

## Chapter 36

### PROPERTY MAINTENANCE CODE

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36.01 TITLE.

This Chapter of the Village of Paddock Lake Code of General Ordinances shall be known as the "Property Maintenance Ordinance" of the Village of Paddock Lake, Wisconsin, hereinafter referred to as "this Ordinance" or "Ordinance".

36.02 DEFINITIONS.

(a) General.

(1) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance, have the meanings stated in this Section.

(2) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural; and the plural includes the singular, except where the context indicates another interpretation.

(3) Terms Defined Elsewhere. Where terms are not defined in this Ordinance and are defined in other Village Ordinances, State law, Codes, ASHRAE, NFPA, or NEC such terms shall have the meanings ascribed to them therein.

(4) Terms Not Defined. Where terms are not defined herein, or through the methods of interpretation authorized by this Section, such terms shall have ordinarily accepted meanings as the context indicates.

(5) Parts. Whenever the words structure, accessory structure, dwelling unit, dwelling, premises, building, lodging house, or lodging room, are stated in this Ordinance, they shall be construed as though they were followed by the words "or any part thereof".

(6) Shall. The word "shall" is mandatory and not discretionary.

(7) May. The word "may" is permissive.

(8) Phrases. The phrase "used for" shall include

the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

(9) Other Terms. Terms defined in other sections of this Ordinance shall have the meaning stated therein.

(b) General Definitions.

(1) Accessory Building/Structure. 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, e.g., a child's playhouse, garden house, greenhouse, garage, carport, shed, fence, or retaining wall.

(2) Approved. Approved by the Building Inspector under the provisions of this Ordinance or approved by an authority designated by State law or this Ordinance.

(3) Attractive Appearance. An appearance which is in accordance with generally accepted professional practices for new construction within the Village and which is not likely to adversely affect the values of the property in issue or of abutting or neighborhood properties.

(4) Basement. That portion of a building which is partly or completely below grade.

(5) Bathroom. A room containing plumbing fixtures including a bathtub or shower.

(6) Bedroom. A room or space used or intended to be used for sleeping purposes.

(7) Building. A combination of material to form a construction that is safe, stable, and adapted to permanent or continuous occupancy in accordance with the State law, and the Code of General Ordinances.

(8) Building Inspector. The Village of Paddock Lake Building Inspector or any duly authorized designee of the Building Inspector.

(9) Code of General Ordinances. Village of

Paddock Lake Code of General Ordinances.

(10) Commercial. Arranged, designed, used or intended to be used for nonresidential occupancy.

(11) Condemn. To adjudge unfit for any occupancy.

(12) Dwelling. A place of abode, a residence, a house or multiple dwelling units for use by one (1) or more persons, including lodging houses, but excluding hotels, motels, and tourist rooming houses.

(13) Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(14) Effectively Screened. The use of any acceptable screening materials that comply with the requirements of the Code of General Ordinances and which results in a screening that is at least seventy-five (75%) percent opaque.

(15) Efficiency Dwelling Unit. A dwelling unit with separate bathroom and kitchen facilities. Separate bedroom is optional.

(16) Egress Window. Shall have the meaning provided in COMM 21.03 of the Wisconsin Administrative Code.

(17) Exterior Premises. The open space on the premises or the portion of the premises upon which there is no structure.

(18) Exterior Storage. Storage of raw materials, equipment parts, bulk commodities, or any other items or materials used in business carried out on the premises.

(19) Extermination. The control and elimination of insects, rats, vermin or other pests by controlling their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

(20) Garbage. The animal or vegetable waste

resulting from the handling, preparation, cooking and consumption of food.

(21) Good Repair. Free from blighting and hazardous conditions, clean and sanitary, and in a safe condition.

(22) Good Working Condition. Capable of performing the task for which it was designed and in the manner intended by this Ordinance.

(23) Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

(24) Imminent Hazard. A condition which could cause serious or life threatening injury or death at any time.

(25) Impervious To Water. Constructed of concrete, cement block, terrazzo, brick, tile or other material having tight-fitting joints prohibiting the movement of water and approved by the Building Inspector.

(26) Infestation. The presence within or contiguous to a structure or upon premises, of insects, rats, vermin or other pests detrimental to human health.

(27) Labeled. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

(28) Let For Occupancy Or Let. To permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, premise, or structure to a person who is or is not the legal owner of record thereof, pursuant to a written lease, or unwritten agreement or license.

(29) Lodging House. A dwelling containing three

(3) or more lodging rooms.

(30) Lodging Room. A room, excluding hotel rooms, within a lodging house let and used primarily for the sleeping and living purposes of one (1) person, which room may exclude cooking facilities and sanitary facilities.

(31) Mixed Occupancy. Occupancy of a structure in part for residential use and in part for some other lawful use not accessory thereto within the meaning of the Code of General Ordinances.

(32) Motor Vehicle(s). "Motor Vehicle(s)" shall include mobile home, moped, motor bicycle, motorbus, motorcycle, motor-driven cycle, motor home, motor truck and motor vehicle as defined in Chapter 340 of the Wisconsin Statutes.

(33) Nonresidential. Arranged, designed, used or intended to be used for occupancy which is not residential in nature.

(34) Nuisance Boat(s) or Recreational Vehicle(s). Any inoperable, unlicensed, unwaterworthy boat or recreational vehicle.

(35) Nuisance Motor Vehicle(s). Any inoperable, unlicensed, unroadworthy, disassembled or wrecked motor vehicle. A vehicle for which a license has been applied for shall be deemed a licensed vehicle if proof of application is prominently displayed on the front windshield.

(36) Occupancy. The use of a structure or premises.

(37) Occupant. Any individual having lawful occupancy, living, or sleeping or working in a structure or having or exercising possession of a space within a structure, whether or not a tenant.

(38) Openable Area. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(39) Operator. Any person, other than the owner, who has charge, care and control of a structure or premises, including maintenance responsibility,

which is let or offered for occupancy.

(40) Owner. Any person having title to the premises as recorded in the Office of the Register of Deeds for Kenosha County, or as recorded in the Village of Paddock Lake assessment rolls.

(41) Person. Any natural person, firm, partnership, corporation, or legal entity.

(42) Premises. Any lot whether or not improved with a principal or accessory building. When a lot is improved with a structure, the lot and premises shall be jointly referred to as premises.

(43) Provided. Furnished, supplied, paid for or under control of the responsible person.

(44) Public Nuisance. Any unreasonable activity or use of premises that interferes substantially with the comfortable enjoyment of life, health and safety of another or others.

(45) Residential. Arranged, designed, used or intended to be used for residential occupancy.

(46) Responsible Person. The owner, operator or manager of any structure or premises.

(47) Rodent Harborage. A place of shelter for rodents, e.g., piles of rubbish, inoperable motor vehicles, garbage.

(48) Rubbish. Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(49) Screening. A hedge, wall or fence to provide a visual separation and a physical barrier not less than three (3') feet in height, nor more than six (6') feet in height, unless otherwise provided for in the Code of General Ordinances.

(50) Smoke Detector. A device which detects particles or products of combustion other than

heat.

(51) State Laws. The laws, rules and regulations of the State of Wisconsin.

