, and shall apply for all necessary building and zoning permits upon application for a Vacant Building Permit.
 - (3) **Waste Removal.** The owner of a vacant building or structure shall immediately remove all waste from the interior of the structure. The owner of the vacant building or structure shall also immediately remove any waste, debris and excessive vegetation from the exterior premises surrounding the vacant building or structure in accordance with the vacant building maintenance standards of this Section and the Village Code of Ordinances.
 - (4) **Owner's Responsibility.**
 - a. The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and other openings in the building or structure to prevent entry by unauthorized persons in accordance with the standards of this Section.
 - b. If the property owner does not reside in the State of Wisconsin, the owner shall provide to the Enforcement Official the name, address, email address, and telephone number(s) of an agent who is available for service of process within the State of Wisconsin. The owner shall provide the Enforcement Official the name, address, email address and telephone number(s) of a property manager who is available for contact by the Village at all times for emergency repairs and

maintenance, and who will respond to the vacant building or structure when required by the Enforcement Official. The agent and manager may be the same person, and/or either may be a responsible person. The owner shall notify the Village within thirty (30) business days of any changes to the name, address, email address or telephone number(s) of the agent or manager.

- (5) **Owner's Obligation Continuous Through Term of Vacancy.** The obligations of owners of a vacant building or structure are continuing obligations which are effective throughout the time of vacancy, as that term is defined in this Section.
- (g) **Vacant Building Permit Application.** Application by the owner of a vacant building or structure for a Vacant Building Permit shall be made to the Village Clerk-Treasurer. Applicants shall disclose all measures to be taken to ensure that the building will be kept weathertight, secure from trespassers, and safe for entry by law enforcement officers and firefighters in times of exigent circumstances or emergency. The application shall include, but not be limited to, the following:
 - (1) **Contact Information.** Contact information for the owner(s). If the owner is other than a natural person, the following shall apply, as appropriate:
 - a. If the owner is a corporation, limited liability company, limited or liability partnership, the registration statement shall provide the names and residence addresses of all responsible persons and the name and business address of the registered agent for service of process appointed pursuant to Wisconsin law.
 - b. If an estate, the name and business address of the personal representative of the estate.
 - c. If a trust, the names and addresses of the trustee(s).
 - d. If a partnership, the names and residence addresses of the partner or partners.
 - e. If another form of unincorporated association, the name and residence address of a responsible person.
 - (2) **Razing or Repair Plans.** Any demolition or rehabilitation plans.
 - (3) **Outdoor Maintenance Commitment.** A commitment by the owner that grass and weeds shall not exceed a height of eight (8) inches, and that snow and ice will be removed from any sidewalk adjacent to the parcel within twenty-four (24) hours of a snowfall.
- (h) **Issuance of Vacant Building Permit.** The Enforcement Official shall issue a Vacant Building Permit upon being satisfied that the building has been inspected and is in compliance with the vacant building standards set forth in this Section, and is adequately protected from intrusion by trespassers and from deterioration by the weather. A Vacant Building Permit shall be valid for three hundred sixty-five (365) days.
- (i) **Inspection of Vacant Premises.**
 - (1) **Inspection Purpose.** The Enforcement Official(s), or other Village designee, may inspect vacant buildings to determine the structural integrity of the building, the repairs necessary to maintain structural integrity, determine what repair actions must

be undertaken to maintain the premises safe for entry of law enforcement officer, firefighters and other emergency personnel in times of exigent circumstances or emergency, inspect to see that the building and its contents do not present an imminent danger to the public during the time the building remains vacant, and the the building or structure are in compliance with the requirements of this Section.

