

## TITLE 15

### Building Code

Chapter 1	Building, Plumbing, Electrical and Heating and Ventilation Code
Chapter 2	Construction Site Erosion Control (repealed 10-10-00 Ord. RC-102)
Chapter 3	Fair and Open Housing (repealed and recreated 8/11/98 Ordinance RC-49)
Chapter 4	Grievances Regarding Access to Public Buildings by Handicapped Persons
Chapter 5	Minimum Housing Code
Chapter 6	Commercial Exterior Maintenance Code
Chapter 7	Registration & Inspection of Multifamily Dwelling Units & Rental Property (Chapter 7 Created 5/13/97 Ordinance RC-2) (Chapter 7 repealed and recreated 4/14/98 by Ordinance RC-33) (Amended 12-11-07 Ord RC-240) (Amended 12-11-2012, Ord. 329)
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### CHAPTER 1

#### Building, Plumbing, Electrical and Heating and Ventilation Code

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#### SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- (a) **Title.** This Chapter shall be known as the "Building Code of the City of Delavan" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

- (c) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the City, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

## SEC. 15-1-2 BUILDING PERMITS AND INSPECTION.

(a) **Permit Required.**

- (1) General Permit Requirement. No building of any kind shall be moved within or into the City of Delavan and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.
- (2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:
- a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
  - b. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - c. Alterations When Not Permitted. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished as directed by the Common Council and debris removed from the premises at the expense of the property owner.
  - d. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
  - e. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

- f. Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Chapter have been complied with.

(b) **Application for Permits.**

- (1) General Requirements. Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the designer, and shall set forth a legal description of the land on which the building is to be located, the location of the building, the house number thereof and such other information as the Building Inspector may require. With such application, there shall be submitted to the Building Inspector two (2) complete sets of plans, specifications and one (1) copy of a survey.
- (2) Survey. The survey shall be prepared and certified by a surveyor registered by the State of Wisconsin; shall be made in no case prior to one (1) year prior to the issuance of a building permit; and shall bear the date of a survey. The Building Inspector may waive this survey requirement. Said survey shall also show the following:
  - a. Location and dimensions of all buildings on the lot, both existing and proposed.
  - b. Dimensions of the lot.
  - c. Dimensions showing all setbacks of all buildings on the lot.
  - d. Proposed grade of proposed structure, to City datum.
  - e. Grade of lot and of road opposite lot.
  - f. Grade and setback of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on same side of road.
  - g. Type of monuments at each corner of lot.
  - h. Watercourses or existing drainage ditches.
  - I. Seal and signature of surveyor.
- (3) Plans and Specifications. All plans shall be drawn to a scale not less than one-eighth (1/8) inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate, and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail shall be rejected. A complete set of plans for residential construction shall consist of: Building, Plumbing, Electrical and
  - a. All elevations.
  - b. All floor plans.
  - c. Complete construction details.
  - d. Fireplace details (3/4 inch per foot) showing cross-section of the fireplace and flues.
  - e. Plans for the garage when the garage is to be built immediately, or the location of the garage when it is to be built at a later date.
  - f. Stairwell detail.
  - g. Wall cross-sections.
- (4) Retention of Plans. All plans shall remain on file in the office of the building Inspector until at least two (2) years after the completion of the building, after which time the Building Inspector may return the same to the owner, may keep them for public record.

- (c) **Waiver of Some Requirements.** At the option of the Building Inspector, plans, data, specifications and surveys may not be required to be with an application for certain buildings, structures or equipment, provided the proposed construction is sufficiently described in the application for permit.

- (d) **Classes of Permits.** Permits required are as follows:
- (1) Building;
  - (2) Wrecking or razing;
  - (3) Heating;
  - (4) Air conditioning;
  - (5) Moving of buildings;
  - (6) Occupancy;
  - (7) Re-roofing and residing;
  - (8) Flammable liquid storage;
  - (9) Other permits as required by the municipality.
- (e) **Site Plan Approval.**
- (1) Site Plan Approval. All applications for building permits for any construction, reconstruction, expansion or conversion, shall require site plan approval by the Building Commissioner in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Building Commissioner or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
  - (2) Requirements. In acting on any site plan, the Building Commissioner shall consider the following:
    - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
    - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
    - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal; including the requirement for proper on-site waste disposal storage prior to the first floor framing of any building. Such on-site waste disposal storage shall need to meet the requirements of Title 8, Article A of this Code. (amended 09/09/03, Ord. RC-165).
    - d. The landscaping and appearance of the completed site. The Building Commissioner may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
  - (3) Effect on Municipal Services. Before granting any site approval, the Building Commissioner may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Building Commissioner shall not issue the final approval until the City has entered into an agreement with the applicant regarding the development of such facilities.
  - (4) Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the City Clerk within seven (7) days of the denial.
- (f) **Dedicated Street and Approved Subdivision Required.** Unless a waiver is granted by the Common Council, following a recommendation from the Building Inspector, no building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and/or certified survey and required improvements are installed and accepted by the Common Council.

(g) **Utilities Required.**

- (1) Residential Buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and "raveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
- (2) Non-Residential Building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.

(h) **Drainage.**

(1) Grading of Lots. The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch or pipe, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.

(2) Storm Water Drains. No dwelling shall be erected nor shall existing provisions for conveyance of water from the roof of any dwelling be altered or replaced unless provision is made to convey water from the roof of the dwelling in such a manner that such water will not, directly or indirectly, pass thence into the sanitary sewer system. No storm water or surface water drains, may be connected with the sanitary sewer system, whether installed above or below the surface of the ground.

(3) Drainage. No water shall be discharged from any roof of conductor pipes upon any public walk, but shall be conducted underneath the walk in a manner approved by the Building Inspector.

(i) **Moving Damaged Buildings**. No building shall be repaired, altered or moved within or into the City that has deteriorated or has been damaged by any cause, (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value, and no permit shall be granted to repair, alter or move such building within or into the City.

(j) **Building Inspector to Issue Permit.**

(1) If the Building Inspector finds that the proposed building will comply in every respect with this Chapter, other City ordinances, and all laws of the State of Wisconsin, and lawful orders issued pursuant thereto, he shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect which involves the safety of the building, except with the written consent of the Building Inspector filed with such application.

(2) In case adequate plans are presented, the Building Inspector, at his discretion, may issue a permit for a part of the building before receiving the plans and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinances of the City or laws of the State of Wisconsin or lawful orders issued pursuant thereto.