(52) Structure. Any existing principal building, whether or not inhabited or inhabitable, and any existing accessory building, such as a garage, which is not inhabited or inhabitable. Structure may also be included within the meaning of premises as indicated by the context.

(53) Tenant. A person occupying a premises under a written lease, rental agreement or license, or recognized under State law as having a month-to-month tenancy.

(54) Toilet Room. A room containing a water closet or urinal, but not a bathtub or shower.

(55) Ventilation. The natural or mechanical process of supplying conditioned or non-conditioned air to, or removing such air from, any space.

(56) Waste. "Waste" shall mean and include garbage, ashes, rubbish and trash, but not of an earthy or construction nature.

(57) Weeds. "Weeds" or "Noxious Weeds" shall mean Canada Thistle, leafy spurge, field bindweed (Creeping Jenny), Ambrosia trifida (commonly called Giant Ragweed), Arubuoisia artemeslifla (commonly called Common Ragweed), and such other weeds as are defined in "Weeds of the North Central States, North Central Regional Research Publication No. 281, Bulletin 772", published by the University of Illinois at Urbana-Champaign, College of Agriculture, Agricultural Experiment Station.

(58) Workmanlike. Work executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work in accordance with generally accepted professional procedures and construction standards.

(59) Yard. An open space on a lot improved with a structure.



(60) Zoning Ordinance. Village of Paddock Lake zoning ordinance.

36.03 GENERAL.

(a) Scope. The provisions of this Ordinance shall apply to all existing residential and nonresidential structures and all premises and shall constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; determine the responsibility of owners, operators, and occupants; regulate the occupancy of existing structures and premises, provide for the administration and enforcement of this Ordinance; and provide for penalties for conviction of violation of this Ordinance.

(b) Intent. This Ordinance shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the occupancy and maintenance of structures and premises. The establishment and enforcement of minimum residential and nonresidential property maintenance standards is necessary to preserve and promote the public interest and protect private property. This includes, among others, the protection of physical, aesthetic and monetary values. Existing structures and premises that do not comply with these provisions shall be altered or repaired by the responsible person to provide compliance with this Ordinance.

(c) Severability.

(1) If any provision of this Ordinance is held to be unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of this Ordinance, which shall remain in full force and effect.

(2) If the application of any provision of this Ordinance is held to be an invalid application to a particular premises or structure by any court of competent jurisdiction, such provision shall continue to apply and remain in full force and effect to any premises or structure not specifically included in said judgment.

36.04 APPLICABILITY.

(a) General. The provisions of this Ordinance shall apply to all matters affecting or relating to existing structures and to premises as set forth herein. Where, in a specific case, different sections of this Ordinance specify different requirements, the most restrictive shall govern. The provisions of this Ordinance shall not apply to the construction of new structures, which are subject to other State laws and Village Ordinances.

(b) Conflict. In any case where a provision of this Ordinance is found to be in conflict with a provision of State law or the Code of General Ordinances, the provision which established the higher standard for the protection of the public health, safety and welfare shall prevail.

(c) Responsibility for Maintenance. Except as otherwise specified herein, each responsible person or tenant where relevant, as designated herein, shall be responsible for the maintenance of structures and premises under this Ordinance and shall be subject to penalty for conviction of any violation of this Ordinance.

(d) Prior Regulations. Equipment, systems, devices and safeguards required by previous State laws, Zoning Ordinance or Code of General Ordinances under which the structure was constructed, altered or repaired or premises developed, shall be maintained in good repair and in good working order. The requirements of this Ordinance are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in good repair and in good working order in structures.

(e) Application of Other Ordinances. Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Code of General Ordinances or the zoning ordinance. Repairs, additions or alterations to a structure, shall be done in accordance with the procedures and provisions of State laws, Zoning Ordinance, and the Code of General Ordinances. Nothing in this Ordinance shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance.

(f) Existing Remedies. The provisions in this Ordinance shall not be construed to abolish or impair existing remedies of the Village or its officers or agencies under State laws or the Code of General Ordinances relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary or the abatement of public nuisances.

(g) Workmanship. Repairs, maintenance work,

alterations or installations which are caused directly or indirectly by the enforcement of this Ordinance shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(h) Historic Buildings. The provisions of this Ordinance shall apply to structures designated by the Federal Government or the State as historic buildings. Any work to said structures shall also comply with COMM 70 of the Wisconsin Administrative Code.

(i) Referenced Statutes, Ordinances, Codes and Standards. The State laws, Ordinances, codes and standards referenced in this Ordinance shall be incorporated herein by reference and be a part of the requirements of this Ordinance to the prescribed extent of each such reference and include amendments, renumbering and successor acts.

(j) Requirements Not Covered By This Ordinance. Requirements necessary for the strength, stability or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Ordinance, shall be determined by the Building Inspector.

#### 36.05 POWERS AND DUTIES OF BUILDING INSPECTOR.

(a) General. The Building Inspector shall administer and enforce this Ordinance.

(b) Inspections. The Building Inspector has the power to inspect premises and structures to determine compliance with this Ordinance. All reports of such inspections shall be in writing, signed or initialed and dated. The Building Inspector is authorized after review with the Village Administrator to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise in the course of his/her duties.

(c) Right Of Entry. The Building Inspector 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 Ordinance administration and enforcement and for purposes specified in the Code of General Ordinances. If entry is refused or not obtained, the Building Inspector is authorized to pursue recourse to obtain entry as provided by law.

(d) Obstruction. No owner, or operator of a premises may deny the Building Inspector the right to enter and inspect

any portion thereof under the control of a lawful occupant where such occupant has consented to said entry and inspection.

(e) Denial of Entrance. No occupant of a premises shall obstruct the owner thereof from complying with any order(s) of the Building Inspector made under authority of this Ordinance. Obstruction shall include the denial of entrance into a premises at reasonable times pursuant to reasonable notice.

(f) Identification. The Building Inspector shall carry identification when entering and inspecting premises in the performance of the duties under this Ordinance and display such identification, when asked.

(g) Notices and Orders. The Building Inspector shall, as necessary, issue notices and orders to responsible persons and tenants, where relevant, to obtain compliance with this Ordinance.

(h) Records. The Building Inspector is responsible for keeping official records of all business and activities specified in the provisions of this Ordinance in accordance with State and Village record keeping requirements.

#### 36.06 APPROVAL OF ALTERNATIVE MATERIALS, METHODS AND EQUIPMENT.

(a) Modifications. Whenever there are practical difficulties involved in achieving strict compliance with the provisions of this Ordinance, the Building Inspector shall have the authority to grant modifications for individual cases, provided the Building Inspector shall first find that special individual reason makes enforcement of the strict letter of this Ordinance impractical and the modification will be in compliance with the intent and purpose of this Ordinance and that such modification does not lessen health, life and fire safety protections. The details of action granting such modifications shall be recorded and entered in the Village records.