(2) **Enforcement Official Directed Inspections.**

- a. *Implied Consent Inspections.* Any owner of a building which is either the subject of a Vacant Building Permit or who is an applicant for such permit is deemed to have given consent to inspections of the building.
- b. *Emergency Inspections/Emergency Repairs.* If, at any time, an Enforcement Officer has reason to believe that an emergency situation exists with respect to a vacant building which may create an imminent hazard to public health, welfare or safety, the Enforcement Officer may enter the building to inspect the premises without notifying the responsible party or obtaining an inspection warrant. If the Enforcement Official finds an emergency situation exists which presents an imminent hazard to the health, welfare or safety of the public, the maintenance of which, until such time as the responsible party can conduct the repairs, would be unreasonable, the Enforcement Official may cause a reasonable official action, including the employment of necessary labor and materials, to perform emergency repairs. Costs incurred by the Village in making emergency repairs shall be recovered from the responsible party by a special charge levied against the benefitted property. An administrative fee for the emergency inspection and for processing and administering the special charge shall be added to the charge amount levied against the benefitted property.
- c. *Inspections Made Pursuant To A Special Inspection Warrant.* If a vacant property responsible party takes any action contrary to the implied consent for inspections detailed above, the property owner is deemed to consent to the issuance of a special inspection warrant from a court of competent jurisdiction pursuant to Sec. 66.0119, Wis. Stats. Any interior inspection made pursuant to a special inspection warrant shall be deemed a reinspection for the purpose of imposition of fees pursuant to this Section.
- d. *Reinspections.* At any time subsequent to the issuance of an Order to Repair, the Enforcement Official may conduct reinspections to determine compliance with an Order to Repair. Such reinspections will only be conducted after a reasonable time has been afforded to the responsible party to comply with the Order to Repair. Reinspections are subject to applicable Village fees.

(3) **Responsible Party Requests For Inspection.** Requests from responsible parties for inspections of vacant buildings are subject to a Vacant Building Permit and are under the control of the requesting responsible party.

(j) **Issuance of Orders to Repair.**

- (1) **Repair Safeguards.** The Enforcement Official, upon inspection, may issue orders to repair for work needed with a vacant building to:

- a. Adequately protect the building from intrusion from trespassers and from deterioration by the weather in accordance with the vacant building maintenance standards set forth in this Section; and
 - b. Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to law enforcement officers or other emergency personnel entering the premises in times of emergency.
- (2) **Compliance Timeline.** When issuing such orders, the Enforcement Official shall specify the time for completion of the work. All work done pursuant to this Section shall be done in compliance with applicable provisions of the Village's Building Code, Fire Code, property maintenance ordinances, Uniform Dwelling Code and other applicable ordinances.
- (k) **Vacant Building Maintenance Standards.** A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:
- (1) **Building Openings.** Doors, windows, hallways, and other openings shall be weathertight and secured against entry by trespassers, birds and vermin. Missing or broken glass in doors, windows and other such openings shall be repaired/replaced with glass. No building opening shall be boarded over. All first floor or ground level windows, doors and openings shall be free of any posters, paper, fabric or other materials which completely obstruct the view into the building's interior.
 - (2) **Roofs.** The roof and flashings shall be sound and tight and not have defects or damage which might admit moisture, rain or roof-draining. Roofs shall not allow for drainage to create dampness or deterioration in the interior of the building.
 - (3) **Building Structure.** The vacant building shall be maintained in good repair, structurally sound, and free from debris, rubbish and garbage. The building shall be maintained to a sanitary standard and in a manner that does not pose a threat to the public health, safety and welfare.
 - (4) **Structural Members.** The structural members of the vacant building shall be free of deterioration and capable of safely bearing imposed dead and live loads.
 - (5) **Foundation Walls.** The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety and welfare, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and vermin-proof.
 - (6) **Exterior Walls.** The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint, stain or similar surface treatment.

- (7) **Decorative Features.** The cornices, belt courses, terra cotta trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint, stain or similar surface treatment.
- (8) **Overhanging Features.** All balconies, canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe, sound and properly painted.
- (9) **Chimneys and Towers.** Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe, in good repair, and properly painted.
- (10) **Walkways.** Public sidewalks adjacent to the vacant building parcel shall be unobstructed and kept free of snow/ice as required by Village ordinances.
- (11) **Accessory Buildings/Structures.** Accessory structures and buildings such as garages, sheds and fences shall be free from safety, health and fire hazards, and shall comply with the maintenance requirements of this Chapter.
- (12) **Exterior Premises.** The premises upon which the vacant structure or building is located shall be kept clean, safe, sanitary, free from waste, rubbish, garbage, unmaintained vegetation, impermissible outdoor storage, and shall not pose a threat to the public health, welfare or safety.

