

CHAPTER 18

Housing Code

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18.01 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of all sections of this Article:

- (1) **Approved** shall mean approved by or in accordance with regulations under the Village Code, enforced and interpreted by the Building Inspector or others as indicated elsewhere in this Ordinance.
- (2) **A Basement** is a story the floor line of which is below grade at any exist and the ceiling of which is not more than four (4) feet above grade at any entrance or exit.
- (3) **Bathroom** shall mean a room containing a bathtub, toilet, and lavatory basin.
- (4) **Bedroom** shall mean a habitable room within the dwelling unit which is used or intended to be used primarily for the purpose of sleeping, with a door to insure privacy but shall not include any kitchen or dining room.
- (5) **Building Inspector** shall mean the legally designated authority of the Village of Hales Corners or his authorized representative, charged with the responsibility of enforcing the provisions of the Village building and zoning codes and the applicable laws of the State of Wisconsin.
- (6) **Communal** shall mean used or shared by or intended to be used or shared by occupants of two (2) or more dwelling units.
- (7) **Duplex** shall mean a structure with two (2) dwelling units.
- (8) **Dwelling** shall mean any building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants, and includes any appurtenances attached thereto.

- (9) **Dwelling Unit** shall mean a suite of habitable rooms, occupied by or intended to be occupied by not more than one (1) family as a residence.
- (10) **Extermination** shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or any other approved pest extermination methods.
- (11) **Family** shall mean an individual, or two (2) or more persons related by blood, marriage, or legal adoption, or a group of not more than five (5) persons who need not be related by blood, marriage, or legal adoption, living together in a dwelling unit, included within the definition of a family shall be children placed with a family in a dwelling unit under the provisions of Chapter 48, Wis. Stats., whereby a foster home license is issued, provided that the number of children shall not exceed four (4), unless all are in the relationship to each other of brother or sister.
- (12) **Floor Area** shall mean the net area of any floor space enclosed by exterior walls, fire walls, or absolute fire separation exclusive of open spaces.
- (13) **Garbage** shall mean animal and vegetable waste resulting from the handling, preparation, cooking, or consumption of food including spoiled food and all other combustible material.
- (14) **Hotel.** A hotel is a building in which board and lodging are provided and offered to the transient public for compensation.
- (15) **Infestation** shall mean the presence of any insects, rodents, or other pests within a dwelling or in the dwelling premises.
- (16) **Lavatory Basin** shall mean a hand washing basin which is properly connected with both hot and cold water lines and which is separated and distinct from a kitchen sink.
- (17) **Living Room** shall mean a habitable room within a dwelling unit which is used or intended to be used primarily for general living.
- (18) **Non-dwelling Structure** shall mean any structure except a dwelling.
- (19) **Occupant** shall mean any person over six (6) months of age, including an owner, tenant, operator, living, sleeping, or cooking in, or having actual possession of, a dwelling, dwelling unit, hotel, motel, hotel unit, motel unit, or rooming unit.
- (20) **Operator** shall mean any person who has charge, care, custody, or control of any building in which dwelling units are offered for rent or occupancy, or any premises or part thereof which are offered for rent.
- (21) **Owner** shall mean any person who alone or jointly or severally with others:
- (a) Shall have legal or equitable title to any premises upon which no structures have been erected or upon which non-dwelling structures are present, or has legal or equitable title to any dwelling, dwelling unit, hotel, motel, hotel unit, motel unit, or rooming unit; or

- (b) Shall have charge, care, or control of premises upon which no structures have been erected, or upon which non-dwelling structures are present, or has charge, care, or control of any dwelling, dwelling unit, or hotel, motel, hotel unit, motel unit, or rooming unit, as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.
- (22) **Person** shall mean and include any individual, firm, corporation, association, or partnership.
- (23) **Plumbing** shall include all gas pipes, waste pipes, water pipes, water closets, sinks, lavatories, bathtubs, catch basins, drains, vents, and any other provided fixtures together with the connections to the water, sewer, or gas lines.
- (24) **Premises** shall mean any platted lot or part thereof, or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure.
- (25) **Roomer** shall mean an occupant, transient, or permanent, of a rooming unit or dwelling unit, who is not a member of the family occupying the dwelling unit.
- (26) **Rooming House** shall mean any dwelling or that part of any dwelling, containing one or more rooms in which space is let by the owner or operator to more than two (2) roomers.
- (27) **Supplied** shall mean paid for, furnished, provided by, or under the control of the owner or operator.
- (28) **Temporary Housing** shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utility system on the same premises.
- (29) Whenever the word "Board" is used in this Chapter, it shall mean "Village Board".
- (30) Whenever the words dwelling, dwelling unit, rooming house, rooming unit, nursing home, nursing unit, hotel, hotel unit, motel, motel unit, motor hotel, or motor hotel unit or premises are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".
- (31) **Vehicle** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains, but including snowmobiles.