(b) Alternative Materials, Methods and Equipment. The provisions of this Ordinance are not intended to prevent the installation of any material or to prohibit any method of construction or equipment not specifically prescribed by this Ordinance, provided that any such alternative has been approved as hereinafter provided. An alternative material or method of construction or equipment shall be approved where the Building Inspector finds that the proposed alternative complies with the intent of the provisions of this Ordinance, and that the material, method, or equipment proposed is, for the purpose

intended, at least the equivalent of that prescribed in this Ordinance in quality, strength, effectiveness, fire resistance, durability and safety.

(c) Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this Ordinance, or evidence that a material, method or equipment does not conform to the requirements of this Ordinance, or in order to substantiate claims of suitability for alternative materials, methods, or equipment, the Building Inspector shall have the authority to require tests to be made by the owner or contractor at no expense to the Village to determine compliance with this Ordinance.

#### 36.07 VIOLATIONS.

(a) Violations. It shall be a violation of this Ordinance for any responsible person or tenant, where relevant, to fail to timely comply with any of the provisions of this Ordinance.

(b) Notice of Violation. The Building Inspector shall serve a notice of violation and order to repair in accordance with this Ordinance.

(c) Prosecution of Violation. If the order to repair is not complied with in a timely manner, the Building Inspector shall initiate the appropriate proceeding at law or in equity to restrain, correct or abate such violation, and to require the removal or termination of the unlawful occupancy of the premises.

#### 36.08 NOTICES AND ORDERS.

(a) Notice of Violation and Order To Repair. Whenever the Building Inspector determines that there has been a violation of this Ordinance, notice shall be given to the responsible person or tenant, where applicable, in the manner and form prescribed in this Ordinance.

(b) Form. Such notice and order shall:

(1) Be in writing.

(2) Include a statement of the violation with reference to the applicable provision(s) of this Ordinance.

(3) Contain an order to repair and allow a reasonable date certain for the violation to be

corrected.

(c) Method of Service. Such notice and order shall be deemed to be properly served if a copy is:

(1) Personally served in the manner provided for in the State Statutes for service of process; or,

(2) Sent by certified mail addressed to the last known address; or,

(3) Sent by U.S. first class mail, postage prepaid, addressed to the last known address; and,

(4) Posted in a conspicuous place on or about the main entrance to the structure, where there is a structure.

(d) Recurring Violations. Whenever there has been a notice of violation and order issued to the responsible person or tenant, where relevant, for a violation of this Ordinance, no further notice and order shall be necessary for any reoccurrence of the same or similar violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.

36.09 UNSAFE, UNFIT FOR OCCUPANCY, UNLAWFULLY OCCUPIED AND VACANT SUBSTANDARD STRUCTURES AND UNSAFE EQUIPMENT SUBJECT TO CLOSING AS A PUBLIC NUISANCE.

(a) Definitions. The following words and phrases shall have the following meaning:

(1) Unsafe Structure. A structure that endangers safety for reasons that it is in imminent danger of failure or collapse, or a part of it has failed or collapsed, or it is in a condition of decay or dilapidation, or it has the presence of explosives, explosive fumes or vapors, toxic fumes, gases or materials, or it is the subject of the operation of equipment causing or contributing to an unsafe condition.

(2) Structure Unfit For Occupancy. A structure which is an unsafe structure; or, a structure which is unfit for habitation, occupancy or use because of the degree to which the structure is dilapidated, in disrepair or lacks maintenance; or, a structure which is unsanitary, vermin or rat

infested, contains filth and contamination; or a structure which lacks ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this Ordinance and the Code of General Ordinances.

(3) Unsafe Equipment. Any equipment within the structure or servicing the structure which is in such disrepair or condition that such equipment is unsafe for operation and use.

(4) Unlawful Structure. A structure in whole, or in part, occupied by more persons than permitted under this Ordinance, or a structure which is erected, altered or occupied contrary to State law, or the Code of General Ordinances.

(5) Vacant Substandard Structure. A vacant structure that has been damaged by fire, water, wind, animals, or vandalized and/or entered and inhabited and unfit for habitation or occupancy.

(6) Endanger(s) Safety. To threaten to or to injure or damage any person or property, or the life, health and safety of any person.

(7) Equipment. All piping, ducts, vents, control devices and other components of systems that are permanently installed and integrated in the structure to provide control of environmental conditions, plumbing, electrical and heating systems, and other systems specifically regulated in this Ordinance. Equipment does not include appliances.

(8) Close/Closed/Closing. To vacate, cease operation or use, and/or secure.

(9) Emergency Measures. To vacate, secure or temporarily repair a structure or close public streets, sidewalks, ways and places due to a public nuisance which imminently endangers safety.

(10) Open and Accessible Structure. A structure which has no barrier to unlawful entry.

(b) Public Nuisance. When any structure is found by the Building Inspector to be unsafe or unfit for occupancy, unlawful, or vacant substandard, such structure is deemed a public nuisance which may be closed to habitation, occupancy and

use pursuant to the provisions of this Ordinance. When equipment is found by the Building Inspector to be unsafe for operation and use, such unsafe equipment is deemed a public nuisance which may cause the building to be closed to use pursuant to the provisions of this Ordinance.

(c) Prohibition. No person or party may maintain or permit a structure or equipment to be a public nuisance within the Village.

(d) Securing An Open and Accessible Structure. An open and accessible structure which endangers safety is deemed a public nuisance. The responsible person shall, upon written or verbal notice from the Building Inspector secure an open and accessible structure in accordance with the standards for securing structures set forth in this Ordinance.

#### 36.10 STANDARDS FOR SECURING STRUCTURES.

(a) Boarding. Any vacant or inhabited structure deemed a public nuisance under this Ordinance and requiring securing shall be secured as follows:

(1) At least one (1) door boarded and secured at the grade level shall be maintained with locks and hinges to permit entry for inspection purposes.

(2) All doors and windows on ground level and those doors and windows accessible to grade by stairs or permanently fixed ladders within ten (10') feet of grade shall be boarded and secured.

(3) Boards shall be cut to fit door and window openings, and screws at least two (2") inches in length shall be used to fasten boards to the structure. One-half ( $\frac{1}{2}$ ") inch or three-quarter ( $\frac{3}{4}$ ") inch wood or plywood shall be used.

(4) The boarded material shall be painted to match the trim or siding color of the structure or be painted flat white.

(5) Alternate methods of boarding may be permitted upon written approval by the Building Inspector.

(b) Fencing. When any structure has been damaged by fire, water, illegal entry, or other cause; when hazardous or dangerous conditions exist; and, when such structure cannot be



secured by conventional locking or boarding up windows and doors, such structure shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within twenty-four (24) hours of the damage.

(c) Prohibition. No person or party shall board or fence a structure contrary to the standards contained in this Ordinance.

(d) Special Assessments. In the event the responsible person fails to comply with an order of the Building Inspector to secure the structure in accordance with the standards for securing structures set forth in this Ordinance, the Building Inspector shall have the structure properly secured. Costs incurred in securing the structure shall be paid by the Village and the Building Inspector shall recover such costs through special assessments levied against the benefitted property. A One Hundred (\$100.00) Dollar administrative fee for processing and administering the special assessment shall be added to the special assessment against the benefitted property.