Sec. 15-4-9 Responsibilities of Residential Owners, Operators and Occupants.

- (a) **Purpose.** The purpose of this Section is to establish the responsibility 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 dwelling shall be responsible for maintaining in a clean, safe, and sanitary condition all shared, communal or public areas of the residential building and premises thereof.
 - (2) Every occupant of a dwelling unit shall keep in a clean, safe, and sanitary condition that part of the residential building and premises thereof which he/she occupies and controls, except the operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the rooming house.
 - (3) Every occupant of a dwelling containing more than one (1) 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/her dwelling unit is the only one infested. However, when infestation is caused by the failure of the owner to maintain

- a dwelling in a rodent-proof or substantially insect-proof, or if termites infest the dwelling unit, extermination shall be the responsibility of the owner.
- (4) Every occupant of a dwelling unit shall maintain all plumbing fixtures therein in a clean and sanitary condition.
 - (5) The owner or operator shall not occupy or let to another for occupancy any space in a residential dwelling unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and the Wisconsin Administrative Code and compliance inspections/orders thereunder.

Sec. 15-4-10 Inspections.

- (a) **Generally.** The Building Inspector, Fire Inspector, or public health authorities, or their designees, are authorized and empowered to inspect all residential dwellings, whether owner-occupied or rental units, within the Village of Elk Mound pursuant to the requirements of this Section for the purpose of determining whether or not said residential dwellings comply with the requirements of this Chapter, the Village Building Code, and other ordinances pertaining to the public health, safety and welfare. As required by Section 706.22, Wis. Stats., this Chapter, and any inspections thereunder, is intended not to restrict the ability of a person to purchase, sell, take title to, or finance real property or restrict the ability of a purchaser of, or transferee of title, of residential real property to take occupancy of the property.
- (b) **When Inspections May Occur; Inspection Warrants.**
 - (1) **Properties Subject to Inspection.** All properties in the Village of Elk Mound, including, but not limited to, residential rental dwelling units, shall be subject to inspection requests. The inspection(s) process may be initiated based on tenant or citizen complaints or requests or where the Building Inspector, Fire Inspector, or public health authorities believe that probable cause exists justifying such inspection(s), and after an inspection warrant is first obtained or consent is voluntarily given to conduct such inspections.
 - (2) **When Inspections Are Authorized.** Inspections by the Village's enforcement personnel shall only be conducted under the following circumstances:
 - a. In an occupied dwelling unit with consent from the property owner or the owner's agent who is present at the time of inspection;
 - b. In an occupied dwelling unit with consent from an adult tenant who is present at the time of inspection; or
 - c. Following the obtaining by the Building Inspector, Fire Inspector, public health authorities, or their designee, of a special inspection warrant under Section 66.0119, Wis. Stats.
 - (3) **Refusal To Provide Inspection Consent.**
 - a. If any owner or occupant refuses to give voluntary consent to the Building Inspector, Fire Inspector or public health authority, or their designee, to enter for

inspection purposes any residential dwelling or portion thereof, the Building Inspector, Fire Inspector, or public health authority are authorized to and may seek a special inspection warrant from an appropriate court pursuant to Sec. 66.0119, Wis. Stats., and then only enter and inspect said residential building pursuant to the authority granted by such warrant.

- b. No owner of a residential building may deny the Building Inspector, Fire Inspector or public health authority, or their designee, of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and is present for the inspection. No person shall prevent, resist or interfere with the Building Inspector, Fire Inspector or public health authorities when lawfully entering a premises and carrying out their duties as prescribed by this Chapter and other pertinent provisions of the Village of Elk Mound Code of Ordinances.
- (4) **Inspection Fee.** The Village may charge a fee for such residential inspections, including those for residential rental units.
- (c) **Confidentiality of Complaints.** In the event the Village receives a complaint regarding the maintenance of a structure, building or premises, the Village may request contact information of the complainant. However, the Village shall endeavor to keep the identity of all complainants confidential unless a complainant requests that their name be revealed. The Village will reveal a complainant's identity if so ordered by a court or when required by law and/or as required by Title 3, Chapter 3 Public Records of the Village of Elk Mound Code of Ordinances.
 - (d) **Inspections Resulting From Anonymous Complaints.** Anonymous complaints alone shall not cause the Village to inspect the interior of a building unless there is reason to believe there is an immediate and grave danger to the occupants of the structure or to the occupants of the building or adjacent properties.
 - (e) **Correction of Violations.** Violations identified during such inspections shall be abated within the time ordered by the Building Inspector, Fire Inspector or public health authorities, or their designee.

