

CHAPTER 18

HOUSING

18.01 PURPOSE.

Whereas it is hereby found and declared that certain buildings and other structures in the Village of Allouez, both occupied and unoccupied, are now or are now threatening to become dilapidated, neglected, overcrowded with occupants, or unsanitary as a result of faulty design, defective construction, a failure to keep said buildings or structures in a proper state of repair, a lack of proper sanitary facilities, a lack of adequate lighting, ventilation, or heat, or improper management or any combination of these factors; and whereas it hereby is also found and declared that said conditions of said buildings and structures jeopardize, and are detrimental, to the health, safety, morals or welfare of the people of the Village of Allouez; now then, it is further found and declared:

- A. That the elimination of such buildings or structures, and the prevention of the occurrence of such conditions in the future are in the best interests of the citizens of this Village;
- B. That by the establishment of standards and requirements applicable to such buildings and structures, this end will be fostered and accomplished; and
- C. That by enactment and enforcement of this chapter, said standards will be established and such end realized.

18.02 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Administrator means a person, either the operator of a nursing home, or one assigned by the operator of a nursing home, who is directly responsible for the daily operation of, the supervision of employees in, and the care of patients in a nursing home.

Approved means approved by or in accordance with regulations established by the Village Board.

Basement means that portion of a building which is partly or wholly below the exterior ground level where said ground level comes in contact with the exterior walls of said building.

Bath means a bathtub or shower stall.

Bedroom means a habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

Dwelling means any building or structure, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling unit means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals, and has the equipment and facilities as required by Section 18.06.

Extermination means 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, and/or by poisoning, spraying, fumigating, trapping or any other approved pest elimination methods.

Family means one adult occupant plus one or more persons who are legally related to said occupant as husband or wife, son or daughter, mother or father, brother or sister, mother-in-law or father-in-law.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces, and stairways, and room used for play or recreational purposes.

Infestation means the presence of any insects, rodents, or other pests within a dwelling or on the dwelling premises.

Inspector means the Health Inspector or Code Enforcement Officer of the Village of Allouez or persons authorized by the Village Board to conduct inspections relative to this code.

Kitchen means a habitable room used or intended to be used for cooking or the preparation of meals.

Living room means a habitable room within a dwelling unit which is used, or intended to be used primarily for general living purposes.

Nursing home means a dwelling or part thereof within which shelter, meals and nursing care are supplied as defined in Wis. Adm. Code H32.01 and H32.02.

Nursing unit means any room or group of rooms forming a single habitable unit used or intended to be used for sleeping by patients or the provision of bedside nursing care to patients within a nursing home.

Occupant means any person including an owner or operator, living, sleeping, or cooking in, or having actual possession of a dwelling unit, rooming unit, or nursing unit.

Operator means any person who has charge, care or control of a building or part thereof, in which dwelling units, rooming units or nursing units are let.

Owner means any person who alone or jointly or severally with others shall have legal title or equitable title to any dwelling, dwelling unit, rooming unit or nursing unit, including a person acting as personal representative, administrator, trustee, or guardian of the estate of the owner.

Patient means a person suffering from infirmities of old age or illness or physical disability.

Plumbing means all of the following facilities and equipment: water pipes, garbage disposal units, waste pipes, vent pipes, toilets, sinks, installed dishwashers, lavatories, baths, installed clothes washing machines, catch basins, drains, vents, domestic hot water heaters, and any other similar fixtures, together with all connections to water, sewer or gas lines.

Premises means a platted lot or part thereof, or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or structure.

Roomer means an occupant of a rooming house who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.

Rooming house means any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to 3 or more roomers, except hotels and tourist rooming houses licensed by the Hotel and Restaurant Division of the Wisconsin State Board of Health.

Rooming unit means any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and sleeping, but not equipped for the cooking or eating of meals as required by Section 18.06, and not intended for such use by the operator of said rooming house.

Supplied means paid for, furnished, provided by, or under the control of the owner or operator.

State Building Code shall mean Comm 50-70, Wis. Admin. Code.

State Heating, Ventilating and Air Conditioning Code shall mean Comm 64, Wis. Admin. Code.

State Plumbing Code shall mean Comm 82-87, Wis. Adm. Code.

Village Building Code shall mean Chapter 13 of the Code of General Ordinances of the Village of Allouez.

Village Electrical Code shall mean Chapter 14 of the Code of General Ordinances of the Village of Allouez.