#### 36.11 EMERGENCY MEASURES.

(a) Emergency Closing of a Structure. When, in the opinion of the Building Inspector, a structure or unsafe equipment is a public nuisance under this Ordinance, and there is imminent danger of failure or collapse of a structure, or a part of any structure has fallen and the occupation of the remaining structure will endanger safety, or there is actual or potential danger to the occupants, users or those in the proximity of any structure, the Building Inspector is authorized and empowered to order and require the responsible person to close the structure forthwith. The Building Inspector shall, in such event, cause such structure to be placarded at each entrance with a placard bearing the words: "Unfit For Habitation/Occupancy".

In the event the Building Inspector has required a structure to be closed, it shall be unlawful for any person to enter, inhabit, occupy or use such structure, except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, demolishing the structure, or otherwise securing compliance with an order of the Building Inspector.

(b) Emergency Securing and Repairs. Notwithstanding any other provisions of this Ordinance, in the event the Building Inspector has required the emergency closing of a structure, or identified an open and accessible structure which endangers safety, the Building Inspector may cause the securing of the

structure to render such structure temporarily safe, whether or not the procedure described in this Ordinance for providing notices and orders has been instituted and shall cause such other reasonable action to be taken as the Building Inspector deems necessary to meet such emergency. The Building Inspector may also employ the necessary labor and materials to perform or cause to be performed emergency repairs as expeditiously as possible.

### 36.12 RAZING STRUCTURES.

(a) Definitions. The following words and phrases shall have the following meaning:

(1) Structure. Includes any portion of a structure.

(2) Raze the Structure. To demolish and remove the structure and to restore the site to a dust-free and erosion-free condition.

(3) Condemn. The process of issuing a raze order and razing a structure.

(b) Administration and Enforcement. The Building Inspector is authorized to administer and enforce Section 66.0413 of the Wisconsin Statutes, entitled Razing Buildings, which is incorporated herein by reference as if fully set forth herein, and any successor statutes.

(c) Raze Order.

(1) The Building Inspector may issue a raze order:

(a) If a structure is old, dilapidated, or out of repair and consequently dangerous, unsafe, unsanitary, or otherwise unfit for human habitation and unreasonable to repair, order the owner of the structure to raze the structure; or, if the structure can be made safe by reasonable repairs, order the owner to either make the structure safe and sanitary, or to raze the structure at the owner's option.

(b) If there has been a cessation of normal construction of a structure for a period of more than two (2) years, order the owner of the structure to raze the structure.

(2) The raze order shall identify:

(a) The basis for the raze order.

(b) The time for compliance.

(d) Service of Order. A raze order shall be considered served on the owner of record of the structure that is subject to the order, or on the owner's agent if the agent is in charge of the structure, in the same manner as a summons is served in circuit court. A raze order shall be served on the holder of an encumbrance of record by first class mail at the holder's last known address and by publication as a Class 1 notice under Chapter 985 of the Wisconsin Statutes. If the owner or owner's agent cannot be found, or if the owner and the owner's agent is deceased and an estate has not been opened, the raze order may be served by posting it on the main entrance of the structure and by publishing it as a Class 1 notice under Chapter 985 of the Wisconsin Statutes, before the time limited in the raze order begins to run. The time limited in the raze order begins to run from the date of service on the owner or owner's agent; or, if the owner or owner's agent cannot be found, from the date that the raze order was posted on the structure.

(e) Effect of Recording Order. If a raze order is recorded with the Kenosha County Register of Deeds, the raze order is considered to have been served as of the date the raze order is recorded on any person claiming an interest in the structure or the real estate as a result of a conveyance from the owner of record, unless the conveyance was recorded before the recording of the raze order.

(f) Failure to Comply With the Raze Order. If the owner of a structure fails or refuses to comply with the raze order within the time prescribed, the Building Inspector may proceed to post the property as unfit for human habitation, occupancy or use, secure the structure, and raze the structure or contract with a private contractor for such work.

(g) Special Assessments. The Building Inspector shall recover all costs to condemn and raze the structure through special assessments levied and to be collected as a delinquent tax against the real estate upon which the structure is located. Such special assessment shall be a lien upon the real estate. A One Hundred (\$100.00) Dollars administrative fee for processing and administering the special assessment shall be added to the special assessment against the benefitted property.

(a) Scope. The provisions of this Ordinance shall govern the minimum requirements and the responsibilities of persons for maintenance of premises including existing structures, exterior premises and equipment whether occupied or vacant.

(b) Responsibility. The responsible persons shall maintain their premises in compliance with this Ordinance. A person shall not occupy a premises, or permit another person to occupy a premises which does not comply with the requirements of this Ordinance. Occupants, including owner occupants and tenants, of a premises are responsible for caring for and maintaining that part of the premises which they occupy and control, including garages, fences, and accessory buildings. All responsible persons shall be jointly and severally responsible for securing compliance of their premises with this Ordinance.

#### 36.14 EXTERIOR PREMISES.

All exterior premises shall be maintained by the responsible person or tenant, where relevant, in accordance with this Section.

(a) Clean, Sanitary and Reasonably Safe.

(1) In a clean and sanitary condition, free from debris.

(2) Free from recyclable materials.

(3) Free from nuisance motor vehicles, nuisance boats, scrap metals, and all household furniture not designed for outdoor use.

(4) In a condition so as not to become infested with rodents or a rodent harborage.

(5) Free from used building materials.

(6) Free from animal feces which were present for more than twenty-four (24) hours.

(7) Free from physical hazards.

(8) Free from appliances, furnaces, water heaters, water softeners or building materials which are not integrated into a structure within five (5) days of being placed on the premises.

(9) Free from any accumulation of combustible materials which are not used as an integral part of an authorized business carried out on the premises.

(10) Free of any raw materials, equipment parts, or bulk commodities, unless said items are a raw material used in a lawful business carried out on the premises or a final manufactured product.

(11) Free from motor vehicle, boat or aircraft parts and tires, excluding tires used as sandboxes, swings, and playground equipment.

(b) Unpaved Lawn Park Areas. The unpaved public lawn park areas abutting private property between the curb and lot line shall be maintained by the abutting property owner.

(c) Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. All courts, yards or other areas on the premises shall be properly graded to divert water away from the structure. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half ( $\frac{1}{2}$ " ) inch per foot for a minimum of five (5') feet where possible or by other means such as eaves, troughs and downspout extensions. Approved retention and detention basins shall be permitted to hold water in accordance with their approved design and capacity.

(d) Weeds. All exterior premises shall be kept free from weeds. Weeds which equal or exceed eight (8 ) inches in height shall be destroyed by cutting.

(e) Landscaping. Landscaping, plantings and other decorative surface treatments, including species of grass common to southeastern Wisconsin, shall be installed and maintained so as to present an attractive appearance in all yard areas. Plantings, including, but not limited to grasses, trees and shrubs shall be maintained so as not to present hazards to persons or vehicles traveling on public right-of-ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby enhancing the appearance and value of abutting property.

(f) Firewood Storage. Firewood, for personal use only, may be kept on residentially zoned or used property. It shall be stored in straight, orderly piles which are raised a minimum of six (6") inches off the ground, which are not more than six (6') feet in height, and which are not in the "front yard".