State Law Reference: Secs. 66.0119 and 706.22, Wis. Stats.

Sec. 15-4-11 Designation of Unfit Dwellings and Legal Procedure Therefor.

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:

- (a) **Finding of Defects.** Any dwelling or dwelling unit which shall be found to have any of the following serious defects may be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector or public health authorities:

- (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 (actual or prospective) 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 (actual or prospective) or of the public.
 - (3) One which, because of its general condition of disrepair, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants (actual or prospective) or of the public.
 - (4) One which has a history of structural fires and inadequate subsequent repairs.
 - (5) One which, because of its general condition, location or appearance, is a blighting influence or causes a decrease in the valuation of property in the immediate neighborhood.
- (b) **Designation as Unfit for Human Habitation; Vacation of Premises.** Any dwelling, dwelling unit, building or structure designated and placarded by the Building Inspector or public health authorities as unfit for human habitation until necessary repairs are made or the structure is razed shall be vacated within such a reasonable time as is ordered by the Building Inspector or public health authorities.
- (c) **Unfit Dwelling Not to be Reoccupied.** 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 or public health authorities. The Building Inspector or public health authorities shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been properly addressed and corrected.
- (d) **Defacement or Removal of Condemnation Notices.** 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) **Legal Proceeding for Razing Order.** Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector or public health authorities, which in the opinion of the Building Inspector or public health authorities would be unreasonable to repair, shall be razed or removed upon legal written service of the order of the Building Inspector or public health authorities. The provisions of Section 15-1-9 and Sec. 66.0413, Wis. Stats., shall be complied with, whichever is most restrictive. If the owner shall fail or refuse to comply with the order, the Building Inspector or public health authorities shall refer such violation to the Village Board and Village Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this Chapter. Any dwelling declared structurally unsafe or unsanitary shall be razed or restored according to the provisions of Sec. 66.0413, Wis. Stats., and Section 15-1-9.

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- (f) **Vacant Buildings to be Secured From Entry.** Any building which has been vacant for more than thirty (30) days due to damage, disrepair or vandalism shall be secured against unauthorized entry, except as provided under Subsection (f)(2) below. This shall include adequately boarding up and securing doors, windows, and other openings in a workmanlike manner so as to not present an attractive nuisance and to prevent illegal entry, vandalism or damage:
- (1) The building's utilities, plumbing, electrical and heating systems in such vacant building shall be maintained at all times when possible 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 the existence of hazardous, unsanitary, and dangerous conditions.
 - (2) When any building has been seriously damaged by fire, weather or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or 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 seven (7) days of the damage by fire, weather or other cause.

State Law Reference: Section 66.0413, Wis. Stats.

Sec. 15-4-12 Enforcement; Service of Notices and Orders; Hearings.

- (a) **Notice of Violation.**
- (1) Whenever the Building Inspector, Fire Inspector or public health authorities ("Enforcement Official") have found a violation or 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, the Building Inspector, Fire Inspector or public health authorities, or designee, shall give notice of such alleged violation to the person or persons responsible. Such notice shall:
 - a. Be in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Provide a reasonable time for the performance of any act it requires.
 - d. Be served upon the owner or his/her agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or the owner's agent or upon such occupant if an adult:
 1. A copy thereof is served upon him/her personally;
 2. A copy thereof is sent by certified mail to his/her last-known address or regular place of abode;