18.02 INSPECTION OF ALL BUILDINGS AND PREMISES.

- (1) **Inspections.** The Building Inspector, the Village Health Officer, and the Chiefs of Police and Fire, or their duly authorized agents, are hereby authorized to make such inspections and to take such action as may be required to enforce the provisions of this Code in order to safeguard the health and welfare of the occupants of all buildings and of the general public.
- (2) **Right of Entry.**
 - (a) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Code or any applicable law, or whenever

the Building Inspector or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises hazardous, unsafe, or dangerous for any reason specified in this Code or other similar law, the Building Inspector or his authorized representative hereby is authorized to enter such property at any reasonable time, and to inspect the same and perform any duty imposed upon the Building Inspector by this Code or other applicable law, provided that:

1. If such property be occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefore; and
 2. If such property be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry, explaining his reasons therefore. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Building Inspector or his authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.
- (b) Notwithstanding the foregoing, if the Building Inspector or his authorized representative has reasonable cause to believe that the building or premises is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the public health or safety, he shall have the right to immediately enter and inspect such property and may use any reasonable means required to effect such property and make such inspection, whether such property be occupied or unoccupied, and whether or not permission to inspect has been obtained. If the property be occupied, he shall first present proper credentials to the occupant and demand entry, explaining his reasons therefore and the purpose of his inspection.
- (c) "Authorized representative" shall include the officers named in subsection (1) of this section and their authorized inspection personnel.
- (d) No person shall fail or refuse after proper demand has been made upon him as provided in this section, to promptly permit the Building Inspector or his authorized representative to make any inspection provided for by subparagraph (b) of this section. Any person violating any of the provisions of this subsection shall be subject to penalty as hereinafter provided.

18.03 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES. No person shall occupy as owner-occupant, or let to or offer to let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, and/or eating of meals therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall contain an approved kitchen sink.
- (2) Every dwelling unit shall contain a bathroom.
- (3) Every toilet and every bath shall be contained within a room or within separate rooms which afford privacy to a person within said room or rooms.
- (4) Every dwelling unit shall have water heating facilities which are properly installed and maintained in reasonably good working conditions and are properly connected with hot water lines to the kitchen sink, lavatory, and bathtub, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn for every bath a temperature of not less than 100° F, supplied by the owner or operator. Such water

heating facilities shall be capable of meeting the requirements of this subsection when the heating facilities of the dwelling and/or dwelling unit required under the provision of a following subsection are not in operation. (See §18.04(6)).

- (5) Every kitchen sink, toilet, lavatory, basin, and bath shall be in good working condition and properly connected to an approved water and sewer system.
- (6) Access to all areas of a dwelling unit included in the computation of habitable area of the dwelling unit shall be available from the other habitable areas of the dwelling units without passing through any portion of any other dwelling unit or communicating corridor common to more than one dwelling unit.

Access to all the habitable area of a dwelling unit included in the computation of the habitable area of the dwelling unit, on a floor, or level other than that of the main living area, shall be via an interior stairway with fixed risers. No stairway may be located in a closet.

- (7) Every stairway, entrance, and exit of every dwelling unit shall comply with the following requirements:
 - (a) Shall be kept in a reasonable good state of repair.
 - (b) Shall be unobstructed at all times.
- (8) The provisions of the building regulations and supplemental building regulations of the Village Code relating to access and egress from all entrances and/or exits, inside stairways, and required hand rails shall be applicable to the Village housing code and incorporated references herein as same may pertain to all dwellings and dwelling units in the Village of Hales Corners.
- (9) **Smoke Detection in Existing Buildings.** On or before October 1, 1987, each living unit in existing one (1) and two (2) family dwellings shall be provided with an approved, listed, and labeled smoke detector, sensing visible or invisible particles of combustion, installed in the basement and on each floor level, except the attic or storage area of each dwelling unit. Said detectors shall be located in the sleeping areas of each floor.