(g) Exterior Storage. Exterior storage is subject to all required Village reviews, approvals and permits. Exterior storage in business zoning districts shall be screened in accordance with requirements of a conditional use permit and the Zoning Ordinance. All required screening shall be maintained in good repair. Exterior storage is prohibited on residentially zoned or used property, unless specifically granted by conditional use permit.

(h) Rodent Harborage. All premises shall be kept free from non-domesticated rodent harborage. Where non-domesticated rodents are found, they shall be promptly exterminated by a State approved process which will not be injurious to human health. After rodent extermination, proper precautions shall be taken to control rodent harborage and prevent reinfestation.

(i) Exhaust Vents. Pipes, ducts, conductors, fans, blowers or other exhaust vents shall not discharge gases, steam, vapor, hot air, grease, smoke odors or other gaseous or particulate wastes directly upon public or private property or that of another tenant on the same premises.

(j) Accessory Buildings/Structures. All accessory buildings and structures, including windows and doors which are a part thereof, shall be maintained structurally sound and in good repair.

(k) Graffiti. The owner of any building or accessory building shall be responsible for removing all graffiti therefrom within fifteen (15) days of graffiti placement.

### 36.15 EXTERIOR OF STRUCTURES.

The exterior of a structure shall be maintained by the responsible person in accordance with this Section.

(a) Exterior Walls, Surfaces and Repairs. All exterior walls and surfaces, including, but not limited to, decorative features and overhang extensions, doors, door and window frames, cornices, porches and trim, shall be maintained in good repair. All exterior surfaces shall be free from decay, missing parts, serious cracking, irregularities, and peeling, flaking and chipped paint. Flaking and chipping paint, when removed, shall be collected and stored in containers and disposed of in accordance with Federal and State law. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and affected surfaces treated and repainted in a workmanlike manner.

All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All surface repairs shall be completed to closely match the existing surface color and texture.

(b) Street Numbers. All dwellings or buildings in the Village shall be numbered in accordance with the requirements of Land Information of Kenosha County, to be such colors so as to contrast with any background surfaces and shall be of sufficient size, not less than four (4") inches high, to be clearly read from the street.

(c) Structural Members. All structural members shall be maintained structurally sound, in good repair, and be capable of safely supporting the imposed loads.

(d) Foundation Walls. All foundation walls shall be maintained structurally sound, plumb and free from open cracks and breaks, in good repair, and shall be kept in such condition so as to prevent the entry of rodents.

(e) Exterior Walls. All exterior walls shall be maintained structurally sound, free from holes, breaks, loose or rotting materials, in good repair, and maintained weatherproof.

(f) Roofs and Drainage. The roof and flashing shall be maintained structurally sound, tight and not have defects that admit water. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(g) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. Any missing parts shall be replaced with matching parts.

(h) Overhang Extensions. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained structurally sound and in good repair with proper anchorage.

(i) Stairways, Decks, Porches, Ramps and Balconies. Every exterior stairway, deck, porch, ramp, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of

supporting the imposed loads. Any new or replacement stairways, decks, porches, ramps and balconies shall be installed in accordance with the requirements of the Code of General Ordinances and State law.

(j) Chimneys and Towers. All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(k) Handrails and Guardrails. Every stairway, deck, porch, ramp and balcony with more than three (3) risers or more than twenty-four (24") inches above grade, shall have handrails and guardrails installed. Every handrail and guardrail shall be maintained structurally sound, in good repair with proper anchorage, and capable of supporting imposed loads.

(l) Windows, Storm Windows, Skylight, Door and Frames. Every window, storm window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

(m) Glazing. All window glazing materials shall be maintained free from cracks and holes.

(n) Openable Windows. Every window, other than a fixed window, shall be easily openable, capable of being held in position by existing window hardware, and have locking devices in good repair and good working order.

(o) Doors. All exterior doors, door assemblies and hardware shall be maintained in good working condition and in good repair.

(p) Guards For Basement Windows. Every basement window that is operable shall have storm windows or other approved protection against the entry of rodents, in good working condition and in good repair.

#### 36.16 INTERIOR OF RESIDENTIAL STRUCTURES.

The interior of a structure and equipment therein shall be maintained by the responsible person in compliance with this Section.

(a) Interior Wall, Ceiling and Floor Surfaces and Repairs. All interior wall, ceiling and floor surfaces, including, but not limited to, windows and doors, shall be



maintained in good repair. All surfaces shall be free from serious cracking, irregularities and peeling, flaking and chipped paint.

(b) Structural Members. All structural members shall be maintained structurally sound, in good repair, and be capable of supporting the imposed loads.

(c) Toilet Room Compartment and Bathroom Flooring. Every toilet room floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(d) Stairs and Walking Surfaces. All interior stairs and railings, ramps, balconies, porches, decks and other walking surfaces shall be maintained in a structurally sound condition, in good repair, with proper anchorage and capable of supporting the imposed loads.

(e) Handrails and Guardrails. Every handrail and guardrail shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(f) Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

#### 36.17 WASTE COLLECTION AND REMOVAL AND RECYCLING.

(a) General. Every exterior premises shall be maintained to be free from any accumulation of waste, except for temporary collection disposed on a weekly basis.

(b) Disposal. The responsible person or tenant, where applicable, for every premises shall be responsible for waste collection and removal and recycling.

(c) Removal of Debris.

(1) No person shall dispose of rocks, trees, stumps, waste, building material or other debris from land development, building construction, street grading, or installation of underground utilities, upon the surface of any land in the Village except at approved disposal sites.

(2) No responsible person for any premises shall allow an accumulation of rocks, trees, stumps, waste, building material or other debris from land development, building construction, street grading under owner's control, or installation of underground utilities under owner's control upon the surface of their premises for a period of more than ten (10) days.

(3) All fill dirt shall be leveled off to permit mowing or the use of a weed wacker for weeds between May 15 and November 1. Stones, bottles, wire, and other debris that will interfere with mowing operations shall be removed.

#### 36.18 EXTERMINATION.

(a) Infestation. All premises shall be kept free from insect and rodent infestation. All premises in which insects, rats, vermin and other pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(b) Responsibility for Extermination. The responsible person for any premises shall be responsible for extermination.

(c) Extermination. All extermination services performed for others shall be performed by a licensed exterminator.

#### 36.19 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS.

(a) General.

(1) Scope. The provisions of this Section shall provide the minimum requirements and standards for light, ventilation and occupancy limitations for structures.

(2) Responsibility. The responsible person shall provide and maintain light, ventilation and occupancy limitations in compliance with this Section.

(3) Prohibition. A person shall not occupy, or permit another person to occupy any structure that does not comply with the requirements of the Code

of General Ordinances.

(4) Alternative Devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Code of General Ordinances shall be permitted.

(b) Light.

(1) Habitable Spaces. Every habitable space shall have at least one (1) window of a size required by the Code of General Ordinances and State law facing directly to the outdoors or to a court. The minimum total window pane areas for every habitable space shall be eight (8%) percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3') feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court, and shall not be included as contributing to the required minimum total window area for the room.

Where natural light for rooms or spaces without exterior window pane areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8%) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet. The exterior window pane area shall be based on the total floor area being served.

(2) Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, the safe occupancy of the space, and the safe use of the appliances, equipment and fixtures.