3. A copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or
 4. If he/she is served with such notice by any other method authorized or required under the laws of the State of Wisconsin.
- (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 rules and regulations adopted pursuant thereto.
- (b) **Violation Reoccurrence.** Whenever there has been notice of a violation and notice 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) **Hearing.** Any person affected by any notice which has been issued pursuant to 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, Fire Inspector, public health authority or other appropriate Enforcement Official, provided that such person shall file with the Village Clerk-Treasurer, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the notice was served. Upon receipt of such petition, the appropriate Enforcement Official 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 provide reasons why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon request of the petitioner, the Enforcement Official may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in his/her judgment, the petitioner has submitted sufficient grounds for such postponement.
- (d) **Post-Hearing Determinations and Actions.**
- (1) Following such hearing, the Enforcement Official shall sustain, modify, or withdraw the notice, depending upon his/her findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with.
 - (2) 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 Village Clerk-Treasurer within ten (10) days after such notice is served.
 - (3) Following a hearing in the case of any notice suspending any permit related to this Chapter (such as a building permit) or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Enforcement Official, 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 ten (10) days after such notice is served.

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- (4) Whenever any order to correct conditions regarding the premises made pursuant to this Chapter has not been complied with because the person to whom the order was directed has failed, neglected or refused to comply, the Building Inspector may request appropriate Village authorities to initiate prosecution, or institute any appropriate action to abate such building as a public nuisance, the cost of which will be assigned to the property owner as a special charge.
- (e) **Record of Proceedings.** The proceedings at such hearing, including the findings and decision of the Enforcement Official, 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.
- (f) **Emergency Situations; Emergency Orders.**
 - (1) Whenever an Enforcement Official finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, the Enforcement Official may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as the Enforcement Official deems necessary to meet the emergency. Notwithstanding other provisions of this Chapter, such emergency order shall be effective immediately.
 - (2) Any person to whom such emergency order is directed shall comply therewith immediately, but upon petition to the Village Clerk-Treasurer shall be afforded a hearing as soon as possible. After such hearing, depending upon the Enforcement Official's findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Enforcement Official shall continue such emergency order in effect, or modify it, or revoke it.
- (g) **Appeals of Determinations.** Any person receiving a notice of violation and compliance order which has been issued in connection with the enforcement of any provision of this Chapter and aggrieved thereby may appeal the order and shall be granted a hearing on the matter before the Village Board, provided the review process under Subsections (c)-(d) have first been exhausted. Such person shall file with the Village Clerk-Treasurer a written appeals request, setting forth the grounds therefor, within twenty (20) days after the date the Enforcement Official's determination under Subsections (d) or (f) above. Upon receipt of such request, the Village Board shall set a time for such hearing and shall give the petitioner written notice thereof. At such hearing before the Village Board, the petitioner shall be given an opportunity to be heard and to show why such notice of violation and order should be modified or withdrawn. The petitioner shall pay to the Village any fee required for such appeal before the Village Board. Any person aggrieved by the decision of the Village Board may seek relief therefrom in any court of competent jurisdiction, as provided by state law.

Sec. 15-4-13 Residential Rental Contact Registration.

- (a) **Findings and Intent.** The Village Board finds that it is necessary to establish a program for registration by the Village of Elk Mound of residential rental dwelling units to assist in responding to complaints regarding unsafe or unsanitary conditions for tenants. The

Village Board finds that a significant percentage of code complaints, violations and compliance actions occur involve residential rental dwelling units and that the conditions which are found to exist at such dwelling units adversely affect the neighborhoods in which they are located and the health and safety of tenants. This Section is adopted to help facilitate communications with the owners of residential rental dwelling units and secure cooperation with making appropriate repairs. Village officials and emergency responders can utilize contact information gathered through registration to contact property owners or landlords in case of an emergency with the rental property.