18.04 MINIMUM STANDARDS FOR LIGHT, VENTILATION, AND HEATING. No person shall occupy as owner-occupant nor shall let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- (1) Every habitable room, bathroom, and toilet room shall have a window or windows which shall open onto a street alley, yard, court, or open to the sky; such with a total glass area equal to at least 10% of its floor area unless in the opinion of the Building Inspector the structure of the building precludes the use of windows, in which case other means of lighting and ventilation approved by the Building Inspector may be used. Such windows shall open onto a street, alley, yard, court, or open to the sky; such windows shall be so constructed that at least one-half may be fully opened. Approved mechanical ventilation may be substituted.
- (2) Every public hall and public stairway of every dwelling containing four (4) or more dwelling units shall be lighted by means of a minimum of five (5) foot candles, properly located electric light fixtures at all times, provided that such electrical lighting may be

omitted from sunrise to sunset where there are windows or skylights opening directly to the outside, and where the total window or skylight area is at least one-tenth of the combined horizontal area of said hall and stairway, and if said skylights provide adequate natural light to all parts of each such public pathway. Every public hall and stairway in dwellings containing two (2) or three (3) dwelling units shall be supplied with convenient light switches controlling lighting systems which may be turned on when needed, instead of full-time lighting.

- (3) At least one (1) window in each habitable room shall be supplied with a screen covering at least 33% of the window area; provided that such screens shall not be required in rooms deemed by the Health Officer to be located sufficiently high in upper stories of dwellings as to be free of mosquitoes, flies, and other flying insects. Such screens shall have a wire mesh not less than No. 16, or in lieu thereof, approved mechanical ventilation.
- (4) Every dwelling having two (2) or more basement or cellar windows shall have at least two (2) window screens which cover the entire window. Where there is only one (1) basement window, it shall be similarly screened. Such screen shall have a wire mesh of not less than No. 16.
- (5) Every room and area within every dwelling and/or dwelling until shall contain the number of wall type electric receptacle outlets and the amount of branch circuit required to feed same as established by the State electrical code; also every toilet room, bathroom, furnace room, laundry room, and public hall shall contain at least one (1) supplied ceiling type or wall type electric light fixture; every outlet and fixture shall be installed and maintained in good working condition.
- (6) Every owner, agent, manager, or lessee of any building whatsoever, who leases, rents, or lets such building or portion thereof as living quarters or as a business establishment where one or more persons are employed, on terms either expressed or implied to furnish heat to the occupants thereof, shall and is hereby directed to maintain a minimum temperature of at least 68° F unless otherwise provided by contract; however, the provisions of this sections shall not apply to buildings or portions thereof used and occupied for trades, businesses, or occupations where high or low temperatures are essential. The heating facilities supplied shall be installed and maintained at all times by the owner of the premises in good working conditions.

18.05 RESPONSIBILITY OF OWNERS RELATED TO THE MAINTENANCE OF DWELLINGS AND DWELLING UNITS. No person shall occupy as owner-occupant or let to or offer to let to another for occupancy, any dwelling unit or portion thereof for the purpose of living therein, which does not comply with the following requirements:

- (1) Every foundation, exterior wall, and roof shall be reasonably weather-tight, waterproof, insect-proof, and rodent-proof, and shall be kept in a good state of maintenance and repair.
- (2) Every interior partition wall, floor, and ceiling shall be kept in a reasonably good state of repair and maintained so as to permit them to be kept in a clean and sanitary condition.
- (3) All rain water shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings, or floors of any building or structure or part thereof.

- (4) Every window, exterior door, and basement hatchway shall be reasonably weather-tight, insect-proof, and rodent-proof, and shall be kept in reasonably good working conditions and in a reasonably good state of maintenance and repair.
- (5) All exterior surfaces shall be protected from the elements and against decay and deterioration by paint or by other approved protective coating, applied in workmanlike fashion.
- (6) Every inside and outside stairway, every porch, and every appurtenance thereto, shall be so constructed as to be reasonably safe to use and capable of supporting such a load as normal use may cause to be placed thereon, and shall be maintained in a good state of repair.
- (7) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good, sanitary working condition.
- (8) Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a reasonably good state of repair.
- (9) Every toilet room floor surface and bathroom floor surface shall be maintained so as to be reasonably impervious to water and so as to permit such floors to be kept in clean and sanitary condition.
- (10) Every supplied facility, piece of equipment, or utility which is required under this Chapter shall be so constructed or installed that it will function properly and shall be maintained in reasonably good working condition.
- (11) No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this Chapter to be removed, shut off, or disconnected from any occupied dwelling or dwelling unit let or occupied by him except for such temporary interruptions as may be necessary while actual repairs, replacement, or alterations are in process of being made.
- (12) Every owner of a building or structure shall be responsible for the extermination of insects, rodents, or pests on the premises, including adjacent premises under control of the owner.
- (13) Every owner of a building or structure shall be responsible for maintaining same in a clean and sanitary condition and in a good state of repair.
- (14) No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling until unless it is reasonably clean, sanitary, and complies with all provisions of this Chapter and all rules and regulations adopted pursuant thereto.