(3) For the construction of buildings requiring approval of the Wisconsin Department of Industry, Labor and Human Relations (DILHR), no permit shall be issued until such approved plans are received by the Building Inspector.

(k) **Waiver of Plans; Minor Repairs.**

(1) Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Five Thousand Dollars (\$5,000.00).

(2) Minor Repairs. The Building Inspector may authorize minor repairs or maintenance work on any

structure or to heating, ventilating or air conditioning systems installed which, in the opinion of the Building Inspector, are valued at less than Five Hundred Dollars (\$500.00) which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

(1) **Inspections.**

- (1) Notification. Upon notification from the permit holder or his agent, required inspections of the construction of any buildings, structures or equipment shall be made as follows:
  - a. Inspection to determine if the location on the premises is in compliance with approved certified lot or plot plan of the premises and the terms of the permit.
  - b. Inspection to determine if the construction of footings as to thickness, width, placing of reinforcing steel, if required, and foundation walls is in compliance with approved plans, data and the terms of the permit.
  - c. Inspection of all wall, floor and roof framing, fire stopping and bracing when completed, and of all pipes, chimneys, electrical service, plumbing, heating system, ventilating and other ducts, shafts and equipment when in place, but before any such work is covered, enclosed or concealed by other construction.
  - d. Inspection prior to laying concrete for basement floor to inspect subgrade, drain tile and forms.
  - e. Final Inspection. Upon the completion of any building, structure, equipment or construction for which a permit was issued and before the same is occupied or used, a final inspection shall be made by the Building Inspector, and until such building structure, or equipment is in compliance with all the requirements of this Chapter and terms of the permit, no occupancy shall be maintained. If the construction conforms to the requirements of this Chapter, a certificate of occupancy shall be issued pursuant to Section 15-1-18.
- (2) Coordinated Inspections. All provisions of the laws and regulations of the City, and of legally adopted rules of local fire and health officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases and the maintenance of safe and sanitary conditions of use in occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever inspection by any authorized enforcement officer discloses any violation of the provisions of this Chapter, or of any other rules, regulations or laws, he shall immediately notify the administrative officer having jurisdiction of the violation.
- (3) Certified Report. The Building Inspector may require a certified report of all required inspections as regulated by this Chapter from the registered architect or registered engineer supervising the construction of any building, structure, or equipment requiring their supervision. Such certified report shall state in detail that all construction work has been executed in accordance with all of the regulations of this Chapter, approved plans specifications, terms of the permit, and data filed with the application for permit; and further that such construction work was executed in accordance with accepted architectural and engineering standard procedures.

(m) **Validity of Building Permit.**

- (1) A weatherproof card signed by the Building Inspector indicating the permit has been issued shall be posted at the job site during construction. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this Chapter.
- (2) The building permit shall become void unless operations are commenced within four (4) months from the date thereof, or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of sixty (60) days. The period of time may be extended by the Building Inspector if the delay was due to conditions beyond the control of applicant.
- (3) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be

issued at the regular fee rate. In any event, all work shall be completed within twenty-four (24) months from the date of issuance of the permit.

(n) **Revocation of Permits.**

- (1) The Building Inspector may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
    - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
    - b. Whenever the continuance of any construction becomes dangerous to life or property.
    - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
    - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
    - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
    - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
  - (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
  - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (o) **Report of Violations.** City officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
- (p) **Display of Permit.** Building permits and approved plans shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

**SEC. 15-1-3 BUILDING INSPECTION DIVISION.**

- (a) **Building Inspection Division.** The Building Commissioner shall administer the Building Code. The Building Inspector shall be a certified inspector by the State of Wisconsin Department of Industry, Labor and Human Relations. The Building Inspector shall be appointed pursuant to Section 2-3-17 of this Code of Ordinances. In the event of need for additional help in performance of his duties as such building inspector, the City Administrator may appoint deputy or deputies who shall be under the direction and supervision of the Building Inspector. In the event a Building Inspector be not appointed, or in the event of a vacancy in such position, the Public Works Director shall be charged with performing the duties of, and have all the powers of,

the building inspector, as provided in this Section and elsewhere in this Code of Ordinances.

- (b) **Duties.** The Building Inspector is vested with the authority and responsibility to enforce all laws controlling safe building construction. He may make periodic inspection of existing public buildings to determine their safety. He shall make inspections at the site of buildings damaged by any cause whatsoever to determine the safety of buildings affected thereby.
- (c) **Rights.** The Building Inspector or his authorized agent shall have the power and authority at all reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, plumbing, electrical or heating work being done or the required license therefor. No person shall interfere with or refuse to permit access to any such premises to the above-described representatives of the City while in the performance of their duties.
- (d) **Records.** There shall be kept in the Department of Building Inspection a record of all applications for building permits in a book for such purpose and each permit shall be regularly numbered in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all buildings in the various classes, shall be kept. There shall be kept in the Department of Building Inspection, a record of all inspections made, and of all removal and condemnation of buildings, and a record of all fees collected showing the date of their receipt. The Building Inspector shall make a written annual report to the Common Council relative to these matters.

**SEC. 15-1-4 STATE UNIFORM DWELLING CODE ADOPTED.** (Amended 7/9/2013, RC-333)

- (a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters SPS 320 through 325 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in the City of Delavan. A copy of these administrative code provisions and any future amendments shall be kept on file in the City Clerk's office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
  - (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
  - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Building Inspector.
  - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
  - (4) Roof Coverings -- Whenever more than twenty-five percent (25 %) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Section of this Chapter.
  - (5) Additions and alterations -- Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Definitions.**
  - (1) Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
  - (2) Alteration. "Alteration" means a substantial change or modification other than an addition or minor



repair to a dwelling or to systems involved within a dwelling.

- (3) Department. "Department" means the Department of Safety and Professional Services.
- (4) Dwelling. "Dwelling" means:
  - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or
  - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (6) One (1) or Two (2) Family Dwelling. "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (7) Person. "Person" means an individual, partnership, firm or corporation.
- (8) Uniform Dwelling Code. "Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:
  - Wis. Adm. Code Chapter SPS 320 -- Administrative and Enforcement
  - Wis. Adm. Code Chapter SPS 321 -- Construction Standards
  - Wis. Adm. Code Chapter SPS 322 -- Energy Conservation Standards
  - Wis. Adm. Code Chapter SPS 323 -- Heating, Ventilating and Air Conditioning
  - Wis. Adm. Code Chapter SPS 324 -- Electrical Standards
  - Wis. Adm. Code Chapter SPS 325 -- Plumbing
- (9) Warehouse. A large building, or designated portion of a building, where raw materials or manufactured goods may be stored before their export or distribution for sale. (Amended 5/13/2014, RC-340)

(d) **Method of Enforcement.**

- (1) Certification. The Building Inspector shall be certified for inspection purposes by the department in each of the categories specified under SPS 305.63, Wis. Adm. Code.
- (2) Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (3) Inspection Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in performance of his duties.
- (4) Records. The Building Inspector shall perform all administrative tasks required by the department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept. The Building Inspector shall make a written annual report to the Common Council relative to these matters.