(b) **Owner Registration.**

- (1) The owner of a residential rental dwelling or dwelling unit within the Village of Elk Mound shall record the residential contact information with the Village Clerk-Treasurer by August 1, 2021 for rental units existing on the effective date of this Chapter, or within thirty (30) days of full or partial occupancy of new construction or the creation of new residential rental units. The contact registration does not act as a statement or admission regarding the rental unit's condition, give ongoing permission to enter the premises for purpose of inspection, or in any manner interfere with the sale, ownership or occupancy of such property.
- (2) With the registration, the owner, or the owner's agent, shall provide contact information as follows:
 - a. Legal name of the owner and the name of any agent or property manager, and their current addresses;
 - b. Street address of the rental property;
 - c. Number of rental units at that address; and
 - d. Telephone numbers (landline and cellphone), fax numbers, and email addresses at which the owner, his/her agent, or property manager can be reached and a response received within forty-eight (48) hours to take corrective actions.
- (3) There shall be no fee for the residential rental contact registration.
- (4) The owner of a residential rental dwelling or dwelling unit shall update the above contact information within thirty (30) days of any changes in the information required by Subsection (b)(2) to ensure that the registration on file with the Village is current and correct.
- (5) Within thirty (30) days of the transfer, conveyance or sale of a residential rental unit, the new owner shall submit to the Village the required contact information required by this Section.

Sec. 15-4-14 Penalties.

(a) **General Penalty.**

- (1) **Noncompliance Violations.** Any person who violates any provision of this Chapter shall upon conviction be subject to a forfeiture as prescribed in Section 1-1-6 of this

Code of Ordinances, together with costs of prosecution. Each day of violation shall constitute a separate and distinct offense. The Village of Elk Mound may also seek injunctive relief. In addition to forfeiture and injunctive remedies, the Village, or its agent, may in the event of noncompliance remove refuse from the parcel pursuant to Village ordinances, at the owner's expense, and impose a special charge for such work pursuant to Sec. 66.0627, Wis. Stats.

- (2) **Other Regulations to be Enforced Without Limitation.** Nothing in this Chapter shall be construed as limiting, impairing, altering or extending the rights and remedies of persons in the relationship of owner and tenant that exists under applicable law, nor shall this Chapter be construed to limit the authority of the Village of Elk Mound and its employees and agents to perform housing inspections in accordance with this Code of Ordinances or enforcing any other provision of state or federal law or local ordinance, including, but not limited to, the Village Building Code.
- (b) **Collection of Costs Incurred by the Village.** If any property owner, owner's agent, or other responsible person fails to comply with this Chapter, and after written notice given by an authorized agent of the Village, has not complied with the correction orders within the time period specified in the written notice, the Village may cause such maintenance to be performed. The Village Clerk-Treasurer, or authorized designee or agent, shall certify to the County Treasurer a statement of the cost incurred by the Village to correct the deficiencies at the subject property. Costs shall include all expenses incurred associated with bringing the property into compliance with this Chapter, including, but not limited to, administrative and clerical costs, notification and publication fees, equipment charges, landfill tipping fees, contractor fees, and other related remediation expenses. Such costs shall be a lien upon such real estate and shall be a personal liability of the owner of said real estate, collectable as any other money judgment. Such amount, together with interest, shall be entered as a special charge against such lot or parcel of land and may be collected in the same manner as real estate taxes.

Title 15 ► Chapter 5

Commercial Property Exterior Maintenance Code

| | |
|---------------|----------------------------------------------------------|
| 15-5-1 | Title |
| 15-5-2 | Intent and Purpose |
| 15-5-3 | Rules and Definitions |
| 15-5-4 | Safe, Sanitary and Attractive Maintenance of Property |
| 15-5-5 | Fixing Responsibility of Owners, Operators and Occupants |
| 15-5-6 | Enforcement, Service of Notices and Orders and Hearings |

Sec. 15-5-1 Title.

This Chapter shall be known as the Village of Elk Mound Commercial Property Exterior Maintenance Code.

Sec. 15-5-2 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 of Elk Mound and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-5-3 Rules and Definitions.

- (a) **Rules.** 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:
 - (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 definitions found in Section 15-4-3 shall be applicable in this Chapter.

Sec. 15-5-4 Safe, Sanitary, and Attractive Maintenance of Property.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and the Village of Elk Mound and provide a suitable environment for increasing physical and monetary values.
- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their 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 any building or structure.
 - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted 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 twenty-four (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 provide all-weather access to buildings or structures.
 - (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 non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.