(c) Ventilation.

(1) Habitable Spaces. Every habitable space shall have at least one (1) openable window. The total openable area of the window in every room shall be equal to the natural ventilation required by State law.

(2) Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by State law.

(3) Clothes Dryer Venting Systems. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

#### 36.20 PLUMBING SYSTEMS FACILITIES AND FIXTURE REQUIREMENTS.

(a) General.

(1) Scope. The provisions of this Section shall govern the minimum requirements and standards for plumbing systems, facilities and fixtures in structures.

(2) Responsibility. The responsible person of the structure shall provide and maintain plumbing systems facilities, and fixtures in compliance with the Code of General Ordinances and State law.

(3) Prohibition. A person shall not occupy or permit another person to occupy any structure that does not comply with the requirements of this Section.

(4) Maintaining Sanitary Sewer and Water Service. No responsible person shall cause any sanitary sewer or water service to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or lodging room, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies beyond the control of the responsible person.

(5) Maintaining 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 exercise of reasonable care in the proper use and operation thereof.

(b) Required Facilities.

(1) Dwelling Units. Every dwelling unit shall

contain its own bathtub or shower, toilet, bathroom sink and kitchen sink which shall be maintained by the responsible person in good repair, in good working condition, and in a sanitary condition.

(c) Toilet Rooms and Bathrooms.

(1) Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

(d) Plumbing Systems and Fixtures.

(1) General. All plumbing systems and fixtures shall be properly installed in good repair, in good working condition, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed.

(2) Fixture Clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

(3) Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross-connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Building Inspector shall require the defects to be corrected to eliminate the hazard.

(e) Water Supply System.

(1) General. Every sink, bathtub or shower, drinking fountain, water closet, laundry facility or other plumbing fixture shall be properly connected to either a public water supply system or to a State or Village approved private water system and shall be supplied with hot or tempered and cold running water in accordance with the Code of General Ordinances and State law.

(2) Free From Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture.

Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3) Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(4) Water Heating Facilities. Every dwelling unit shall have water heating facilities properly installed in good repair, proper working condition, and maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, water closet and laundry facility at a temperature of not less than 110°F. (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(f) Sanitary Sewer and Treatment System.

(1) General. All plumbing fixtures shall be properly connected to either a public sewer and treatment system or to a State or Village approved private sewage treatment system.

(2) Maintenance. Every plumbing stack, vent, waste and sewer line shall be maintained in good repair, good working condition and function as designed and be kept free from obstructions and leaks.

36.21 MECHANICAL AND ELECTRICAL FACILITIES AND EQUIPMENT.

(a) General.

(1) Scope. The provisions of this Section shall

govern the minimum requirements and standards for mechanical and electrical facilities and equipment in structures.

(2) Responsibility. The responsible person of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with this Section.

(3) Prohibition. A person shall not occupy or permit another person to occupy any structure that does not comply with the requirements of this Ordinance. No responsible person shall cause any mechanical or electrical service, facility or equipment which is required under this Ordinance to be removed from, shut off from or discontinued from any occupied dwelling, dwelling unit or lodging room let or occupied by him/her, except for temporary interruption as may be necessary while actual repairs are in process, or during such temporary emergencies when discontinuance of service is approved by the Building Inspector.

(b) Heating Facilities and Equipment.

(1) Facilities and Equipment Required. Heating facilities and equipment shall be provided in structures as required by this Section.

(2) Residential Occupancies. Dwellings and dwelling units shall be provided with heating facilities and equipment capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms when the outside temperature is at or above 0°F, and 60°F when the outside temperature is below 0°F.

(3) Heat Supply. Every responsible person for any structure who rents one (1) or more dwelling units, lodging units on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms when the outside temperature is at or above 0°F, and 60°F when the outside temperature is below 0°F.

(4) Central Heating System Requirements. Every central heating system shall comply with State law. It shall also comply with the following

requirements:

(a) The central heating system shall be in good repair and proper working condition.

(b) Every heat duct, steampipe and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.

(c) Every seal between the sections of a warm air furnace shall be tight so noxious gases will not escape into heat ducts.

(5) Space Heaters. Every space heater shall comply with State law. It shall also comply with the following requirements:

(a) No space heater burning solid, liquid or gaseous fuels shall be a portable type.

(b) Every space heater burning solid, liquid or gaseous fuels shall be properly vented in accordance with manufacturer's instructions.

(c) Every coal burning or oil burning space heater shall have a fire resistant panel beneath it.

(d) The location of space heaters, the insulation of walls and ceilings close to such heaters and the construction, installation and guarding of smokepipes and walls or ceilings through which they pass shall meet the requirements of applicable State law and the Code of General Ordinances.

(c) Fuel Burning Appliances.

(1) Definition. "Fuel Burning Appliances" shall mean and include non-electrical stoves and food preparation devices, water heaters and fireplaces, and all components and accessories therefor, which burn natural gas, LP gas, wood or other combustible materials.

(2) Installation and Maintenance. All fuel-burning appliances shall be properly installed and maintained in good repair, in good working condition, and shall be capable of performing the



intended function.

(3) Prohibited Use. Fuel burning appliances shall not be used to meet the heating requirements of this Ordinance.

(4) Venting. All fuel burning appliances shall be connected to an approved chimney or vent, except for appliances which are approved by the manufacturer for unvented operation.

(5) Clearances. All manufacturer required clearances for fuel burning appliances shall be maintained.

(6) Safety Controls. All safety controls for fuel burning appliances shall be maintained in good repair, good working condition and be capable of performing the intended function.

(7) Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel burning appliance shall be provided.

(8) Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled by the manufacturer for such purpose and the installation is specifically approved by the manufacturer.

(d) Electrical Facilities.

(1) Facilities Required. Every occupied structure shall be provided with an electrical system in compliance with the requirements of this Section.

(2) Service. Every dwelling and dwelling unit shall be served by a main service that is not less than sixty (60) amperes, three (3) wires and protected with fusetate fuses or circuit breakers. The size and usage of electrical appliances shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 and the National Electrical Code.

(3) Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Building Inspector shall require the defects to be corrected to eliminate the hazard.

(e) Electrical Equipment.

(1) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in good repair, in good working condition and be capable of performing the intended function.

(2) Convenience Outlets. Convenience outlets are to be located to prevent use of extension cords in accordance with National Electrical Code (NEC) 400-8 and Comm 16 of the Wisconsin Administrative Code. All extension cords, temporary wiring and exposed or abandoned wiring shall be removed.

(3) Lighting fixtures. Every toilet compartment, bathroom, laundry room, boiler room, furnace room and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture. Every kitchen shall have at least three (3) receptacles on two (2) small appliance circuits, plus a light fixture on a general lighting circuit. Any new kitchen receptacle outlet shall have ground fault circuit interrupter protection.

### 36.22 FIRE SAFETY REQUIREMENTS.

(a) General.

(1) Scope. The provisions of this Section shall provide the minimum requirements and standards for fire safety relating to structures and premises, including fire safety facilities and equipment to be provided.

(2) Enforcement.