Village Heating Code shall mean Chapter 13.48 of the Code of General Ordinances of the Village of Allouez.

Village Plumbing Code shall mean Chapter 15 of the Code of General Ordinances of the Village of Allouez.

Meaning of Certain Words: Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "nursing unit", or "premises"

are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof".

18.03 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS, NURSING UNITS AND PREMISES.

A. Inspection by Health Inspector.

The Health Inspector shall make inspections to determine the conditions of dwelling units, rooming and nursing units, and premises located within the Village of Allouez. He may enter any building during reasonable hours in the discharge of his duties, and any person who shall interfere with the Health Inspector in the discharge of his duties shall be guilty of an offense against this chapter. The Health Inspector shall have proper identification and shall show the same when making such inspections.

B. Access of Owner or Operator.

Every occupant of a dwelling, dwelling unit, rooming unit or nursing unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, rooming unit, or nursing unit, or its premises, at all reasonable times for the purpose of effecting such maintenance, making such repairs, or making such alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted, or any lawful notice or order issued pursuant to the provisions of this chapter.

18.04 ENFORCEMENT: SERVICE OF NOTICE: HEARINGS.

A. Service of Notices and Hearings.

Whenever the Health Inspector or Code Enforcement Officer determines that there has been a violation, or that there are reasonable grounds that there has been a violation of any of the provisions of this chapter 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 therefor as provided in Section 66.435 (4)(a), Wisconsin Statutes. The provisions of Section 66.435 (4)(a) and (b) pertaining to the service of notices, petition for hearing and review by Circuit Court are adopted by reference and hereby made a part of this chapter as if set out in full. In carrying out the provisions of Section 66.435 (4)(a), Wisconsin Statutes, which provides in part that a person affected by a notice of violation or alleged violation "may request and shall be granted a hearing on the matter", the Village Board of Appeals is hereby designated as the appropriate governing body to hear original appeals under said provision.

B. Emergency Orders.

Whenever the Health Inspector finds that an emergency exists which requires immediate action to protect the public health, he may,

without notice of hearing, and in accordance with the provision of Section 66.435 (4)(a), Wisconsin Statutes, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Such order shall be effective immediately. Notwithstanding the other provisions of this chapter, every notice served by the Health Inspector in accordance with the provisions of subsection 17.06(7), 17.08(11), 17.10(3) and 17.11(18) shall be regarded as an order.

18.05 ADOPTION OF RULES AND REGULATIONS BY THE VILLAGE BOARD.

The Allouez Village Board may make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this chapter. Such rules and regulations shall have the same force and effect as the provisions of this chapter and the penalty for violation of the provisions of this chapter.

18.06 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating of meals therein, which does not comply with the following requirements:

A. Kitchen Sink and Lavatory.

Every dwelling unit shall contain an approved kitchen sink. Every dwelling unit shall contain a lavatory or washbasin in or adjacent to the toilet room.

B. Toilet.

Every dwelling unit shall contain a toilet which shall be placed in a separate room enclosed with partitions which shall extend to the ceiling.

C. Bath.

Every dwelling unit shall contain a bath. Every bath shall be contained within a toilet room or within a separate room which affords privacy to a person using this facility.

D. Hot and Cold Water Supply to Bath and Sinks.

Every bath, kitchen sink and lavatory required under this chapter shall be properly connected with both hot and cold water lines.

E. Water Heating Facilities.

Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in reasonable good working condition, are properly connected with the hot water lines required under subparagraph (4), and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every bath at a temperature of not less than 100

degrees F. Such supplied water heating facilities shall be capable of meeting these requirements when the dwelling or dwelling unit heating facilities are not in operation.

F. Connection to Water and Sewer System.

Every kitchen sink, toilet, lavatory basin, and bath shall be in good working condition and properly connected to an approved water and sewer system.

G. Plumbing.

All plumbing, plumbing equipment, plumbing fixtures and the installation thereof shall comply with the Plumbing Codes of the Village of Allouez and the State of Wisconsin.

H. Solid Waste and Recyclables.

Every single family dwelling shall have adequate facilities for the temporary storage of rubbish, garbage, solid wastes and recyclables. Every owner and/or operator of a building which contains more than one dwelling unit, or a nursing unit, shall provide adequate facilities for the separation, temporary storage and collection of solid waste and recyclables.

