

# CHAPTER 16. HOUSING CODE

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# HOUSING CODE

## SEC. 16.01 PURPOSE.

- (a) The purpose of this Housing Code is to prevent the deterioration of residential units and neighborhoods. This Code recognizes that such deterioration could develop because of:
  - (1) Faulty design and/or construction;
  - (2) Poor maintenance;
  - (3) Lack of proper sanitary facilities;
  - (4) Inadequate lighting and ventilation;
  - (5) Inadequate heating facilities; or
  - (6) A combination of these factors.
- (b) Such buildings could become so dilapidated and neglected that they jeopardize or are detrimental to the health, safety, morals, general welfare or the economic values of adjoining properties.
- (c) The adoption and subsequent enforcement of this Chapter is therefore declared to be essential to the public interest. It shall be liberally construed to maintain a pleasant, safe and healthful environment and is intended to ensure the maintenance of property values within the City of Oak Creek.

## SEC. 16.02 DEFINITIONS.

- (a) The following definitions shall apply in the interpretation and enforcement of this Housing Code:
  - (1) Approved. Approved by or in accordance with regulations established by City ordinance or code, and authority designated by law to enforce such ordinance or code.
  - (2) Basement. That portion of a building, the floorline of which is below lot grade and the ceiling of which is not more than five (5) feet above house grade.
  - (3) Bath. A bathtub or shower stall properly connected with both hot and cold water lines.
  - (4) Bathroom. A non-habitable room within a dwelling unit which is used, or intended to be used, primarily for bathing and/or toilet purposes, and which contains a toilet, lavatory and, in some cases, bathtub or shower facilities.
  - (5) 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, dining room or bathroom.
  - (6) Board. The Housing Board of Appeals created under Section 2.69.
  - (7) Cellar. That portion of a dwelling, not deemed as "first story" located all or partly underground but having more than one-half (1/2) of its clear floor-to-ceiling height below average grade of the adjoining ground.
  - (8) City. The City of Oak Creek, Wisconsin.
  - (9) 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.
- (10) Dwelling. Any building which is designed or used as a residence or place of abode.
- (11) Dwelling Unit. Any room or group of rooms located within a dwelling or mobile home and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking or eating by one (1) family.
- (12) Extermination. The control and elimination of insects, rodents or other pests by elimination of their harborage places; by removing or making inaccessible, material that may serve as their food; by poisoning, spraying, trapping or by any other recognized and legal elimination methods.
- (13) Garbage. The animal and vegetable waste resulting from the preparation, handling, cooking and consumption of food.
- (14) Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, pantries, foyer, communicating corridors, closets and storage spaces.
- (15) Hotel or Motel. Any dwelling wherein sleeping accommodations are offered for pay to transients, in five (5) or more rooms. It does not include rooming houses.
- (16) Housing Inspector or Inspector. Shall mean Building Commissioner, Building Inspector, Electrical Inspector, Fire Inspector, Plumbing Inspector or any City official certified as an inspector.
- (17) Infestation. The presence of any insects, rodents or other pests within a dwelling or on the dwelling premises.
- (18) Kitchen. A habitable room used, or intended to be used, for cooking or the preparation of meals.
- (19) Multiple Dwelling. Any dwelling containing more than one (1) dwelling unit.
- (20) Occupant. Any person living, sleeping or eating in, or having actual possession of, a dwelling unit or rooming unit.
- (21) Operator. Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.
- (22) Owner. Any person who alone or jointly or severally with others shall be the legally recorded holder of the title with or without actual possession thereof, or who has charge, care or control of any dwelling or dwelling unit as agent or owner, or as personal representative, trustee or guardian of the estate of the owner. "Owner" shall also include the legally recorded holder of a land contract vendee interest.
- (23) Person. Any individual, firm, corporation, partnership or association.