**SEC. 15-1-5 CONSTRUCTION STANDARDS; CODES ADOPTED.**

- (a) **Portions of State Building Code Adopted.** Chapters SPS 361 through 365, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. SPS 361 to 365 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 361 to 365 and amendments thereto shall be kept on file in the office of the Building Inspector.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. SPS 381 - 397 and SPS 325 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
  - (1) Wis. Adm. Code SPS 324 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
  - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- (d) **Conflicts.** If, in the opinion of the Building Inspector the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of other codes adopted by the City standards in their application to any proposed building or structure, the Inspector and/or the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

**SEC. 15-1-6 ELECTRICAL AND PLUMBING PERMITS.** (Amended 10/15/19 Ord RC-418)

**State of Wisconsin Electrical Code Adopted.** Wisconsin Administrative Code, Electrical Code Chapter 316 and all revisions, modifications, and amendments thereto are hereby adopted by reference and made a part of this Chapter and shall apply to all classes of buildings to which said codes apply.

- (a) **Electrical Permits; Inspections.**
  - (1) Except as otherwise provided by this Chapter, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the Wisconsin Statutes, this Chapter and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this Chapter or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property
  - (2) No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, except that minor repairs or replacements of broken or defective sockets, switches, or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Building Inspector.
  - (3) After roughing in the wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to

notify the Building Inspector who shall inspect, or cause to be inspected, the same. Upon completion of such wiring, the Inspector shall be notified and shall inspect or cause to be inspected the finished work.

(b) **Plumbing Permits.**

- (1) The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to this Chapter, the State Plumbing Code adopted by the Department of Industry, Labor and Human Relations and Chapter 145, Wis. Stats.
- (2) The Plumbing Inspector shall require that the construction, reconstruction and alteration of all plumbing, draining and plumbing ventilation hereafter installed in all buildings in the City shall comply with all laws, the rules and regulations of the Department of Industry, Labor and Human Relations and with the ordinances of the City.
- (3) The Plumbing Inspector shall furnish forms for the applications and permits required, and shall keep in his office a daily record of the transactions of his office. He shall file with the City of Delavan a report for each calendar month and year showing the total amounts of fees collected and a summary of work of his office during those periods. The annual report shall be filed on or before February first, and shall contain such recommendations relating to the operation of said department, and the ordinances pertaining thereto, as he shall deem advisable.
- (4) No person shall install or allow to be installed any plumbing or drainage of any kind or make any connection with the sanitary sewer or water systems, except that leakage and stoppage repairs may be made, unless a permit therefor has been granted by the Plumbing Inspector.

(c) **Definitions.** "Plumbing" in this Chapter is defined to include the following:

- (1) All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage systems inside a building and to a point from three (3) to five (5) feet outside the building;
- (2) The construction and connection of any drain or water pipe carrying domestic sewage from a point within three (3) to five (5) feet outside of the foundation walls of any building with the sewer service lateral at the curb or other disposal systems, and the alteration of any such system, drain or waste pipe, except minor repairs to faucets and valves;
- (3) A plumbing and drainage system so designed and vent piping so installed, as to keep the air within the system in free circulation and movement, and to prevent with a margin of safety unequal air pressure of such force as might blow, siphon or affect trap seals or retard the discharge from the plumbing fixtures, or permit sewer air to escape into the building.
- (4) The water service piping from a building to the main in the street, alley or other terminal and the connecting of domestic hot water storage tanks, water softeners, and water heaters with the water supply system.

(d) **Licensed Plumber Required.** All plumbing work shall be done only by a plumber licensed by the Department of Industry, Labor and Human Relations, except that a property owner may make repairs or installations in a single-family building owned and occupied by him as his home, provided that a permit is issued and the work is done in compliance with the provisions of this Chapter.

(e) **Plumbing Inspection.** It shall be the duty of the plumber to notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing and drain laying work shall be left uncovered for examination, testing, and approval by the Inspector. The Inspector shall have the power and authority to enter upon any private or public premises where he has reason to believe plumbing work is being installed contrary to the provisions of this Chapter. No person shall interfere in any way with the work of inspection or permit any plumbing or drainage to be used until it has been inspected and approved by the Inspector, unless special written permission therefor is given by the Inspector.

(f) **Connection with Main Sewer.** The Plumbing Inspector or Public Works Director shall furnish information as to position of connections with the main sewer so far as such knowledge may be in his possession, but the Plumbing Inspector, or Public Works Director, shall not be responsible for the correctness of such information. When no house connection is found in the main sewer within a distance of three (3) feet of the

direction of the flow from the point given, a short slant connection and one-eighth (1/8) bend shall be used, set upon a carefully cut opening in the main sewer, the connection secured to insure permanency by ample cementing or grouting; or a length of the main sewer pipe may be removed, and "Y" connection inserted in its place to serve as the connection of the house sewer to the main sewer. Such connection or insertion shall be made under the supervision of the Plumbing Inspector or Public Works Director.

- (g) **Wet Construction.** Where a high groundwater condition (wet construction) is found, cast-iron pipe shall be used; provided that vitrified clay pipe may be used if proper joints are provided to prevent infiltration.
- (h) **Protection of Pipes.** All water, sewer or drain pipes must be protected from injury, frost or settling.
- (i) **Permission to Disturb Sewer.** Whenever it is necessary to disturb a sewer in actual use, the same shall not be obstructed nor discontinued without specific permission from the Plumbing Inspector or Director of Public Works.
- (j) **Obstructions to Course of Sewer.** In all cases where the course of any sewer or drain is obstructed by water, gas, steam or other pipe or conduit, the Director of Public Works shall determine whether the sewer or drain shall pass over or under the obstruction, or whether the obstruction shall be raised or lowered to permit the construction and installation and venting of sewer or drain.
- (k) **Defective Pipe.** No master plumber or any other person shall lay or connect with any public sewer any pipe that is cracked or damaged or does not meet the requirements of the State Plumbing Code. Should any property owner or agent thereof furnish pipe which does not meet the Code requirements to connect with a public sewer, the master plumber shall refuse to lay and connect the same and shall immediately notify the Plumbing Inspector.
- (l) **Injury to Sewers and Drains.** No person shall injure, obstruct or tamper with any sewer, house drain, cesspool, septic tank, dry well, catch basin, manhole or any plumbing or apparatus pipes or any other part of any plumbing in actual use, or any sewer or water pipes or any parts or apparatus connected therewith, laid or constructed in the streets, alleys or other public places within the City.