I. Exits.

Every dwelling unit shall have exits which shall conform to the exit requirements of the Village Building Code or the State Building Code when applicable. Every exit and passageway shall also comply with the following requirements:

- (1) It shall be kept in good state of repair.
- (2) It shall be unobstructed at all times.

18.07 MINIMUM STANDARDS FOR LIGHT, HEATING AND VENTILATION.

A. Window Area.

Every habitable room, toilet room and bathroom shall have at least one window facing directly to the outdoors. The minimum total window area shall be at least 10% of the floor area of the room, but not less than 12 sq. feet. The top of at least one such window shall not be less than 6 1/2 feet above the floor. At least half of the window in any sleeping room shall be made so as to open full width, unless other means of adequately ventilating such rooms are installed and operating. The outside window in every toilet or bathroom shall have a total area of at least 10% of the floor area, but not less than 4 square feet, except that no window or skylight is required in adequately ventilated bathrooms or toilet rooms equipped with a ventilation system which is kept in continuous operation.

B. Electric Outlets.

Where there is suitable electric service available from supply lines which are not more than 300 feet away from a dwelling, every

kitchen, living room, rooming unit, and nursing unit within such dwelling shall contain at least two separate and remote floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling or wall-type electric light fixture; and every bedroom, dining room, toilet room, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling-type or wall-type electric light fixture; provided that in lieu of one supplied ceiling type or wall-type electric fixture a bedroom and dining room may each contain at least two separate and remote floor or wall-type electric convenience outlets. Every such outlet and fixture shall be properly installed, shall be maintained in good working condition, and shall be connected to the source of electric power in a proper manner, and in accordance with the Village Electrical Code.

C. Heating Facilities.

Whenever a dwelling unit has supplied heating facilities, said facilities shall be properly installed, be maintained in good working condition, and be capable of adequately heating all habitable rooms, bathrooms and toilet rooms contained therein, or intended for use by the occupants thereof, to a temperature of at least 70 degrees F., at a distance three feet above floor level, when the outside temperature is at or above 15 degrees below zero F. Whenever a dwelling unit does not have supplied heating facilities, it shall contain a sufficient number of chimney outlets to permit the occupant, through the use of space heaters furnished by said occupant or owner, to adequately heat all habitable rooms, bathrooms, and toilet rooms contained therein to a temperature of at least 70 degrees F., at a distance of three feet above the floor level, when the outdoor temperature is at or above 15 degrees below zero F. This provision shall not permit the use of space heaters where such use is prohibited by either the Village Building or Heating Code, or the State Building and Heating, Ventilating and Air-Conditioning Codes when applicable. Every supplied central heating system shall comply with the Village Building and Heating Codes and with the State Building and Heating, Ventilating and Air-Conditioning Codes when applicable. It shall also comply with the following requirements:

- (1) The central heating unit shall be in good operating condition.
- (2) Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.
- (3) Every seal between the sections of a warm air furnace shall be tight so noxious gases will not escape into the heat ducts.

Every space heater shall comply with the Village Building and Heating Codes and the State Building and Heating, Ventilating and Air-Conditioning Codes when applicable, and all of the following requirements:

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

- (2) Every space heater burning solid, liquid or gaseous fuels shall be properly vented.
- (3) Every coal-burning or oil-burning space heater shall have a fire-resistant panel beneath it.
- (4) The location of space heaters, the insulation of walls and ceilings close to such heaters, the construction, installation and guarding of smoke pipes and walls or ceilings which they go through shall be in accordance with the Heating Code of the Village of Allouez.

D. Lighting of Public Halls and Stairways.

Every public hall and public stairway in every dwelling containing four or more dwelling units, or accommodating more than 20 persons, shall be adequately lighted at all times. This lighting shall include lights at all intersections of passageways, at all exits, and at the head and foot of every stairway. Every public hall and public stairway in dwellings containing less than four dwelling units or rooming house accommodating more than three roomers but less than 20 persons shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

E. Screens.

At least one window in each habitable room, toilet room and bathroom where windows are required, shall be supplied with a screen covering at least one-third of the window area, except where other means of adequately ventilating such rooms are available and operating. Screens shall have a wire mesh of not less than No. 16.

18.08 RESPONSIBILITY OF OWNERS RELATING TO THE MAINTENANCE OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND NURSING UNITS.

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

A. Maintenance of Foundations, Exterior Walls, Roofs.

Every foundation, exterior wall, and roof shall be weather tight, watertight, and insect proof. They shall be rodent proof and kept in a good state of maintenance and repair.