18.06 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS. No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- (1) No dwelling unit shall be occupied by more than one (1) family as defined in this article.

- (2) Floor areas, ceiling heights, and room areas shall be as provided for under the Building Code.
- (3) No dwelling or dwelling unit containing two (2) or more bedrooms shall have such room arrangement that access to a bathroom or toilet room intended for use by the occupants of more than one (1) bedroom can be had only be going through another bedroom; nor shall such room arrangements exist so that access to a bedroom can be had only be going through another bedroom or bathroom or toilet room.
- (4) No space in a basement may be used for sleeping purposes or as a dwelling unit unless it complies with required existing and natural light requirements of the Building Code.
- (5) Every occupant of every dwelling unit shall have unrestricted access to a toilet and to a kitchen sink or lavatory basin located within that dwelling unit.

18.07 RESPONSIBILITY OF OCCUPANTS RELATING TO THE MAINTENANCE OF DWELLINGS OR DWELLING UNITS.

- (1) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies or controls.
- (2) Every occupant of a dwelling or dwelling unit shall dispose of all of his rubbish, garbage, and other organic waste materials in a clean and sanitary manner, by placing it in rubbish containers and garbage disposal containers or facilities, as required by this Code.
- (3) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination in the dwelling unit occupied by him whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in reasonably rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.
- (4) Every occupant of a dwelling unit shall keep all supplied plumbing fixtures in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (5) Every plumbing fixture furnished by the occupant shall be properly installed and shall be properly maintained in a reasonably good working condition and clean and sanitary state, free from leaks and obstructions.
- (6) Every occupant of a dwelling unit shall be responsible for the exercise of reasonable care, proper use, and proper operation of supplied heating facilities.
- (7) Every space heater furnished by the occupant shall be properly installed, shall be maintained in reasonably good working condition, and shall comply with all of the requirements of the Hales Corners Building Code.

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

- (1) Every foundation, exterior wall, roof, window, exterior door, and basement hatchway and every other entrance of every non-dwelling structure shall be so maintained by the owner thereof as to prevent the structure from becoming a harborage for rodents, insects, and other vermin and shall be kept in a reasonably good state of maintenance and repair at all times.
- (2) All exterior surfaces of non-dwelling structures shall be protected from the elements against decay and decomposition, by paint or other approved protective coating applied in a workmanlike manner and shall be kept and so maintained by the owner thereof in a reasonably good state of repair so that the condition and appearance of the structure will not adversely affect the character and appearance of the surrounding area.
- (3) Every fence and every other non-dwelling structure shall be kept in a good state of maintenance and repair by the owner thereof or shall be removed.
- (4) Every premise shall be graded and maintained by the owner thereof so that no stagnant water shall accumulate or stand on the premises or within any building or structure located on the premises.
- (5) All open areas and premises shall be landscaped by the owner thereof with grass, trees, shrubs, or other planted ground cover; the owner or occupants of said premises shall keep said premises in a clean and sanitary condition, unsightly weeds or growth, as well as free of and uncluttered by building materials, tools and equipment, miscellaneous paraphernalia, rubbish, debris, and waste. All concrete or asphalt surfaces shall be maintained by the owner of said premises in a good state of repair.

18.09 PERMITTED VEHICLE STORAGE.

- (1) **General.** Vehicles and vehicular equipment may be stored or parked only in those districts where said vehicles or vehicular equipment are either directly permitted or customarily accessory to a permitted use in the specific zoning district involved.
- (2) **Residential Districts.** No more than four (4) vehicles, including recreational vehicles as defined in subsection (3) below, and including one panel, enclosed, or pickup truck when used by the occupant in the occupant's business or occupation, in operable condition, shall be permitted to be parked or stored outside on a lot in any residential zoning district. Trucks permitted hereunder shall be limited to those with a wheel base of 129 inches or less and a gross vehicle weight of 8,000 pounds or less. No more than two (2) recreational vehicles may be parked or stored on a residential lot at any time, provided that only one of the recreational vehicles may exceed 16 feet in length. In addition to the foregoing four vehicle and two recreational vehicle limitations, one utility trailer recreational vehicle with a bed not exceeding eight (8) feet by six and a half (6½) feet in area may be parked on a residential zoned lot.
- (3) **Recreational Vehicles and Equipment.** For purposes of this section, a "recreational vehicle" means all types of trailers, all types of mobile homes and motor homes, all types of campers, boats, snowmobiles, personal water crafts, all-terrain vehicles, motorbikes and motorcycles, and the like, not exceeding 32 feet in length, eight (8) feet in width, and