#### **SEC. 15-1-7 NEW METHODS AND MATERIALS.**

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Title and not specifically mentioned in or permitted by this Title shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures covered by the Wisconsin State Building Code and Uniform Dwelling Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

#### **SEC. 15-1-8 UNSAFE BUILDINGS.**

Whenever the Common Council, upon the inspection and report of the Building Inspector, finds any building or part thereof within the City to be, in its judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Council may order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. The Council shall give specific reasons for its determination. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

**SEC. 15-1-9 DISCLAIMER ON INSPECTIONS.**

All inspections, reports and findings pursuant to this Title are not intended, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons the following disclaimer shall be applicable to all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

**SEC. 15-1-10 REGULATION AND PERMIT FOR RAZING BUILDINGS.**

- (a) **Permit Required.** No building within the City of Delavan shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (b) **Debris Management.** All debris must be hauled away at the end of each week for the work that was done during that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.
- (c) **Removal of Utilities Connections.**
  - (1) **Service Connections.** Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer, and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or scaled and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.
  - (2) **Sewer Laterals.** In any case where the use of a sewer lateral is discontinued, due to moving or removal of a building, such lateral shall be cut off and properly plugged at the curb line with prior approval of the Director of Public Works.
  - (3) **Water Laterals.** In any case where the use of a water lateral is discontinued, due to moving or removal of a building, such lateral shall be cut off and capped at the curb line or valve box with prior approval of the Director of Public Works.

**SEC. 15-1-11 BASEMENTS; EXCAVATIONS.**

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which constitutes a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.
- (d) **Vacant Buildings.** Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe, and a menace to public safety. The Building Inspector shall give the owner thereof written notice to secure said building or structure and comply with City Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector to condemn and raze said building or structure in accordance with the applicable provisions of Sec. 66.0413(1)(f), Wis. Stats.

**SEC. 15-1-12 DISCHARGE OF CLEAR WATERS.**

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **Conducting Tests.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

### SEC. 15-1-13 REGULATIONS FOR MOVING BUILDINGS.

- (a) **General Requirements.**
  - (1) No person shall move any building or structure upon any of the public ways of the City of Delavan without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
  - (2) Before the Building Inspector shall issue permit, reports and conditions for approval by all public utilities, including the existing site, the proposed moving route, and the proposed site shall be placed on file with the Building Inspector.
  - (3) A report shall be made by the Director of Public Works with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City, shall be paid to the City Clerk prior to issuance of the moving permit.
  - (4) Issuance of moving permit shall further be conditioned on approval of the moving route by the Director of Public Works.
- (b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, who in the company of the Director of Public Works or City Engineer, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Director of Public Works, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- (d) **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to

such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(e) **Bond.**

(1) Before a permit is issued to move any building over any public way in the City, the party applying therefor shall give a bond to the City of Delavan in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars (\$ 1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Common Council or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e) (1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(f) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

**SEC. 15-1-14 GARAGES AND ACCESSORY STRUCTURES -- GENERAL DESIGN REQUIREMENTS.**

(Ord RC-343, 7/8/2014)

(a) **Application.** All buildings or structures shall follow the applicable design requirements of Subsection (b) below and Sections 15-1-4 and 15-1-5.

(b) **Definitions.**

(1) An "attached private garage" shall mean a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or vestibule, or a private garage so constructed as to form an integral part of the principal building.

(2) A "detached private garage" shall mean a private garage entirely separated from the principal building.

(3) "One-hour fire-resistive construction" shall include only assemblies tested and approved for such classifications.

(4) A "private accessory structure" shall mean any structure other than the principal building or detached private garage, such as a carport or utility shed. (Ord RC-343, 7/8/2014)

(c) **Locations - Detached Garages and Private Accessory Structures.** Detached garages and private accessory structures shall be governed by the following unless otherwise provided for in appropriate zoning codes:

(1) Garages and accessory structures of wood frame construction shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced to not less than five (5) feet when the adjacent wall is protected with not less than one-hour fire-resistive construction.



- (2) Garages and accessory structures of masonry wall construction shall not be less than five (5) feet from any residence building.
- (3) Notwithstanding limitation as to floor area and number of vehicles to be accommodated, garage(s) may be provided for multiple family structure to accommodate at least one (1) self-propelled vehicle for each apartment therein located.
- (d) **Area.** All private garages shall be limited in area to one thousand (1,000) square feet. (RC-88)
- (e) **Foundations, Footings and Bolts.**
  - (1) Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. Reinforcement shall be a minimum of 6" x 6" No. 10 x 10 wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below top of slab.
  - (2) Bolts three-eighths (3/8) inches in diameter with nuts and washers attached, six (6) inches long, shall be embedded three (3) inches in the concrete of detached and detached garages eight (8) feet on centers.
  - (3) Accessory structures shall be anchored either with a concrete foundation [same as 15-1-14(c)(1)] and bolts [same as 15-1-14(c)(2)], or soil pylons as approved in the Wisconsin Uniform Dwelling Code (UDC). (Ord RC-343, 7/8/2014)
- (f) **Floor Surface.** The floor in all private garages shall be of concrete construction. No openings or pits in the floor shall be permitted, except for drainage.
- (g) **Construction.** Private garages shall be constructed as follows:
  - (1) Load bearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated herein.
  - (2) Detached private garages of wood frame construction shall be constructed with the following minimum requirements:
    - a. Studs may have a maximum spacing of twenty-four (24) inches on centers.
    - b. Diagonal corner bracing may be applied on the inside surface of studs.
    - c. Corner posts may consist of two (2) by two by four (2" x 4") inch studs or a single four by four (4" by 4") stud.
    - d. Horizontal bracing and collar beams may be two by six (2" x 6") inch with a maximum spacing of four (4) foot on centers.
  - (3) Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.
  - (4) Pole barns are prohibited.
- (h) **Attached Private Garages.** Private garages may be attached to or made a part of residence buildings when in compliance with the regulations in Section 15-1-5.
- (i) **Garage Heating.** All open flame equipment shall be effectively separated by not less than one hour fire-resistance wall, floor or ceiling; however, suspended furnaces or direct fired units that are fired with a liquid fuel or gas may be used without an enclosure, provided they are located at least seven (7) feet above the floor and at least six (6) inches from any combustible wall or ceiling. All units shall be supported by noncombustible brackets or hangers.