- (24) **Family.** An individual or two (2) or more persons related by blood or marriage, or a group of not more than four (4) persons who need not be related by blood or marriage living together in a dwelling unit.
- (25) **Plumbing.** Includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
- (26) **Premises.** Any lot, parcel or plot of land including the building or structures thereon, be they occupied or unoccupied.
- (27) **Rooming Unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (28) **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.
- (29) **Rubbish.** Household wastes, except garbage; and the term shall include lawn rakings, tin cans, glass, metal, crockery and similar household wastes; also papers, rags and other combustible refuse.
- (30) **Supplied.** Paid for, furnished or provided by or under the control of the owner or operator.
- (31) **Temporary Housing.** Any tent, trailer or other structure used for human shelter which is designed to be transportable and which may be attached to the ground, to another structure, or to any utilities systems on the same premises for more than thirty (30) consecutive days.
- (32) **Meaning of Certain Words.** Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof."

**SEC. 16.03 INSPECTIONS OF PREMISES.**

- (a) The Housing Inspector shall make inspections to determine the conditions of dwellings, dwelling units, rooming units and premises located within the City.
- (b) The owner, operator or occupant of every dwelling, dwelling unit or rooming unit shall, upon the request of the Housing Inspector, and upon the showing of proper credentials, permit access to all parts of such building on their premises at all reasonable times for the purpose of the inspection, examination and survey hereby authorized.
- (c) Every occupant of a dwelling or dwelling unit shall give the owner, operator or employee thereof access to any part of such dwelling, dwelling unit

or its premises at all reasonable times for the purpose of making such repairs as are necessary to effect compliance with the provisions of this Housing Code.

**SEC. 16.04 ENFORCEMENT; SERVICE OF NOTICES AND ORDERS; HEARINGS.**

- (a) **Applicability.** In accordance with and to carry out the stated purposes of this Housing Code, the enforcement and interpretation of the provisions of this Chapter with respect to violations thereof shall be vested solely in the discretion and judgment of the Housing Inspector.
- (b) **Service of Notices.** Whenever the Housing Inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this Housing Code, he shall give written notice of such violation or alleged violation to the owner of record of the property or his agent. Such notice shall:
  - (1) Include a description of the real estate sufficient for identification.
  - (2) Include a statement of the alleged violation or violations.
  - (3) Include an order for remedial action which, if taken, will effect compliance with the provisions of this Code and with rules and regulations adopted pursuant thereto.
  - (4) Allow reasonable time, of up to six (6) months, for the performance of any act it requires.
  - (5) Be served upon the owner or his agent, provided, such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally or if not found, by leaving a copy thereof at his usual place of abode in the presence of someone of the family of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by registered mail with return receipt requested to his last known address, or, if the registered letter with the copy is returned with a receipt showing it has not delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.
- (c) **Petition for Hearing; Opportunity to Be Heard; Order if No Petition.**
  - (1) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter may request and shall be granted a hearing on the matter before the Housing Board of Appeals; provided, the person requesting the hearing shall file a written petition requesting such hearing, specifying the ground thereof with the Board and the Housing Inspector. Such petition shall be filed prior to expiration of the time stated on the order, requirement, decision or determi-