13 feet six (6) inches in height, provided that each such recreational vehicle to qualify as such shall be operable and kept in a good state of maintenance and repair, and be owned by the resident or occupant of the property. An empty or unloaded trailer is one (1) recreational vehicle; a trailer designed to carry personal water craft(s), snowmobile(s), all-terrain vehicle(s), or the like, is one (1) recreational vehicle when such other recreational vehicle(s) are mounted thereon; no more than four (4) such other recreational vehicles may be mounted or loaded on a single trailer. The outdoor storage or accumulation of recreational vehicle related equipment, included parts and accessories, and recreational vehicle related debris or paraphernalia, is prohibited.

(4) **Parking and Storage Locations.**

- (a) No recreational vehicle or equipment shall be parked or stored on the public right-of-way. Any recreational vehicle, when parked or stored within the front or side setback areas of any residential property, must be placed on a properly improved driveway and be at least 15 feet away from any adjacent dwelling. Recreational vehicles parked in the rear setback area of a property must be at least five (5) feet from any property line. Vehicles other than recreational vehicles must be placed on a properly improved driveway.
- (b) Exception. This section does not include those items which are stored within an enclosed storage garage.

18.10 STORAGE OF FIREWOOD.

- (1) The storage of firewood shall be restricted to the rear setback area of any residential property. Said storage shall be neatly stacked to avoid rodent infestation and be located not less than five (5) feet from any property line.
- (2) **Exception.** The storage of not more than one-half of one "Face Cord" (16 inches x 4 feet x 4 feet) may be stored beyond the rear setback area of a lot provided it is located not less than 15 feet from any property line and is neatly stacked.

18.11 ENFORCEMENT.

- (1) **Service of Notices.** Whenever the Building 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 his article or of any rule or regulation adopted pursuant thereto, he shall give notice of such violation or alleged violation to the person or persons responsible therefore. Such notice shall:
 - (a) Be put in writing;
 - (b) Include a description of the real estate sufficient for identification;
 - (c) Include a statement of the reason or reasons why it is being issued;
 - (d) Allow a reasonable time for the performance of any act it requires;
 - (e) Be served upon the owner, or the operator, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner, or upon such operator, or upon such occupant 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 or by certified mail with return receipt requested or certified letter with the copy is returned with a receipt showing it has not been

delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article and with the rules and regulations adopted pursuant thereto.

- (2) **Appeal from Inspector's Ruling.** Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal in writing to the Board of Appeals of the Village of Hales Corners within 30 days of the alleged act or omission of said inspector pursuant to §62.23, Wis. Stats., and to the rules of the Board of Appeals. The appellant shall annex to the notice of appeal such plats, surveys, plans, or specifications which are of probative value in the determination of the appeal together with the name and address of the appellant. Upon the filing of such notices with the Village Clerk, the appellant shall receive a copy of the rules of the Board of Appeals. Upon the filing of notice of appeal, an appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the inspector certifies to the Board of Appeals that by reason of the facts stated in a certificate a stay would, in his opinion, cause imminent peril to life or property. Upon the filing of such notice of appeal, the Board of Appeals shall fix a time and place for the hearing of the appeal not less than 10 days nor more than 30 days from the date of such filing.
- (a) **Penalty Provisions. General Penalty.** Whenever so provided in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
1. **First Offense – Penalty.** Any person who shall violate any provisions of this Code subject to a penalty shall, upon conviction thereof, forfeit no more than \$200.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail or County House of Correction until said forfeiture and costs are paid, but not exceeding 90 days.
 2. **Second Offense – Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail or County House of Correction until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.
- (b) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any ordinance contained in this Code.
- (c) **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village the court may, in lieu of ordering imprisonment of any defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.
- (3) **Issuance of Subpoenas.** Upon application of either the officer executing the notice on behalf of the Board or the person or persons against whom the notice has been issued, the

Board shall issue subpoenas in accordance with the statutes of the State of Wisconsin, ordering witnesses to appear and testify under oath at the hearing held before the Board.