B. Maintenance of Interior Walls, Floors, Ceilings.

Every interior partition, wall, floor and ceiling, shall be capable of affording privacy, kept in good state of repair and maintained so as to permit them to be kept in a clean and sanitary condition.

C. Rain Water Drain.

All rain water shall be so drained and conveyed from every roof so as not to cause dampness in walls, ceiling, or floors of any room.

D. Windows, Doors, Hatchways.

Every window, exterior door, and basement hatchway shall be weather-tight, and shall be kept in a good working condition and state of maintenance and repair.

E. Protection of Exterior Wood Surfaces.

All exterior wood surfaces shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike fashion.

F. Stairways and Porches.

Every inside and outside stairway, every porch, and every appurtenance thereto shall be constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and in good state of maintenance and repair.

G. Supplied Plumbing Fixtures.

Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition and in accordance with the Plumbing Codes of the Village of Allouez and State of Wisconsin.

H. Chimney and Supplied Smoke Pipes.

Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a good state of repair and in accordance with the Village Building and Heating Codes of the Village of Allouez and the State of Wisconsin Building and Heating, Ventilating and Air Conditioning Codes when applicable.

I. Bathroom and Toilet Room Floors.

Every bathroom and toilet room floor surface shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be kept in a clean and sanitary condition.

J. Supplied Facilities.

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 good working condition.

K. Discontinuance of Required Services, Facilities, Equipment or Utilities.

No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this section to be removed from or shut off from, or

discontinued from any occupied dwelling unit let or occupied by him except for such temporary interruption as may be necessary while actual repairs, replacement or alterations are in process of being made.

L. Pest Extermination.

Whenever infestation exists in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, or whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or insect-proof condition, extermination thereof shall be the responsibility of the owner.

M. Cleanliness of Public Areas of Dwellings.

Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition all communal, shared or public areas of the dwelling and premises thereof which are used or shared by the occupants of two or more dwelling units.

N. Vacant Dwelling Units to be Clean and Sanitary Before Being Let for Occupancy.

No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit unless it is clean, sanitary, free of infestation, and complies with all provisions of this chapter and all rules and regulations adopted pursuant thereto.

18.09 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:

A. Minimum Floor Area for Dwelling Unit.

Every dwelling unit consisting of only one habitable room shall contain at least 100 square feet of habitable room floor area. No dwelling unit containing less than 170 square feet of habitable room floor area shall be occupied by more than one occupant. No dwelling unit consisting of only one habitable room shall be occupied by more than two occupants.

B. Minimum Floor Area for Sleeping Purposes.

Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space and 490 cubic feet of air space, and every room occupied for sleeping purposes by more than one person shall contain at least 60 square feet of floor space, and 400 cubic feet of air space for each occupant thereof, except that these requirements shall be reduced by one-half for children under 12 years of age.

C. Arrangement of Sleeping, Bath and Toilet Rooms.

No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.

D. Basement Space May be Habitable.

No basement space shall be used as a sleeping room, or dwelling unit unless such sleeping room or dwelling unit is in conformity with existing Village or State Building Codes, and complies with the following requirements:

- (1) The total of window area in each room is equal to at least the minimum window area sizes as required in Section 17.07 (1).
- (2) Such required minimum window area is located entirely above the grade of the adjoining ground.
- (3) The total of openable window area in each room is equal to at least the minimum required under Section 17.07 (1) unless there is supplied some other approved ventilating device.

E. Occupants to have Access to Sanitary Facilities.

Every occupant of every dwelling shall have unrestricted access to a toilet and bath and to a kitchen sink or lavatory located within that dwelling.

F. Fire Enclosure.

No basement space shall be used as a sleeping room when the heating unit or furnace for the main structure is located within such basement space, unless such heating unit or furnace is enclosed within a one-hour fire enclosure.

18.10 RESPONSIBILITY OF OCCUPANTS AND OWNERS RELATING TO THE MAINTENANCE OF DWELLING AND DWELLING UNITS.

A. Cleanliness

Every occupant and owner 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.

B. Disposal of Rubbish.

Every occupant and owner of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Chapter 5.01 of the General Ordinances of the Village of Allouez.

C. Disposal of Garbage.

Every occupant and owner of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers as required by Chapter 5.01 of the General Ordinances of the Village of Allouez.

D. Hanging Screens.

Every occupant and owner of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this section or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service. Screens shall be hung at all times that flies or other insects are present.