- nation by the Housing Inspector but not after thirty (30) days. The petition for hearing shall be filed with the Board in duplicate and shall set forth name, address and a brief statement of grounds for such hearing, together with a fee as set forth in Section 3.40.
- (2) The Housing Inspector shall forthwith, upon the filing of such petitions, transmit to the Board all of the papers constituting the record upon which the petition for hearing was taken.
  - (3) The Board shall fix a reasonable time for hearing of the petition, which shall be not less than ten (10) days nor more than thirty (30) days after the date on which the petition was filed; provided, upon written application of the petitioner to the Board, it may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period, if in its judgment the petition has set forth a good and sufficient reason for such postponement. The Board shall give ten (10) days' written notice of the time and place of hearing to the petitioner and to the Housing Inspector.
  - (4) At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The failure of the petitioner or his representative to appear at this hearing shall be grounds for dismissal of the petition and shall terminate right of further appeal.
  - (5) Any notice served pursuant to Subsection (b) shall automatically become an order if a written petition for a hearing is not filed with the Board prior to expiration of the time stated on the notice and not to exceed thirty (30) days. Any occupancy permit which has been suspended by a notice shall be deemed automatically revoked if a petition for hearing is not filed with the Board prior to expiration of the time stated on the notice and not to exceed thirty (30) days. The Board may administer oaths and affirmations in connection with the conduct of any hearing held in accordance with this Chapter.
- (d) **Decision of the Board.** After such hearing the Board shall sustain, modify or withdraw the order, depending upon its findings as to whether the provisions of this Chapter have been complied with. The Board may also modify any order so as to authorize a variance from this Chapter when, because of special conditions, a literal enforcement of this Chapter will result in unnecessary hardship; provided the spirit of this Chapter will be observed, public health and welfare secured, and substantial justice done. If the Board sustains or modifies such order, the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time as determined by the Board. After a hearing in the case of any notice or order has been sustained by the Board, the Board shall order the permit revoked.
- (e) **Review by Circuit Court.** The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the City Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the Board shall then be served in the manner prescribed under Subsection (b) on the person who filed the petition for hearing. Any person or persons, jointly or severally aggrieved by the decision of the Board, or any taxpayer, or any officer, department, board or bureau of the City, may seek relief therefrom by having the decision reviewed by the Circuit Court by certiorari, if the petition for the writ is presented to the court within fifteen (15) days after the date on which the said Board's decision was served on the person who filed the petition for hearing, and if the person aggrieved notifies said Board within seven (7) days after the said Board's decision was served on him of his intention to present such petition to the court. Such petition duly verified shall set forth that such decision is illegal in whole or in part, or does not comply with the provisions of this Section specifying the grounds thereof.
  - (f) **Emergency Orders.** If the Housing Inspector determines that a building is in such condition that it constitutes a public nuisance and that there is great and immediate danger to the public health, safety and welfare, or that a building or part thereof is unsanitary and unfit for human habitation, occupancy or use, he shall post a notice on the premises containing the following words: "This Building Cannot be Used for Human Habitation, Occupancy or Use," and he shall immediately prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made. The procedure thereafter followed shall be pursuant to Subsections (a) through (e).

#### **SEC. 16.05 STANDARDS FOR EQUIPMENT AND FACILITIES.**

All habitable buildings shall comply with the following requirements for basic equipment and facilities:

- (a) **Sinks.** Every dwelling unit shall contain a kitchen sink and shall be located in the room in which food is cooked or prepared.
- (b) **Toilets and Sinks.** Every dwelling unit shall contain a bath, flush toilet and a sink, irrespective of the sink required as a kitchen facility.
- (c) **Privacy.** The room wherein the toilet, lavatory 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 ba-

sin, but shall still afford privacy to a person within.

- (d) **Multiple Use.** Under no circumstances may occupants of two (2) or more dwelling units share a toilet or lavatory with the exceptions of hotels and rooming houses.
- (e) **Water Supply.** Every kitchen sink, lavatory basin, bathtub and shower required by this Code shall be properly connected with both hot and cold water lines supplying water of safe, sanitary quality, acceptable to the State Department of Health. Water shall be delivered in a continuous supply in accordance with COMM 82, Wis. Adm. Code.
- (f) **Water Heating Facilities.** Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, and are properly connected with hot water lines required under Subsection (e); are capable of heating water to a temperature of at least one hundred twenty degrees Fahrenheit (120°F) as to permit an adequate amount of hot water to be drawn at every required sink, lavatory basin, bathtub or shower even when the dwelling heating facilities required by this Code are not in operation.
- (g) **Garbage and Refuse Receptacles.**
  - (1) Every dwelling shall have adequate receptacles or disposal equipment for garbage and for rubbish to hold all garbage and rubbish produced by each dwelling unit. Such receptacles shall comply with requirements and standards set by the Common Council.
  - (2) In the case of multiple family developments, receptacles shall be kept on concrete or other hard surface pads or areas. They shall be screened from casual view by a fence enclosure which shall be designed to be compatible with nearby architecture as far as color and materials are concerned.
  - (3) The receptacles shall be maintained, serviced and kept covered to prevent wind-blown distribution of refuse from them, and to prevent the propagation of insects and disease in them. The receptacles shall be emptied regularly and frequently to preclude possibility of odor.
- (h) **Exits.** Each exit from a dwelling unit shall be kept in a reasonably good state of repair. Required exits shall, in addition, comply with all provisions of the appropriate codes of the State of Wisconsin.
- (i) **Stairways.** All stairways shall comply with all provisions of the appropriate codes of the City and state.