- (7) **General Requirements.** Every foundation, exterior wall, 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 breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- (8) **Windows and Doors.** Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (9) **Outside Stairs and Porches.** Every 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 exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) **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 of Elk Mound, except at approved disposal sites.
 - b. No land owner 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/her land for a period of more than ten (10) days.
 - c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

Sec. 15-5-5 Fixing Responsibility of Owners, Operators and Occupants.

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him/her.

Sec. 15-5-6 Enforcement, Service of Notices and Orders and Hearings.

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/she shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Section 15-4-10.

Title 15 ► Chapter 6

Grievances Regarding Access to Public Buildings, Programs, Services and Employment

15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

Sec. 15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.

(a) **Statement of Purpose.**

- (1) The Village of Elk Mound, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all Village programs, facilities, services and employment is guaranteed to all citizens. The ADA Coordinator shall be the Village Clerk-Treasurer and the ADA Compliance Committee shall be the Plan Commission, except as provided under Subsection (a)(2) below. Concerns and/or complaints can be addressed to the ADA Coordinator.
- (2) The ADA Coordinator and ADA Compliance Committee shall be annually designated by the Village President, subject to confirmation by the Village Board, at the Board's organizational meeting. If the Plan Commission is not so designated, an ADA Compliance Committee shall consist of five (5) members, and shall, if possible, have representatives from the following fields:
 - a. Business and/or non-profit organization.
 - b. Education.
 - c. Disabled representative.
 - d. Elected official.
 - e. Health/medical.
- (3) In the alternative to the committee structure in Subsection (a)(2) above, the Village Board may designate the Plan Commission to serve as the ADA Compliance Committee.
- (4) Village letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."
- (5) An ADA Committee meeting shall be treated as any other Village committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

15-6-1

(b) **Complaint Procedure.**

- (1) Complaints shall be filed with the ADA Coordinator, in care of the Village Clerk-Treasurer.
- (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
- (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
- (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.
- (6) The Village Clerk-Treasurer shall maintain the files and records of the Village relating to the complaints filed.

(c) **Appeals.**

- (1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
- (2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Village Board and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Village Board shall be final. An open, public meeting of the Village Board shall precede the vote.

(d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village of Elk Mound believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

Title 15 ► Chapter 7

Historic Preservation

| | |
|---------------|---------------------------------------------------------------------------------------------------------------------------------|
| 15-7-1 | Declaration of Public Policy and Property |
| 15-7-2 | Definitions |
| 15-7-3 | Power and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts |
| 15-7-4 | Criteria for Determining Eligibility |
| 15-7-5 | Register of Historic Sites, Structures, Landmarks and Districts |
| 15-7-6 | External Alteration of Designated Property |
| 15-7-7 | Transfer of Historically Designated Property |
| 15-7-8 | Review of Permits |
| 15-7-9 | Designation of Repository for Documents |

Sec. 15-7-1 Declaration of Public Policy and Property.

The Village Board hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this Section is to:

- (a) Safeguard the cultural resources of the Village of Elk Mound by preserving sites, structures, landmarks and districts which reflect elements of the Village's cultural, social, economic, political, visual or architectural history.
- (b) Protect and enhance the Village's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
- (c) Foster civic pride in the beauty and notable achievements of the past.
- (d) Enhance the visual and aesthetic character, diversity and interest of the Village of Elk Mound.
- (e) Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the Village with respect to the cultural, civic, architectural and historic heritage of the Village of Elk Mound.

Sec. 15-7-2 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (a) **Committee.** The Historic Preservation Committee created hereunder, or other body assigned such responsibilities.
- (b) **Cultural Resources.** Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the Village, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.
- (c) **Historic District.** An area of the Village which contains one (1) or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the Village zoning map.
- (d) **Historic Site.** Any area, place, structure, land or other object which has been duly designated by the Village Board; this includes prehistoric aboriginal sites.
- (e) **Landmark.** A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.
- (f) **Structure.** Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the Village of Elk Mound.

Sec. 15-7-3 Powers and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts.