E. Extermination of Pests.

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 shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only one infested, except that whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or insect-proof condition, extermination shall be the responsibility of the owner.

F. Use and Operation of Supplied Plumbing Fixtures.

Every occupant and owner of a dwelling unit shall keep all supplied 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.

G. Destruction, Mutilation and Defacing of Property.

Every occupant of a dwelling unit, rooming unit or nursing unit shall be responsible for the repair or replacement of any part of required residential real estate, required supplied fixtures and equipment, required supplied furnishings, and any other required property of an owner, when such has been willfully or wantonly damaged, mutilated or defaced by such occupant.

H. Wherever, under this subsection, a duty is imposed on the occupants and owners, they shall have joint and several responsibility and, in the event of a failure to comply with the requirements of this subsection, the Village may proceed against either or both, and by proceeding against one the Village shall not be held to have waived its right to later proceed against the other.

18.11 ROOMING HOUSE AND NURSING HOMES.

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

A. Permit Required.

No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Village Clerk-Treasurer (after inspection and approval by the Village Building Inspector) in the name of the operator and for the specific dwelling or dwelling unit within which the rooming house is contained; except the provisions of this subsection relating to the procuring of a permit shall not apply to nursing homes, hotels, motels and tourist rooming houses which are licensed by the State Health Department.

B. Application For Permit.

The operator and owner shall file an application for a rooming house permit in the office of the Village Clerk-Treasurer on forms prepared by the Clerk-Treasurer. The operator and owner shall file with the permit application, an occupancy permit issued by the Building Inspector for the operation of a rooming house in the dwelling designated in the application. The occupancy permit issued by the Building Inspector shall state the number of rooming units permitted in the dwelling designated in the application in conformity with the zoning code.

C. Issuance of Permit and Fees.

When all applicable provisions of this section, and any rules and regulations adopted pursuant thereto have been complied with by the operator and owner, the Village Clerk-Treasurer (after inspection and approval by the Village Building Inspector) shall issue a rooming house permit upon the payment of a fee, as outlined in Section 8.08. All rooming house permits so issued shall expire on July 1 following the date of issuance, unless sooner suspended or revoked as hereinafter provided. The permit shall list the maximum number of persons that may reside in the total of all rooming units located in the dwelling or portions thereof for which the rooming house permit is issued.

D. Posting of Permit.

Every rooming house permit issued by the Village Clerk-Treasurer shall be conspicuously posted by the operator at the main entrance to the rooming house for which it is issued, and shall remain so posted at all times unless removed by the order of the Village Clerk-Treasurer.

E. Operator and Owner to Control Occupancy.

No operator or owner shall at any time allow a larger number of persons to occupy the total of all rooming units located within a rooming house than the maximum number of persons listed on the

rooming house permit. No operator or owner shall at any time allow a larger number of persons to occupy any individual rooming unit than is permitted by this section.

F. No Transferability of Permit.

No rooming house permit issued under this chapter shall be transferable, as to person or place, and every operator shall notify the Village Clerk-Treasurer, in writing, within 24 hours after having relinquished the operation of a rooming house and shall file, in writing, with the Village Clerk-Treasurer the name and address of the person who will operate said rooming house thereafter.

G. Title Relationship of Permit to Building Code and Enforcement of Building Code.

The issuance of a rooming house permit shall not relieve the operator or owner of the responsibility for compliance with the building or zoning codes and any other applicable ordinance of the Village and the application rules of the State Department of Health and the Department of Commerce.

H. Applicability of Other Parts of This Section.

No person shall own or operate a rooming house unless all of the requirements of Section 18.08, 18.09(4) and 18.09(5) are complied with: provided for the purpose of interpreting the requirements of the designated section applicable to the enforcement of this subsection, the words "multiple dwelling" or "dwelling" shall be interpreted to mean rooming houses and the words "dwelling unit" and "dwelling units" shall be interpreted to mean rooming unit or rooming units. Every dwelling unit located within a rooming house shall comply with all of the requirements for dwelling units as established in accordance with this chapter.

I. Toilets and Lavatory Basins.

At least one toilet and one lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each ten persons or fraction thereof, residing within a rooming house or nursing home, including members of the operator's family wherever they share the use of said facilities.

J. Baths.

At least one bath properly connected to an approved water and sewer system and in good working condition shall be supplied for each eight persons, or fraction thereof, residing within a rooming house or nursing home, including members of the operator's family wherever they share the use of said facilities.