(a) Building Inspector. The Building

Inspector or his designee who may include a member(s) of the Salem Fire Department shall be responsible for enforcing the requirements of this Ordinance in one and two-family dwellings and in the individual units located in multi-family units containing three (3) or more units.

(3) Responsibility. The responsible person of the premises shall provide and maintain fire safety facilities and equipment in compliance with this Section.

(4) Prohibition. A person shall not occupy or permit another person to occupy any premises that does not comply with the requirements of this Section.

(b) Means Of Egress.

(1) General. A safe, continuous and unobstructed path of travel shall be provided from any point in a structure to an open public street, alley or court connected to a street.

(2) Exit Capacity. The capacity of the exits serving a floor shall be sufficient for the occupants.

(3) Arrangement. Exits from dwellings, dwelling units, and lodging units shall not lead through other such units, or through toilet rooms or bathrooms.

(4) Security. Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

(c) Unobstructed Passageways.

(1) Egress. Stairways, passageways, doors, windows, fire escapes or other means of egress shall be kept open and unobstructed. Exterior exits shall be unobstructed.

(2) Hazardous Material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or

combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of State law and the Code of General Ordinances.

(d) Fire Resistance Ratings.

(1) General. The fire resistance rating of floors, walls, ceilings, and other elements and components required by State law shall be maintained.

(2) Fire Doors and Smoke Barriers. All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

(e) Fire Protection Systems.

(1) General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof, shall be maintained in good working condition and be capable of performing their intended function.

(2) Smoke Detectors. The responsible person of a dwelling, dwelling unit and lodging room shall install a functional smoke detector as required by State law and the Code of General Ordinances.

### 36.23 REINSPECTION FEES.

To compensate the Village for inspection and administrative costs related to the enforcement of this Ordinance, there shall be charged to the property owner, a reinspection fee for each inspection following the initial inspection which resulted in an order for corrective action and the first reinspection to determine compliance with an order for corrective action issued hereunder. There shall be no reinspection fee for a final inspection indicating compliance or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order. Each chargeable reinspection fee shall be Sixty (\$60.00) Dollars. Reinspection fees which are not paid by or on behalf of the property owner within thirty (30) days of mailing of an

invoice to the property owner of record on the Village tax roll shall be charged and collected as a special assessment against the real estate upon which the reinspections were made, and shall be a lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum. There shall also be a One Hundred (\$100.00) Dollar administrative charge added to the charge and special assessment to cover the administrative costs of charging and specially assessing the property.

#### 36.24 CHRONIC NUISANCE PROPERTY

(a) Findings. The Village Board of the Village of Paddock Lake finds that any Premises that has generated two (2) or more calls for police services, resulting in arrest or the issuance of citations for nuisance activities, has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the Village. Therefore, the Village Board directs the Building Inspector, as provided in this section, to charge the owners of such Premises the costs associated with abating the violations at Premises where nuisance activities chronically occur.

(b) Enforcement By Injunction. The regulations of this Section may be enforced by means of an injunction.

(c) Definitions. For purposes of this Ordinance, the following words and phrases shall have the meanings provided.

(1) "Nuisance Activity" shall mean any of the following activities, behaviors or conduct whenever engaged in by Premises' owners, operators, occupants or persons associated with a Premises:

(a) An act of harassment as defined in Section 947.013, Wisconsin Statutes.

(b) Disorderly Conduct as defined in Section 11.02 of the Code of General Ordinances, or Section 947.01, Wisconsin Statutes.

(c) Battery, substantial battery or aggravated battery as defined in Section 940.19, Wisconsin Statutes.

(d) Indecent conduct as defined in Code of General Ordinances or Section 944.20(1), Wisconsin Statutes.

(e) Keeping a place of prostitution, or leasing a building for the purposes of prostitution as defined in the Code of General Ordinances or Section 944.34, Wisconsin Statutes.

(f) Littering of Premises as defined in the Code of General Ordinances.

(g) Theft as defined in the Code of General Ordinances or Section 943.20, Wisconsin Statutes.

(h) Arson as defined in Section 943.02, Wisconsin Statutes.

(i) Possession, manufacture or delivery of a controlled substance or related offenses as defined in Chapter 961, Wisconsin Statutes.

(j) Gambling as defined in the Code of General Ordinances or Section 945.02, Wisconsin Statutes.

(k) Trespassing as defined in the Code of General Ordinances or Section 943.13, Wisconsin Statutes, or Criminal Trespass to Dwelling as defined in Section 943.14, Wisconsin Statutes.

(l) Discharge of a firearm as defined in the Code of General Ordinances.

(m) The production or creation of excessive noise as defined in the Code of General Ordinances.

(n) Loitering as defined in the Code of General Ordinances.

(o) Owning, keeping, having or harboring any bird or animal that causes a disturbance of the peace as defined in the Code of General Ordinances.

(p) Obstruction/interference with Police or Fire personnel.

(q) Any act of aiding and abetting, as defined in Section 939.05, Wisconsin

Statutes, any of the activities, behaviors or conduct enumerated in Sections a. to p. above.

(2) "Person Associated With" shall mean any person who, whenever engaged in a Nuisance Activity, enters, patronizes, visits or attempts to enter, patronize or visit, or waits to enter, patronize or visit, a Premises or person present on a Premises, including any officer, director, customer, agent, employee or independent contractor of a Premises' owner.

(3) Premises shall mean a place of abode, a residence, a house or multiple dwelling unit for one (1) or more persons, including lodging houses, but excluding hotels, motels and tourist rooming houses. In the case of multiple dwelling units, "Premises" as used in this Section, may consist of any single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(d) Procedure.

(1) Whenever the Building Inspector determines two (2) or more nuisance activities of the types defined in these ordinances have occurred at a Premises, resulting in arrests and/or the issuance of citations and/or verified by written police reports, on separate days during a sixty (60) day period, the Building Inspector may notify the Premises' owner in writing that the Premises is in danger of becoming a chronic nuisance. This notice shall be deemed to be properly delivered if sent either by first class mail to the Premises' owner's last known address, or if delivered in person to the Premises' owner. If the Premises' owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the Premises' owner's usual place of abode in the presence of some competent member of the family at least fourteen (14) years of age, or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner as identified by the records of the

Village Clerk/Treasurer. This notice shall contain:

(a) The street address or legal description sufficient for identification of the Premises.

(b) A description of the nuisance activities that have occurred at the Premises and a statement indicating that the cost of future enforcement may be assessed as a special charges against the Premises.

(c) A statement that the Premises' owner shall, within thirty (30) days, respond to the Building Inspector either with an appeal or to propose a written course of action to abate the nuisance activities which is acceptable to the Building Inspector.

(2) Whenever the Building Inspector determines that an additional Nuisance Activity has occurred at a Premises for which notice has been issued pursuant to Section (d)(1), above, and either this Nuisance Activity has occurred not less than thirty (30) days after notice has been issued or a course of action as required by Section (d)(1)(c) has not been submitted, the Building Inspector may charge any Premises' owner found to be in violation of this Section the costs of enforcement in an amount not to exceed Two Hundred (\$200.00) Dollars. All costs so charged are a lien upon such Premises and may be assessed and collected as a special charge. A One Hundred (\$100.00) Dollar Administrative Fee shall be added to the special assessment against the property, as provided in Section (f).