- (4) **Issuance of Order when Emergency Exists.** Whenever the Health Officer or Building Inspector acting in his behalf in the enforcement of this article finds that an emergency exists which requires immediate action to protect the public health, he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet such emergency. Notwithstanding other provisions of this article, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith, but upon petition to the Board shall be afforded a hearing as prescribed in this article. After such hearing, depending upon the findings of the Board as to whether the provisions of this ordinance and the rules and regulations adopted pursuant thereto have been complied with, such Board shall continue such order or modify it or revoke it.

18.12 CONDEMNATION OF UNFIT DWELLINGS AND DWELLING UNITS; LEGAL PROCEDURE OF CONDEMNATION AND PLACARDING FOR HUMAN HABITATION. The designation of dwellings or dwelling units as unfit for human habitation and the procedure for condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- (1) **Condemnation of Dwellings and Dwelling Units as Unfit for Human Habitation.** Any dwelling or dwelling unit which the Building Inspector shall find to have any of the following defects, shall be condemned as unfit for human habitation:
- (a) One which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin-infested that it creates a hazard to the safety or welfare of the occupants or of the public; or
 - (b) One which lacks illumination, ventilation, or sanitary facilities adequate to protect the safety or welfare of the occupants or of the public; or
 - (c) On which, because of its general condition or location, is unsanitary or otherwise dangerous to the safety or welfare of the occupants or of the public.

Any dwelling or dwelling unit may be condemned as unfit for human habitation by the Building Inspector if the owner or occupant failed to comply with any order based on the provisions of this ordinance or any rules or regulations adopted pursuant thereto; provided that such dwelling or dwelling unit is, in the opinion of the Building Inspector, unfit for human habitation by reason of such failure to comply.

- (2) **Notice to Owner of Condemnation and Intent to Placard.** Whenever the Building Inspector has condemned a dwelling or dwelling unit as unfit for human habitation, he shall give notice to the owner of such condemnation and of his intent to placard the dwelling or dwelling unit as unfit for human habitation. Such notice shall:
- (a) Be put in writing;
 - (b) Include a description of the real estate sufficient for identification;
 - (c) Include a statement of the reason or reasons why it is being issued;
 - (d) Include a description of the repairs and improvements required to bring the condemned dwelling or dwelling unit into compliance with the provisions of this ordinance and any rules or regulations adopted pursuant thereto;
 - (e) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Board in accordance with the provisions of subsections 18.09(2) and (3) of this article; and

- (f) Be served upon the owner, provided that 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 certified mail with return receipt requested, to his last known address, or if the certified letter with the copy is returned with a receipt showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.
- (3) **Appeal of Notice Relating to Condemnation.** Any owner affected by any notice relating to the condemnation of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board, under the procedure set forth in §18.10.
- (4) **Placarding of Condemned Dwellings and Dwelling Units as Unfit for Human Habitation.** After the condemnation notice which is required under the provisions of subsection (b) of this section has resulted in an order, the Building Inspector shall placard the affected dwelling or dwelling unit as unfit for human habitation. The Building Inspector shall post, in a conspicuous place or places upon the affected dwelling or dwelling unit, a placard or placards bearing the following words: "Condemned as Unfit for Human Habitation."
- (5) **Vacation of Condemned and Placarded Dwellings and Dwelling Units.** Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the Building Inspector shall be vacated within a to any person for human habitation and no person shall occupy any dwelling or dwelling unit which has been condemned and placarded by the Building Inspector after the date on which said Inspector has required the affected dwelling or dwelling unit to be vacated.
- (6) **Placard Not to be Removed Until Defects are Eliminated.** No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based, have been eliminated.
- (7) **Placard to be Removed Only by Building Inspector.** No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection (6) above.

18.13 ARTICLE DOES NOT IMPAIR AUTHORITY OF VILLAGE OF HALES CORNERS OR VILLAGE HEALTH OFFICER TO ACT ON NUISANCES. Nothing in this article shall be construed or interpreted to in any way impair or limit the authority of the Village of Hales Corners to define and declare nuisances or of the Village Health Officer or his authorized representative to cause the removal or abatement of a nuisance by summary proceedings of other appropriate proceedings.

18.14 ARTICLE DOES NOT ABROGATE PROVISIONS OF BUILDING OR ZONING CODE. The provisions of this article will not abrogate the responsibility of any person

to comply with any provision of the Village Building and Zoning Codes and the State Building Code.