K. Location of Sanitary Facilities.

Every toilet, lavatory basin and bath shall be located within a room or rooms, which afford privacy to a person within such room or rooms. All such facilities shall be located within the rooming

house or nursing home as to be accessible to the occupants of each rooming unit sharing such facilities, without going outside of the dwelling, and without going through another dwelling unit, or through a rooming unit of another occupant.

L. Minimum Floor Area for Sleeping Purposes.

Every room occupied for sleeping purposes, by one person, shall contain at least 70 square feet of floor space and 490 cubic feet of air space, and every room occupied for sleeping purposes by more than one person shall contain at least 60 square feet of floor space and 400 cubic feet of air space for each occupant hereof, except that these requirements shall be reduced by one-half for children under 12 years of age.

M. Number of Rooming Units.

Every rooming unit in every rooming house or nursing home shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such rooming unit. No two doors shall bear the same number. No number on any door of any rooming unit shall be changed to any other number without first securing the written approval of the Health Inspector.

N. Preparation or Eating of Meals in Rooming Units Prohibited.

No occupant of a rooming house or nursing home shall prepare or eat meals in a rooming house or nursing home unless such meals are prepared or eaten in a dwelling unit contained therein. For posting of signs in rooming units, see Section 27.03 C(11).

O. Bed Linens and Towels.

The operator of every rooming house or nursing home shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a reasonable, clean and sanitary manner.

P. Shades and Drapes.

Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials, which when properly used will afford privacy to the occupant of the room.

Q. Sanitary Maintenance.

The operator of every rooming house or nursing home shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of a rooming house or nursing home, and he shall be further responsible for the sanitary maintenance of the entire premises, where the entire structure of building within which the rooming house or nursing home is contained, is leased or occupied by the operator.

R. Storage and Disposal of Rubbish and Garbage.

Adequate garbage and rubbish storage containers whose type and location are approved under Section 5.01 of the Code and General Ordinances shall be supplied by the rooming house or nursing home operator or owner. The operator and owner shall be responsible for the disposal of all rubbish and garbage in a clean and sanitary manner, by placing it in the required containers.

S. Hanging Screens, Storm Doors and Storm Windows.

The operator of a rooming house or nursing home shall be responsible for hanging all screens and double storm doors and windows whenever the same are required under this chapter, or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service. Screens shall be hung not later than June 1 in each year.

T. Extermination of Pests.

The operator of a rooming house or nursing home shall be responsible for the extermination of any insects, rodents, or other pests therein, and he shall be further responsible for such extermination on the entire premises, where the entire structure or building within which the rooming house or nursing home is contained, is leased or occupied by the operator. Notwithstanding the foregoing provisions of this subsection, whenever infestation of a rooming house or nursing home is caused by a failure of the owner to maintain the dwelling, within which the rooming house or nursing home is contained, in a rodent-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner.

U. Exits.

Every rooming unit in every rooming house or nursing home shall have exits which conform to the exit requirements of the Village Building Code and the State Building Code when Applicable. In addition, every exit and passageway shall comply with the following requirements:

- (1) It shall be easily accessible from every rooming unit and dwelling unit by passageway, without passing through any part of any other rooming unit or dwelling unit.
- (2) It shall be kept in a reasonable good state of repair
- (3) It shall be unobstructed at all times.

V. Reporting of communicable Disease by Operator.

It shall be the duty of the operator of a rooming house and nursing home to report to the Village Health Officer within 24 hours, the name of any person living in the rooming house, who is suffering from or who may be afflicted with any communicable disease, and the name and address of such house or nursing home.

W. Keeping of Register.

Every person who operates a rooming house or nursing home shall at all times keep a standard register within the rooming house or nursing home, in which shall be inscribed the names of all occupants renting or occupying rooming in such rooming house or nursing home. The register shall be signed by the person renting a rooming unit. After the names or name of the person renting or occupying any rooming unit, the operator or his agent shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented; all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be at all times open to inspection by the Village Health Inspector, any peace officer, and the Public Safety Director or his authorized representative in the Village of Allouez. No person shall write, or cause to be written, in any rooming house or nursing home register any other or different name than the true name of such person, or the name by which such person is generally known.

X. Hearing When Rooming House Permit is Denied.

Any person, whose application for a permit to operate a rooming house has been denied, may request a hearing on the matter before the Village Board of Appeals, under the procedure provided by Section 18.04.