(e) Violation. Each subsequent incident of nuisance activities shall be deemed a separate violation.

(f) Cost Recovery. Upon receipt of a notice from the Building Inspector issued pursuant to Section (d)(2), the Building Inspector shall charge any Premises owner found to be in violation of this Section the costs of enforcement, including administrative costs, in full or in part. All costs so charged are a lien upon such Premises and may be assessed and collected as a special charge. A One Hundred (\$100.00) Dollars Administrative Fee shall be added to the special assessment against the benefitted property.



(g) Appeal. Any appeal of these sections shall be to the Village Board of Trustees and shall be in writing.

### 36.25 OUTDOOR WOOD FURNACES.

(a) Definitions.

(1) Outdoor Wood Furnace (OWF): Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is primarily hand-loaded for the purpose of combustion of solid fuel to produce heat or energy and used for providing heat for an interior space or water source.

(2) Outdoor Wood-Pellet Furnace: An outdoor wood pellet furnace that is designed to burn corn, wood pellet fuel, or other biomass pellets with metered fuel and air feed and controlled combustion engineering, which burns only pellets.

(3) Chimney: Flue or flues that carries off products of combustion, exhaust from an outdoor wood boiler, firebox or burn chamber.

(4) EPA HH Phase 2 Program: EPA HH (Hydronic Heater) Phase 2 program administered by the United States Environmental Protection Agency and that has a particulate matter emission limit of 0.32 pounds per million British Thermal Units and is labeled accordingly.

(5) EPA HH Phase 2 Program Qualified Model: A Hydronic Heater that has been EPA HH Phase 2 qualified. The model has met the EPA HH Phase 2 emission level and is labeled accordingly.

(6) Existing Outdoor Wood Furnace: An Outdoor Wood Furnace that was purchased and installed prior to the effective date of this ordinance.

(7) New Outdoor Wood Furnace: An Outdoor Wood Furnace that is first installed, established or constructed after the effective date of this local ordinance.

(8) Natural Wood: Wood, which has not been painted, varnished or coated with similar materials, has not been pressure treated with

preservatives and does not contain resins or glues as in plywood or other composite wood products.

(9) **Recyclables:** Any product material or commodity that is recyclable as defined by the State of Wisconsin, this includes plastics, paper, cardboard, and yard waste.

(b) Regulations for Outdoor Wood Furnaces.

(1) No person from the effective date of this ordinance shall, construct, install, establish, operate or maintain an Outdoor Wood Furnace within the zoning districts of R-1, R-2, R-3, RM-1, B-1, or B-2.

(2) No person shall, from the effective date of this ordinance, operate an existing Outdoor Wood Furnace unless such operation conforms to manufacturer's instructions regarding such operation and requirements of this ordinance regarding fuels that may be burned in an Outdoor Wood Furnace as set forth in this ordinance.

(3) All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

(4) The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Building Inspector for review prior to the issuance of permits or installation.

(5) All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI, BYH or other applicable safety standards.

(6) If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verified nuisance, as defined by local or state law, the following steps may be taken by the owner and the Building

Inspector having jurisdiction:

(a) Modifications made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace.

(b) Cease and desist operating the unit until reasonable steps can be made taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

(c) Site and Use Regulations.

(1) Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

(a) Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, wood pellets, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane as a backup fuel.

(b) The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:

(1) Wood that has been painted, varnished or coated with similar materials and/or has been pressure treated with preservatives and contains resin or glues as in plywood or other composite wood products.

(2) Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps and animal carcass.

(3) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene, urethane foam and synthetic fabrics, plastic films and plastic containers.

(4) Rubber including tires or other synthetic rubber-like products.

(5) Newspaper, cardboard, or any other recyclable paper product.

(2) Setbacks for any new or existing Outdoor Wood Furnace model not EPA Hydronic Heater Program Qualified:

(a) The Outdoor Wood Furnace shall be located on the property the unit serves and be at least one hundred (100) feet from any property line.

(b) The Outdoor Wood Furnace shall be located at least seventy-five (75) feet from any residence that is served by the unit.

(c) The Outdoor Wood Furnace shall be located at least three hundred (300) feet from any residence that is not served by the unit.

(d) The Outdoor Wood Furnace shall be located at least twenty (20) feet from any structure not serving as an accessory to the Outdoor Wood Furnace.

(3) Chimney heights for any Outdoor Wood Furnace model that is not EPA Hydronic Heater Program Qualified:

(a) The chimney of any new Outdoor Wood Furnace shall extend at least two (2) feet above the peak of any residence not served by the Outdoor Wood Furnace located within three hundred (300) feet of such Outdoor Wood Furnace.

(b) The chimney of any Outdoor Wood Furnace shall extend at least twenty (20) feet above the furnace served.

(4) Setbacks for EPA HH phase 2 Program qualified models (0.32 lbs./Million Btu heat output):

(a) The Outdoor Wood Furnace shall be located on the property the unit serves and be at least one hundred (100) feet from any property line.

(b) The Outdoor Wood Furnace shall be

located at least fifty (50) feet from any residence served by the unit.

(c) The Outdoor Wood Furnace shall be located at least two hundred (200) feet from any residence that is not served by the unit.

(d) The Outdoor Wood Furnace shall be located at least twenty (20) feet from any structure not serving as an accessory to the Outdoor Wood Furnace.

(5) Chimney heights for EPA HH Phase 2 Program qualified models:

(a) If located within three hundred (300) feet to any residence not served by the furnace, the chimney serving the furnace shall be at least two (2) feet higher than the peak of the residence within three hundred (300) feet of the furnace.

(b) The chimney of any EPA HH phase 2 qualified furnace shall extend at least twelve (12) feet above the furnace served.

(6) Outdoor Wood Furnaces that are specifically designed to burn corn, wood pellet fuel or other biomass pellets with metered fuel and air feed and controlled combustion engineering shall be installed per the manufacturer's recommendations.

(d) Appeals. Appeals from any actions, decisions, or rulings of the Building Department or for a variance from the strict application of the specific requirements of this ordinance may be made to the Village Board of Appeals. Requests for all appeals shall be made in writing to the Village Building Inspector and Board of Appeals not later than thirty (30) days of the act, decision or ruling from which relief is sought.

(1) Appeals Fees. Appeals fees shall be established by the Village Board.

(2) Appeals for Outdoor Wood Furnaces shall adhere to the requirements and procedures of the Zoning Variance Board of Appeals.

(3) Criteria for Variances. In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if

the variance is granted, as weighted against the detriment of the neighborhood or community by such grant. In making such determination the Board of Appeals shall consider the standards set forth in Section 12.09(k) of these ordinances and shall also consider:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance;

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;

(c) Whether the requested variance is substantial;

(d) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.

#### 36.26 PENALTIES.

(a) Violation Penalties. Any person who shall violate a provision of this Ordinance, shall, upon conviction, be subject to a forfeiture of not more than One Thousand (\$1,000.00) Dollars, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense.

(b) Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Village Attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a structure or premise, or to stop an illegal act, the conduct of business or the utilization of the structure or premises.