## SEC. 15-1-15 CANOPIES AND MARQUEES.

Any permanent canopy or marquee erected hereafter on any building shall conform to the following provisions:

- (a) No canopy or marquee shall have less than ten (10) feet clear between the grade of the sidewalk at any point and the lowest point of any projection or appendage of any such canopy or marquee, and no part of any such canopy or marquee shall extend further over the street than a point three (3) feet back of the back edge of the curb. Any such canopy or marquee shall be suspended from the building with no supports resting upon the sidewalk or public highway.

- (b) Canopies and marquees shall be constructed of incombustible material throughout, shall slope and drain toward the building, and shall be provided with conductors connected in such a manner that no water is discharged on any sidewalk.
- (c) Any sign or other appendage of a temporary or permanent nature shall be rigidly attached to the canopy or marquee in a manner complying with City sign regulations and approved by the Building Inspector, and swinging signs or accessories of any nature are prohibited.

#### **SEC. 15-1-16 AWNINGS.**

- (a) **Definition.** An "awning" is a roof-like structure of canvas or similar material stretched over a frame, which provides shelter from the sun or inclement weather or serves a decorative purpose.
- (b) **Placement.** No awning shall have less than six feet, eight inches (6'8") clearance between the grade of the sidewalk at any point and the lowest point of any projection or appendage of any such awning, and no part of any such awning shall extend further over the sidewalk or street right-of-way than a point five feet (5'0") back of the back edge of the curb. Any such awning shall be suspended from the building with no supports resting upon the sidewalk or public highway.
- (c) **Awning Frame.** The awning frame shall be constructed of noncombustible materials and anchored to the building in a manner approved by the Building Inspector.

#### **SEC. 15-1-17 IDENTIFICATION OF PRODUCTS.**

All materials shall be identified by the approved label, the grade mark, the trade mark, or by other approved manufacturer's identification.

#### **SEC. 15-1-18 CERTIFICATE OF OCCUPANCY.**

- (a) **Inspections.**
  - (1) The Building Inspector shall make a final inspection of all new buildings, additions, and alterations. If no violations of this Chapter or any other ordinance be found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used.
  - (2) No building, nor part thereof, shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.
- (b) **Use Discontinued.**
  - (1) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on the building owner or any person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirements of this Chapter.
  - (2) Any building, structure, or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same, until an application has been filed and a new certificate of occupancy issued. This Subsection (b) shall not apply to buildings used entirely for dwelling purposes.
- (c) **Change.** It shall be unlawful to change the use of any building, structure, premises, or part thereof without first obtaining from the Building Inspector an approval of such change in the occupancy or use, and a certificate of occupancy therefor.

- (d) **Hardship.** The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the City, prior to issuance of an occupancy certificate, in all such case of hardship as in his judgment and discretion warrant occupancy before final stage of completion as set forth in this Chapter. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed, such time should not exceed one hundred twenty (120) days.

**SEC. 15-1-19 FEE SCHEDULE** (Repealed & recreated 12-11-01 Ord. RC-129) (Repealed & recreated 12/10/02 RC-152) (Repealed & recreated 12/9/03 Ord. RC-172) (Repealed and Recreated 12/14/04 Ordinance RC-195) (Repealed and Recreated 12/11/07 by RC-239) (Amended 5/13/2014, RC-340)

- (a) **Municipal Building Code - Fee Schedule** as shall be adopted by Resolution from time to time, by the Common Council. (Repealed and recreated Ord RC-403, 12-18-2018)
- (1) **Double Fees:** Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall double the fees charged.

**SEC. 15-1-20 SEVERABILITY.**

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

**SEC. 15-1-21 PENALTIES, VARIANCES AND VIOLATIONS.**

- (a) **Violations.** Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) **Stop Work Orders; Double Fees.**
- (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. ILHR 20.10(1)(c), Wis. Adm.
- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

- (3) Each day each violation continues after the thirty (30) day written notice period has runs hall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
  - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) **Modifications and Variations by Board of Appeals.**
- (1) The Board of Appeals, when so appealed to and after and public hearing, may vary the application of any provision of this Chapter or any other provision of this Code, over which it has jurisdiction in its capacity as a building board of appeals, in any case when, in its opinion, the interpretation of the Building Inspector should be modified or reversed because incorrect.
  - (2) The decision of the Board of Appeals to vary the application of any provision of this Chapter or other provision over which it has jurisdiction in its capacity as a Building Board of Appeals, or to modify an order of the Building Inspector, shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons thereof.
- (d) **Appeals.** Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals as prescribed in the City Zoning Code shall apply. An appeal may be taken within thirty (30) days from the date of the decision appealed, by filing with the Building Inspector and with the Board of Appeals, a notice of appeal, specifying the grounds thereof together with payment of Twenty-five Dollars (\$25.00) to cover the cost of advertising the hearing of such appeal, except that in the case of a building structure, which, in the opinion of the Building Inspector, is unsafe or dangerous, the Building Inspector may, in his order, limit the time for such appeal to a shorter period. The Building Inspector shall forthwith transmit to the Board of Appeals all of the papers upon which the action appealed was taken.
- (e) **Liability of Officials.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Delavan charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

## **CHAPTER 2**

Construction Site Erosion Control (Repealed 10-10-00, Ord. Rc-102)

**CHAPTER 3**  
**(repealed and recreated 8/11/98 Ordinance RC-49)**

Fair Housing and Open Housing

**SEC. 15-3-1 FAIR AND OPEN HOUSING.**

- (a) That Section 106.04, Wisconsin Statutes, as amended, and all subsequent amendments thereto are hereby adopted.
- (b) The officials and employees of the City of Delavan shall assist in the orderly prevention and removal of all discrimination in housing within the City of Delavan by implementing the authority and enforcement procedures set forth in Section 106.04, Wisconsin Statutes, as amended,
- (c) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.04, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City of Delavan to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.04, Wisconsin Statutes, as amended.