#### **SEC. 16.06 MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING.**

All habitable buildings shall comply with the following requirements for light, ventilation and heating:

- (a) **Windows.** Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area in every sleeping room shall be eight percent (8%) of

the floor area of such room. No skylight shall be installed in lieu of a window where a skylight has not previously existed. All habitable rooms shall comply with UDC Chapter 21.05(1) regarding windows.

- (b) **Ventilation.** Every room in which one (1) or more persons live, sleep, work or congregate shall have at least one (1) window with a sash area, which can easily be opened or such other device as will adequately ventilate the room as required per UDC Chapter 21.05(2).
- (c) **Bathroom.** Every bathroom and toilet compartment shall provide adequate ventilation as required per UDC Chapter 21.05.
- (d) **Electrical Service.**
  - (1) Where there is electrical service available from power lines which are not more than three hundred (300) feet away from a dwelling, every habitable room of such dwelling shall contain at least three (3) separate wall type electric convenience outlets, or one (1) such convenience outlet and one (1) supplied ceiling type or wall type electric fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one (1) supplied ceiling or wall type electric fixture. Every such outlet and fixture shall be properly installed and shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
  - (2) The Electrical Inspector shall be informed of all electrical deficiencies noted by the Housing Inspector and shall investigate the same and make his recommendations thereon, which recommendations shall be made a part of the order made under this Code to the property owner.
- (e) **Public Halls and Stairways.** In every building accommodating two (2) dwelling units using the same halls and stairways, arrangements shall be made to supply conveniently located light switches including two-way light switches at both the top and bottom of all stairways controlling an adequate lighting system which may be turned on when needed.
- (f) **Insect Protection.** When flies or other pests are prevalent, all openable windows as required by Subsection (b) shall be effectively screened and screen doors shall be self-closing. Screens and screen doors shall be maintained in good condition.
- (g) **Rodents.** Every basement window used for ventilation, and every other opening to a building which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.
- (h) **Heating.** Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms within its walls to a temperature of at least

seventy degrees Fahrenheit (70°F) when the temperature outdoors is minus ten degrees (-10°).

#### **SEC. 16.07 REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE.**

All habitable buildings shall comply with the following requirements for maintenance:

- (a) **Floors, Walls, Etc.** Every floor, wall, ceiling, foundation and roof shall be weathertight and rodent proof; shall be capable of affording privacy; and shall be kept in good repair and in clean and sanitary condition. Exterior surfaces shall be painted or suitably surfaced to prevent deterioration of the structure. When the appearance of surfaces is an obvious detriment to the visual character of the neighborhood and thus is a devaluating influence upon it, exterior surfaces shall be painted.
- (b) **Stairs and Porches.** Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair and in a clean and sanitary condition. Such stairs shall be kept free of refuse or stored material. Hand rails shall be installed as required in City and state building codes.
- (c) **Rainwater Drainage From Roof.** All rainwater shall be so drained and conveyed from the roof so as not to cause dampness in any wall, ceiling, or floor of a habitable room, bathroom or toilet room. All exterior drain pipes shall be maintained in safe and sanitary condition. Such drainpipes, eave troughs, etc. shall be maintained so they do not detract from the visual character of the neighborhood.
- (d) **Plumbing Fixtures.** Every plumbing fixture and water and waste pipe required under this Section shall be installed in accordance with the Plumbing Code and maintained in good working condition, free from defects, leaks and obstructions.
- (e) **Toilet and Bathroom Floors.** The floors of all toilet and bathrooms shall be constructed and maintained so as to be leakproof and shall be kept in a clean and sanitary condition.
- (f) **Chimneys and Supplied Smoke Pipes.** Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a good state of repair.
- (g) **Discontinuance of Service.** No owner, occupant or operator shall cause any service, facility, equipment or utility which is required under this Section to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary emergency when discontinuance of service is approved by the enforcing officer.
- (h) **Vacant Dwelling Units to Be Clean and Sanitary Before Being Let for Occupancy.** No owner shall occupy or rent to any other person for occupancy

or allow any other person to occupy any dwelling unit unless it is safe, clean and sanitary and complies with all provisions of this Chapter and all rules and regulations adopted pursuant thereto.

#### (i) **Snow and Ice Removal.**

- (1) Public sidewalks shall be kept clear of snow and ice in accordance with Section 6.24.
- (2) Private walks, drives, parking lots and outdoor stairways on property containing four (4) or more dwelling units shall be kept clear of ice and snow. Removal shall be complete no longer than five (5) hours after any snowfall.
- (3) In no case shall a door leading to the outside be permitted to freeze shut in a building having four (4) or more dwelling units.

#### **SEC. 16.08 CONDITIONS OF OCCUPANCY OF DWELLINGS AND DWELLING UNITS.**

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

- (a) **Floor Space.** Every dwelling unit except hotels and rooming houses shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof.
- (b) **Sleeping Rooms.** In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy-five (75) square feet of floor area and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least twenty-five (25) additional square feet of floor area for each additional occupant thereof.
- (c) **Habitable Room Area.** Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit where provided may count for not more than ten percent (10%) of the required habitable floor area. Dwellings or dwelling units except hotels and rooming houses shall contain at least three hundred twenty (320) square feet of habitable area, which in the case of multiple room dwelling units shall include a living room of not less than one hundred sixty (160) square feet, a bedroom of not less than seventy-five (75) square feet and a kitchen of not less than sixty (60) square feet.
- (d) **Ceiling Height.** At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height at least seven (7) feet; and the floor area of that part of any room where the 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 the maximum permissible occupancy thereof.
- (e) **Basement and Lower Level Space.** No basement or lower level space may be used as a habitable room or dwelling unit, except as provided in Chapter 15.

- (f) **Occupants to Have Access to Sanitary Facilities.** Every occupant of every dwelling shall have unrestricted access to a bath and flush toilet and to a sink or lavatory basin located within that dwelling.
- (g) **Windows.** All windows shall be maintained in good repair.

**SEC. 16.09 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.**

Where in this Code the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator and occupant is as follows:

- (a) **Sanitary Responsibilities of Owner.** Every owner of a dwelling shall be responsible for maintaining in a safe, clean and sanitary condition all communal, shared or public areas of the dwelling and premises thereof which are shared or used by the occupants of two (2) or more dwelling units.
- (b) **Sanitary Responsibilities of Occupants.** Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he occupies and controls.
- (c) **Disposal of Rubbish.** Every occupant of a dwelling or dwelling unit shall place all his rubbish accumulating between times of collection or other satisfactory disposal in proper receptacles.
- (d) **Disposal of Garbage.** Every occupant of a dwelling or dwelling unit who does not otherwise provide for the disposal of garbage in a sanitary and inoffensive manner shall prepare all his garbage for collection and place it, pending collection, in a proper receptacle as provided herein. The owner shall be responsible for supplying such facilities or receptacles for all dwelling units in dwellings containing more than two (2) dwelling units. In all other cases, the occupant shall be responsible for such facilities or receptacles.
- (e) **Extermination of Pests, Occupant's Responsibilities.** Every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein, whenever his dwelling unit is the only one infested; provided, when infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or substantially insect proof condition, extermination shall be the responsibility of the owner.
- (f) **Extermination of Pests; Owner's Responsibilities.** Every owner or operator shall be responsible for extermination of any insects, rodents or other pests whenever infestation occurs in more than one (1) dwelling unit in a dwelling or in the shared or public parts of a dwelling of two (2) or more units, or in any vacant unit.
- (g) **Use and Operation of Plumbing Fixtures.** Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the care in the proper use and operation thereof, but the owner shall perform basic maintenance and/or replacement necessary to insure normal operation.

- (h) **Use and Operation of Heating Facilities.** Every occupant of a dwelling unit shall be responsible for proper care, use and operation of heating facilities, but the owner shall perform basic maintenance and/or replacement necessary to insure normal operation.
- (i) **Destruction, Mutilation and Defacing of Property.** No person shall willfully or wantonly damage, mutilate or deface any part of residential real estate, supplied fixtures, equipment and furnishings or any other property of another.
- (j) **Grading, Landscaping and Drainage of Premises.** No premises shall be graded or maintained so that stagnant water will accumulate or stand on the premises or adjacent premises or within any building or structure. No premises shall be graded or maintained so that surface runoff causes damage to any person or property. In addition, yards shall be landscaped so that the visual character of the neighborhood is preserved.
- (k) **Maintenance of Orderly Premises.** Every owner of a site or building containing one (1) or more dwelling units shall be responsible for maintaining the premises in such a way that litter cannot be windblown onto neighboring property; and shall further maintain the premises in a way that no outdoor storage of materials or equipment detract from the visual character of the neighborhood.
- (l) **Responsibilities in Case of Contract.** A contract effective between owner and operator, operator and occupant, or owner and occupant with regard to compliance hereunder shall not relieve any part of his direct responsibility under this Chapter.
- (m) **Owner to Note in Writing the Number of Occupants Allowed.** Every owner or operator shall advise the occupant in writing, either by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in the occupied premises under this Chapter.
- (n) Every owner of a site or building containing two (2) or more dwelling units shall be responsible for ice and snow removal as required in Section 16.07.
- (o) It shall be the responsibility of the owner of a site or building containing two (2) or more dwelling units to provide minimum basic services such as water, heat and power to tenants or other non-owner occupied dwelling units.

**SEC. 16.10 MOBILE HOMES AND MOBILE HOME PARKS.**

- (a) The owner of a mobile home park shall have the same responsibilities, as far as site maintenance and provision of services are concerned, as the owner of any property containing two (2) or more dwelling units.
- (b) Every occupant of a mobile home shall have the same responsibilities, as far as dwelling unit maintenance is concerned, as the occupant of any other type of dwelling unit.

### SEC. 16.11 ROOMING HOUSES.

No person shall operate a rooming house or let to another for occupancy any rooming unit in any rooming house, except in compliance with the following requirements:

- (a) **Code Compliance.** Every owner, operator or occupant of a rooming unit shall comply with the provisions of this Code as though such unit were a dwelling unit except as herein noted.
- (b) **Toilets and Lavatories.** At least one (1) flush toilet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition shall be supplied for each six (6) persons including the operator's quarters or family whenever they share the use of said facilities, provided that in rooming houses where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of flush toilets. All such facilities shall be so located within the dwelling to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be adequately supplied with hot water at all times. No such facilities shall be located in a basement.
- (c) **Linen.** The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- (d) **Area of Sleeping Rooms.** Every room occupied for sleeping purposes by one person shall contain at least seventy-five (75) square feet of floor space and every room occupied for sleeping purposes by more than one (1) person shall contain at least an additional twenty-five (25) square feet of floor space for each additional occupant thereof.
- (e) **Exits.** Every rooming unit shall have at least two (2) separate safe and unobstructed means of exit in accordance with the state Building Code requirements.
- (f) **Sanitary Maintenance.** The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for the maintenance of a sanitary condition in every part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire structure or building leased or occupied by the operator.
- (g) **Rubbish Storage.** Adequate garbage disposal facilities or garbage storage containers whose type and location are approved shall be supplied by the rooming house operator. The operator shall be responsible for the disposal of all garbage in a clean and sanitary manner through the use of approved mechanical equipment or by placing it in the required containers.
- (h) **Includes Hotels and Motels.** Every provision of this Chapter which applies to rooming houses also apply to hotels and motels. If, however, the

state or any of its agencies is found to have a more restrictive regulation in regard or in conflict to these provisions, that regulation shall take precedence over this Chapter.

### SEC. 16.12 DWELLINGS AND DWELLING UNITS WHICH MAY BE OCCUPIED.

- (a) No dwelling or dwelling unit in the City may be occupied if such dwelling or dwelling unit has been inspected by the Housing Inspector and it has been determined that such dwelling or dwelling unit does not conform to the requirements of this Chapter.
- (b) The Housing Inspector shall order compliance with this Chapter within a stated period of time not to exceed six (6) months. However, in case of hardship he may grant, at his discretion, time extensions not exceeding six (6) months each and in any case, not exceeding a total of two (2) years from the time of the original order. Said extensions shall be granted only upon evidence of substantial effort to and progress in removing the violation.
- (c) Any dwelling declared structurally unsafe shall be restored or razed according to the provisions of Sec. 66.05, Wis. Stats., and of the Oak Creek Building Code. The City Building Commissioner or his designee is hereby designated as the administrative enforcement officer to carry out the provisions thereof.

### SEC. 16.13 FAILURE TO COMPLY WITH ORDER.

If any person fails to comply with the orders imposed by the Housing Inspector, said Housing Inspector shall give notice to the City Attorney to commence such legal action as to effectuate the purpose of this Chapter.

### SEC. 16.14 MINIMUM REQUIREMENTS.

The regulations and standards herein prescribed are minimum standards. If any standard or regulation required by this Housing Code differs from a standard or regulation of some other provision of this Housing Code or other City ordinances or regulations or state regulations, the stricter shall take precedence.

### SEC. 16.15 BOARD OF HOUSING APPEALS.

- (a) **Members and terms.** The Board of Housing Appeals shall be comprised of the membership of the Zoning Board of Appeals and shall consist of five (5) members and two (2) alternate members, appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of three (3) years, commencing on May 1 of each year.
- (b) **Meetings.** Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman may administer oaths and compel the attendance of witnesses. In the absence of the chairman, the members of the Board shall elect one of its members to preside and exercise the functions of the chairman. All meetings of the Board shall be open to the public. The Board shall keep minutes of its meet-



ings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact and shall keep records of its hearings and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

- (c) **Office of the Board.** The office of the Board shall be in the City Hall. All documents and communications addressed to or required to be filed with the Board shall be filed in the office of the City Clerk. The secretary shall conduct official correspondence, compile and maintain the necessary records, files and indexes and shall have charge of all of the records and files of the Board.
- (d) **Function of the Board.** The Board shall conduct hearings requested by any person affected by any notice which is issued in connection with the enforcement of any provision of this Code. The concurring vote of 4 members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the Housing Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under such Code or to effect any variation in such ordinance. The grounds of every such determination shall be stated. The Board may transcribe the testimony given at such hearing and payment therefor shall be made by the City.
- (e) **Quorum.** The quorum for meetings or hearings of the Board shall consist of 4 members.

*Ordinance #2060 A 4/3/00 Sec. 16.15(a)*