- (a) **Composition.**
 - (1) The Village Board shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the Village of Elk Mound. In this role, the Historic Preservation Committee will act in an advisory capacity to the Village Board in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the Village of Elk Mound.
 - (2) The Plan Commission is designated to serve as the Committee, but if not, the Historical Preservation Committee members shall be chosen and appointed with consideration of one (1) or more of the following qualities:
 - a. Active interest in the historic preservation of the Village of Elk Mound.
 - b. Knowledge of the history of the Village of Elk Mound and its environs.
 - c. Expertise and knowledge concerning architecture and archeology.
 - d. Ability to utilize authoritative resources concerning historic preservation.
 - (3) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years; and, position number five (5), five (5) years. As each term expires, a new

- appointment or reappointment shall be made by the Village Board for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Village Board for consideration for new appointments.
- (4) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
 - (5) The Historic Preservation Committee shall hold meetings upon the call of its chairperson. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
 - (6) The Village Board, Plan Commission, Zoning Clerk-Treasurer and Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the Village's program of historic preservation.
- (b) **Inventory of Cultural Resources.** The Village Board shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the Village of Elk Mound for consideration for placement on the historic register of the Village. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-7-4 below.
 - (c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Plan Commission with the approval of the Village Board. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
 - (d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation. The property owner has the right when obtaining the official designation of said property to appeal this initial designation to the Village Board.
 - (e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the Village Assessor of such covenant and the conditions thereof. The Village shall hold and enforce this covenant.
 - (f) **Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of Village-designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.
 - (g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as

part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.

- (h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the Village in the interest of historic preservation.
- (i) **Funding.** As it deems advisable by the Village Board, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the Village. Funds for such purposes shall be placed in a special Village account.

Sec. 15-7-4 Criteria for Determining Eligibility.

In determining the eligibility of any area, site, place, building, structure or district within the Village of Elk Mound as a historic landmark, the Historic Preservation Committee shall consider the following factors with respect to eligibility:

- (a) Its character, interest or value as a part of the history or cultural heritage of the Village, State or United States.
- (b) Its association with the persons or events which have made a significant contribution to the cultural heritage.
- (c) Its potential to yield information important in history or prehistory.
- (d) Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- (e) Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the Village of Elk Mound.

Sec. 15-7-5 Register of Historic Sites, Structures, Landmarks and Districts.

The Village of Elk Mound shall maintain in the Office of Village Clerk-Treasurer a register of historic sites, structures, landmarks and districts.

Sec. 15-7-6 External Alteration of Designated Property.

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in *The Secretary of the Interior's Standards for Rehabilitation*.

Sec. 15-7-7 Transfer of Historically Designated Property.

- (a) The Village Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.
- (b) The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this Section.

Sec. 15-7-8 Review of Permits.

- (a) Notification of every application for building, zoning or demolition permits for properties on the Village register shall be given by the Building Inspector or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Plan Commission concerning the proposed permit.
- (b) Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Plan Commission within thirty (30) days. The Plan Commission shall consider this review and make their recommendations to the Village Board. The Village Board will vote to decide if the permit will be issued or denied.
- (c) The Plan Commission, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Plan Commission shall consider the following factors:
 - (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
 - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- (d) The Historic Preservation Committee may also recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another thirty (30) days to determine such variations. The Committee's recommendation shall be considered by the Village Board before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- (e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

Sec. 15-7-9 Designation of Repository for Documents.

The Office of Village Clerk-Treasurer is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.

Title 15 ► Chapter 8

Fair Housing

15-8-1 Fair and Open Housing

Sec. 15-8-1 Fair and Open Housing.

- (a) Pursuant to the authority granted by Sec. 66.1011, Wis. Stats., the Village of Necadah hereby adopts by reference Sec. 106.50, Wis. Stats., and all subsequent amendments thereto.
- (b) The officials and employees of the Village of Elk Mound shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Elk Mound by implementing the authority and enforcement procedures set forth in Sec. 106.50, Wis. Stats.
- (c) The Village Clerk-Treasurer shall be the filing official for complaints to be filed under the above-named statutes, and he/she shall assist any person alleging a violation thereof in the Village of Elk Mound to file a complaint thereunder with the Wisconsin Department of Workforce Development for enforcement of Sec. 106.50, Wis. Stats.

State Law Reference: Secs. 66.1011 and 106.50, Wis. Stats.