## CHAPTER 4

### Grievances Regarding Access to Public Buildings by Handicapped Persons

#### 15-4-1 Grievance Procedures Regarding Access to Public Buildings by Handicapped Persons

#### **SEC. 15-4-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.**

- (a) **Statement of Purpose.** The City of Delavan is committed to providing adequate access by handicapped or visually impaired persons to City-owned public buildings. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . ."
- (b) **Complaint Procedure.**
- (1) Complaints should be filed with the City Clerk, who has been designated to coordinate Section 504 Compliance.
  - (2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
  - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the City Clerk who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.
  - (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.
  - (6) The Section 504 coordinator shall maintain the files and records of the City relating to the complaints filed.
- (c) **Appeals.**
- (1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the City Clerk
  - (2) The grievance shall be heard by the Common Council within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the City Hall at a convenient time fixed by the Common Council. The City Clerk shall give at least three (3) days' written notice to the applicant by first class mail of any such grievance hearing
  - (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and, upon request of the applicant, shall, be recorded.
  - (4) The decision of the Common Council on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Council shall be rendered within three (3) working days of the close of the hearing and the Common Council shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the City Clerk.

Grievances Regarding Access to Public Buildings  
by Handicapped Persons

- (d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.
- (e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City complies with Section 504 regulations.



## CHAPTER 5

### Minimum Housing Code

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Rules and Definitions
15-5-4	Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating, and Electrical Service
15-5-5	Safe and Sanitary Maintenance of Property
15-5-6	Quantity, Location and Use of Space in Residential Buildings
15-5-7	Fixing the Responsibility of Owners, Operators, and Occupants
15-5-8	Inspection
15-5-9	Designation of Unfit Dwellings and Legal Procedure Therefor
15-5-10	Enforcement, Service of Notices, and Orders and Hearings

#### **SEC. 15-5-1 TITLE.**

This Chapter shall be known as the City of Delavan Minimum Housing Code.

#### **SEC. 15-5-2 INTENT AND PURPOSE.**

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, and monetary values.
- (b) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

#### **SEC. 15-5-3 RULES AND DEFINITIONS.**

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
  - (1) Words used in the present tense shall include the future.
  - (2) Words used in the singular number shall include the plural number, and the plural the singular.
  - (3) The word "shall" is mandatory and not discretionary.
  - (4) The word "may" is permissive.
  - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

- (b) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) Adequate -- "Adequate" shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Chapter. "Adequately" shall mean the same as adequate.
  - (2) Apartment -- "Apartment" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
  - (3) Approved -- "Approved" shall mean approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law or this Chapter.
  - (4) Attractive Appearance -- "Attractive appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the City and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
  - (5) Basement -- "Basement" shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
  - (6) Boarding House -- See "Lodging House" and "Lodging Room."
  - (7) Building -- "Building" means a combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
  - (8) Capacity in Persons -- The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.
  - (9) Cellar -- "Cellar" shall mean a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
  - (10) Dwelling -- "Dwelling" is a place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
  - (11) Dwelling Unit -- "Dwelling Unit" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
  - (12) Extermination -- "Extermination" shall mean the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.
  - (13) Family -- A "family" is an individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than two (2) roomers.
  - (14) Good Working Condition -- "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this Chapter.
  - (15) Habitable Space -- "Habitable space" is one (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.
  - (16) Impervious to Water -- "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
  - (17) Infestation -- "Infestation" means the sustained presence of household pests, vermin, or rodents.
  - (18) Living Room -- "Living room" shall mean a room used primarily for living, dining, or cooking purposes.
  - (19) Lodging House -- "Lodging house" is a dwelling containing lodging rooms that will accommodate three (3) or more persons not members of a family.

- (20) Lodging Room -- "Lodging room" is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.
- (21) Mixed Occupancy -- "Mixed occupancy" shall be occupancy of a building in part for residential use and in part for some other use not accessory thereto.
- (22) Occupant -- "Occupant" means one who occupies or has actual possession of usable space.
- (23) Operator -- "Operator" shall mean any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.
- (24) Owner -- The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the City, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.
- (25) Person -- A "person" shall mean and include any individual, firm, corporation, association, or partnership.
- (26) Properly -- "Properly" shall mean as deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (27) Provided -- "Provided" shall mean furnished, supplied, paid for or under control of the owner.
- (28) Residential Building -- A "residential building" is a building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:
  - a. Single-family dwellings.
  - b. Two (2) family dwellings.
  - c. Multiple-family dwellings (including apartment hotels).
  - d. Lodging houses.
  - e. Fraternity and sorority houses.
 (For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)
- (29) Rooming House -- See "Lodging House" and "Lodging Room."
- (30) Sleeping Room -- A "sleeping room" shall mean a room used for sleeping purposes.
- (31) Structure -- "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (32) Supplied -- "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

**SEC. 15-5-4 MINIMUM STANDARDS FOR BASIC EQUIPMENT,  
LIGHTING, VENTILATION, HEATING AND ELECTRICAL SERVICE.**

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage and other refuse, safe means of egress, provision of light, air, heat, and electrical service.
- (b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:
  - (1) Basic Plumbing Requirements. Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and

bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in the State Plumbing Code.

- (2) Water Heating Facilities. Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
- (3) Refuse Storage. The owner of every residential building shall be responsible for supplying such building with garbage and refuse storage facilities, the type and location of which is approved by the City.
- (4) Egress. Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street, except as provided in Section 15-5-6(4). Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum size of three (3) feet by four (4) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in the Wisconsin Administrative Code. Existing variances to the height limitations specified above may be approved by the Board of Appeals, provided the platforms or stairs are maintained in a sound structural condition.
- (5) Plumbing. Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each eight (8) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
- (6) Windows and Ventilation.
  - a. Every living and sleeping room shall have available for natural light and ventilation windows, sky lights, or glazed doors opening to sky, street, court, alley, or approved yard area on the same lot with the building. The area required for natural light shall be equal to ten percent (10%) of the floor area but not less than nine (9) square feet and at least fifty percent (50%) of the required area shall be openable for natural ventilation where there is no mechanical air conditioning. Openable areas in adjacent rooms may serve kitchens or alcoves without exterior windows, provided that the area of connecting opening is not less than twenty percent (20%) of the area served and the outside opening shall be based on the total included floor area.
  - b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building.
  - c. All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, annually during May before June 1 and maintained until storm windows are installed in autumn.
  - d. In all non-owner occupied dwelling units, where heat is not paid for by the landlord, all exterior doors and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15, but not later than November 15, annually, except where permanent and openable.
  - e. Habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the

structure. Ductless recirculating fans may be used if approved by the Building Inspector.

(7) Electrical.