Y. Title Suspension of Permit.

Whenever upon inspection of a rooming house, the inspector finds that conditions or practices exist which are in violation of any of the provisions of this chapter, or of any rule and regulation adopted pursuant thereto, the inspector shall give notice, in writing, to the owner and operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, determined by the inspector, the operator's rooming house permit will be suspended. At the end of such period, the Health Officer shall re-inspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall suspend the permit and give written notice to the operator that the permit has been suspended.

Z. Hearing When Rooming House Permit Has Been Suspended. Revocation of Permit.

Any person whose permit to operate a rooming house has been suspended, or who has received notice from the inspector that his permit is to be suspended, unless the existing condition or practices are corrected, may request and shall be granted a hearing on the matter before the Village Board of Appeals under the procedure provided by Section 18.04. If no petition for such hearing is filed within twenty days following the day on which such permit was suspended, the permit shall be automatically revoked. Upon receipt of the notice of permit revocation, the operator shall cease operation of such rooming house, and after the lapse of a reasonable period of time to be

determined by the Inspector, no person shall occupy for sleeping or living purposes any dwelling unit or rooming unit therein.

- AA. Wherever, under this subsection, a duty is imposed on the occupants and owners they shall have joint and several responsibility and, in the event of a failure to comply with the requirements of this subsection, the Village may proceed against either or both, and by proceeding against one the Village shall not be held to have waived its right to later proceed against the other.

18.12 ADDITIONAL REQUIREMENTS FOR NURSING HOMES.

- A. Nursing Unit in Cellar or Basement Prohibited.

No nursing unit shall be located in any cellar or basement space.

- B. Compliance with State and Village Standards.

Every nursing home shall comply with Wisconsin Administrative Code H 32 - "Rules for the Construction, Maintenance and Operation of Nursing Homes and Homes for the Aged" and these regulations are adopted by reference and are hereby incorporated and made a part of this section as though set out in full.

18.13 RESPONSIBILITIES OF OWNERS RELATING TO THE MAINTENANCE OF NON-DWELLING STRUCTURES, FENCES AND PREMISES.

- A. Maintenance of Non-Dwelling Structures.

Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance way of every non-dwelling structure shall be so maintained as to prevent the structure from becoming a harborage for rodents and shall be kept in a reasonably good state of maintenance and repair.

- B. Protection of Exterior Wood Surfaces.

All exterior wood surfaces of all non-dwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.

- C. Maintenance of Fences.

Refer to Section 26.08.

- D. Grading and Drainage of Premises.

Every premises shall be graded and maintained so that no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises.

18.14 CONDITION OF DWELLING AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION.

- A. When any dwelling or dwelling unit is found by the inspector to have any of the following defects, condemnation proceedings shall be commenced (in accordance with the provisions of subsection (2) following):
- (1) One which is so damaged, decayed, dilapidated, insanitary, difficult to heat, unsafe, or vermin infested, that it creates a hazard to the health or welfare of the occupants or of the public; or
 - (2) One which lacks illumination, ventilation, or sanitary facilities, adequate to protect the health or welfare of the occupant or of the general public; or
 - (3) One which because of its general condition or location is insanitary or otherwise dangerous to the health or welfare of the occupants or of the general public. Any dwelling or dwelling unit shall be condemned as unfit for human habitation by the inspector (in accordance with the provisions of subsection (2)), if the owner, operator, or occupant fails to comply with any order based on the provisions of this section, or any rule or regulation adopted pursuant thereto.

B. Procedure for Condemnation.

The condemnation of dwellings and dwelling units as unfit for human habitation, occupancy or use shall be carried out in accordance with Section 66.05, Wisconsin Statutes, and the inspector shall be, and is hereby, designated as an "other designated officer" under the provisions of Section 66.05, Wisconsin Statutes.

18.15 ENFORCEMENT.

The inspector is charged with the responsibility for the enforcement of this chapter. However, it is hereby declared that the intent of this chapter can be most effectively carried out by the cooperation of all Village departments concerned, and all such departments shall cooperate with the Health Inspector in the enforcement of this chapter.

18.16 COMPLIANCE WITH OTHER CODES.

The provisions of this chapter shall not abrogate the responsibility of any person to comply with any of the provisions of the Wisconsin State Building Code, and the Building and Zoning, Plumbing, Heating, and Electrical Codes of the Village of Allouez.