- a. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the ampacity of the smallest wire size in the circuit.
- b. Every habitable room of such dwelling shall contain at least two (2) separate floor or wall-type electric convenience outlets, or one (1) such convenience outlet and one (1) supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, and public hall shall contain at least one (1) supplied ceiling or wall type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- c. Convenience outlets are to be located to prevent use of extension cords (NEC 400-8). All cords, temporary wiring, and exposed abandoned wiring shall be removed.

(8) Heating.

- a. All habitable rooms shall be provided with a permanently connected heating system complying with the City ordinances.
- b. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the windchill factor. The outdoor temperature for the City shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
- c. The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.
- d. The occupant of a leased or rented dwelling unit (owner occupied dwelling unit excluded) shall be able to control the heat of that dwelling unit.

(9) Lighting.

- a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
- b. Every residential building that will accommodate transients, four (4) or more families, or thirty (30) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" or "OUT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.

- (10) Cooking Areas Restricted. The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a

kitchen, any equipment designed or intended to be used for cooking or preparation on.

- (11) Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

#### SEC. 15-5-5 SAFE AND SANITARY MAINTENANCE OF PROPERTY.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.
- (b) **Maintenance Requirements.** Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:
- (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.
  - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special charge against the benefitted property.
  - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
  - (4) **Fences. Walks. Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to buildings.
  - (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
  - (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items.
  - (7) **General Requirements.**
    - a. Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
    - b. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of

affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

- c. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.

(8) Windows and Doors.

- a. Every window, exterior door, interior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- b. Each main entrance door into a non-owner occupied dwelling unit shall contain an approved door viewer, except where a window in the door, or a window immediately adjacent to the doorway, provides a clear view of the entrance.
- c. All doors into each dwelling unit shall be equipped with door hinges so arranged as to be inside the dwelling unit or with approved locking pin hinges.
- d. All doors into each dwelling unit shall have a keyed deadbolt lock with a minimum one (1) inch throw, which is operable with a key on the exterior side of the door and a knob on the interior side of the door. The strike plate shall be held in place by two and one-half (2-1/2) inch screws. Patio doors shall have an approved secondary locking device [i.e., locking pins or two by four's (2 x 4's) of proper length].
- e. All basement, first, and second story windows and all other windows accessible by balconies, fire escapes, trees, or other existing means shall be provided with sash fasteners.
- f. All double-hung and sliding windows and doors below the second story and all other double-hung and sliding windows accessible by balconies, fire escapes, trees or other existing means shall be equipped with approved window ventilating sash fasteners to allow each window to be located at one (1) to five (5) inches open. Such window ventilating bolts or locks shall be movable to permit the window to be fully opened from the inside of the dwelling unit.
- g. Alternative locking devices to equally resist illegal entry may be substituted with the approval of the Board of Appeals.

- (9) Stairs. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.

- (10) Plumbing Fixtures. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

- (11) Bathrooms. Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(12) Supplied Facilities.

- a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
- b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
- c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.

- (13) Equipment Removal Restricted. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Chapter to be removed from or shut off from or

discontinued for any occupied dwelling, dwelling unit, or lodging room let or occupied by him, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.

- (14) Abandoned Fuel Oil Tanks. Abandoned fuel oil tanks shall be removed from the building. However, abandoned fuel oil tanks may remain in the building providing:
  - a. All fuel oil is removed from the tank.
  - b. The tank fill piping is removed and the tank openings plugged with pipe fittings.
  - c. The oil supply line is removed and the opening is plugged with pipe fittings.
  - d. The tank vent remains connected and terminates outside the building at least two (2) feet above grade.
- (15) Removal of Debris.
  - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.
  - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.

**SEC. 15-5-6 QUANTITY, LOCATION, AND USE OF SPACE IN RESIDENTIAL BUILDINGS.**

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.
- (b) **Size of Dwellings and Rooms.**
  - (1) Detached Single-Family Dwellings. Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.
  - (2) Size of Rooms.
    - a. Apartments. The floor area of an apartment shall provide not less than two hundred (200) square feet of floor area for the first occupant and at least one hundred fifty (150) additional square feet of floor area for each additional occupant.
    - b. Lodging Rooms. The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
  - (3) Excluded Spaces. The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
  - (4) Hallways. Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
  - (5) Cellar Space. No cellar space shall be used as a sleeping room.
  - (6) Basement Use as a Sleeping Area. No basement space shall be used for a sleeping room unless:
    - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
    - b. The total window area in each room is equal to at least the minimum window area required in this Chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area.
    - c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.



**SEC. 15-5-7 FIXING THE RESPONSIBILITY OF OWNERS, OPERATORS AND OCCUPANTS.**

- (a) **Purpose.** The purpose of this Section is to fix the responsibility of owners, operators, and occupants of residential buildings.
- (b) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings is as follows:
  - (1) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
  - (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his refuse and garbage in the containers required by Section 15-5-4(b)(3).
  - (3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code of Ordinances.
  - (4) Every owner of a residential building shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. In all residential buildings, except for single-family dwellings and owner occupied two (2) family dwellings, extermination services shall be performed by a licensed exterminator.
  - (5) 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.
  - (6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and the occupancy is limited to the maximum permitted thereby.
  - (7) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times
  - (8) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

**SEC. 15-5-8 INSPECTION.**

- (a) The Building Inspector is authorized and empowered to inspect all residential buildings within the City for the purpose of determining whether or not said residential buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.
- (b) No owner of a residential building may deny the Building Inspector or the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

**SEC. 15-5-9 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE THEREFOR.**

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

- (a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector:
  - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.
  - (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
  - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
- (b) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.
- (c) 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.
- (d) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placards as such, except as herein provided.
- (e) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Building Inspector under the procedure set forth in Section 15-5-10.

**SEC. 15-5-10 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.**

- (a) (1) Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:
  - a. Be in writing.
  - b. Include a statement of the reasons why it is being issued.
  - c. Allow a reasonable time for the performance of any act it requires
  - d. Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to his last-known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state
- (2) The above notice may contain an outline of remedial action which, if taken will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.
- (b) Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.
- (c) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a

- hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon application of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- (d) Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served. Following a hearing in the case of any notice suspending any permit required for this Chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.
- (e) The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- (f) Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector shall continue such order in effect, or modify it, or revoke it.

## CHAPTER 6

### Commercial Exterior Maintenance Code

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

#### **SEC. 15-6-1 TITLE.**

This Chapter shall be known as the City of Delavan Commercial Exterior Maintenance Code.

#### **SEC. 15-6-2 INTENT AND PURPOSE.**

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

#### **SEC. 15-6-3 RULES AND DEFINITIONS.**

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied except when the context clearly indicates otherwise:
  - (1) Words used in the present tense shall include the future.
  - (2) Words used in the singular number shall include the plural number, and the plural the singular.
  - (3) The word "shall" is mandatory and not discretionary.
  - (4) The word "may" is permissive.
  - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.**
  - (1) Adequate -- "Adequate" shall mean adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Chapter. "Adequately" shall mean the same as adequate.
  - (2) Approved -- "Approved" shall mean approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law or this Chapter.
  - (3) Attractive Appearance -- "Attractive appearance" shall mean an appearance which is in accordance with generally accepted professional practices for new construction within the City and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.

- (4) Commercial -- "Commercial" shall mean not residential.
- (5) Commercial Use -- "Commercial use" shall mean any nonresidential use.
- (6) Building -- "Building" means a combination of material to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Code, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
- (7) Good Working Condition -- "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (8) Impervious to Water -- "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- (9) Mixed Occupancy -- "Mixed occupancy" shall be occupancy of a building in part for commercial use and in part for some other use not accessory thereto.
- (10) Occupant -- "Occupant" means one who occupies or has actual possession of usable space.
- (11) Operator -- "Operator" shall mean any person who has charge or control of a commercial property or part thereof.
- (12) Owner -- The term "Owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the City, any sewer district, drainage district, and any other public or quasi-public corporation having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building.
- (13) Person -- A "person" shall mean and include any individual, firm, corporation, association, or partnership.
- (14) Properly -- "Properly" shall mean as deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (15) Provided -- "Provided" shall mean furnished, supplied, paid for or under control of the owner.
- (16) Structure -- "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, or attached to something having permanent location on the ground.
- (17) Supplied -- "Supplied" shall mean paid for, furnished, or provided by or under control of the owner or operator.

#### **SEC. 15-6-4 SAFE, SANITARY, AND ATTRACTIVE MAINTENANCE OF PROPERTY.**

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.
- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:

## Commercial Exterior Maintenance Code

- (1) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure. Adjacent ground surface shall be sloped away from any building or structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.
- (2) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted property.
- (3) Debris. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
- (4) Fences, Walks, and Parking Areas. Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
- (5) Exterior Surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
- (6) Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
- (7) General Requirements. Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- (8) Windows and Doors. Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (9) Outside Stairs and Porches. Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every

appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.

(10) Removal of Debris.

- a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the City, except at approved disposal sites.
- b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
- c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

**SEC. 15-6-5 FIXING RESPONSIBILITY OF OWNERS, OPERATORS  
AND OCCUPANTS.**

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

**SEC. 15-6-6 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS  
AND HEARINGS.**

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Section 15-5-10.

## CHAPTER 7

(created 5/13/97 Ordinance RC-2) (repealed and recreated 4/14/98 Ordinance RC-33) (repealed and recreated 06-14-2016, Ord. RC-368)

### Registration and Inspection of Property Containing Residential Rental Units

- 15-7-1 Purpose
- 15-7-2 Definitions (Amended 12-11-2012, Ord RC-329)
- 15-7-3 Registration Requirements
- 15-7-4 Manner of Registering (Repealed and recreated 01/13/04, Ord. Rc-175)
- 15-7-5 Transfer of Property
- 15-7-6 Registration Fees (Repealed and recreated 01/13/04, Ord. Rc-175) (Amended 12-11-07 Ord RC-240)
- 15-7-7 Inspection Required (Repealed and recreated 01/13/04, Ord. Rc-175)
- 15-7-8 Frequency of Inspections
- 15-7-9 Inspection Certificate Required
- 15-7-10 Inspection Procedure
- 15-7-11 Request for Inspection
- 15-7-12 Certificate Expiration Date (Amended 7/13/04, Ord RC-188)
- 15-7-13 Certificate Transferability
- 15-7-14 Certificate Availability
- 15-7-15 Suspension or Revocation of Certificate
- 15-7-16 Inspection Fees (Recreated 01/13/04, Ord. Rc-175) (Amended 12-11-07 Ord RC-240) (Amended 9-9-14, Ord. RC-346)
- 15-7-17 Nuisance Injunction
- 15-7-18 Severability
- 15-7-19 Penalty

**SEC. 15-7-1 PURPOSE.** The City of Delavan recognizes a need for an organized inspection program of residential rental units within the City in order to maintain the condition of such residential rental units so that they meet and comply with all provisions of the City of Delavan Code of Ordinances as well as all applicable safety, health, fire, building and construction requirements promulgated by the State of Wisconsin. The City of Delavan also desires to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the City. The City recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration of all residential rental units within the City so that an orderly inspection program in designated areas in which code violations and other related factors are occurring may be established. For this purpose, the City hereby establishes two districts; District 1 being that area of the City that lies North and West of Interstate 43 and District 2 being that area of the City that lies South and East of Interstate 43. A map illustrating these two districts shall be posted in the Public Works Office Area located in the lower level of City Hall. All residential units within District 1 shall be subject to the inspection program as identified herein. (Amended Ord. RC-398, 8-21-2018)

**SEC. 15-7-2 DEFINITIONS.** As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- a) Dwelling unit: A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. This includes all dwelling units including single family attached and detached units.
- b) Rooming unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.



Registration and Inspection of Property  
Containing Residential Units

- c) Residential Rental Unit: A Dwelling unit or Rooming unit which is rented for occupancy or made available for occupancy on a rental basis, to a permanent resident who is not the owner of such Dwelling unit or Rooming unit.
- d) Person: Any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or receiver, executor, trustee, conservator or other representative appointed by order of any court.
- e) Property Owner: Any person listed in City or County records as a fee owner or land contract purchaser of property within the City.
- f) Property Manager: The Property Owner or another person or firm listed as the authorized contact person by the Property Owner. (Amended 06-14-2016, Ord 368)
- g) Property: Any building containing one (1) or more Residential Rental Units under one ownership or each Residential Rental Unit if under separate ownership. (Amended Ord. RC-329 12-11-2012) (Amended 06-14-2016, Ord 368)
- h) City: Shall mean the City of Delavan, County of Walworth, Wisconsin.
- i) Permanent Resident: A person or entity which occupies, or has the right to occupy, any room or rooms in a hotel or motel, or any Residential Rental Unit, for at least 30 or more consecutive days, without an intervening occupancy interval of less than 30 days.

**SEC. 15-7-3 REGISTRATION REQUIREMENTS.** Registration is required for all Residential Rental Units. No person shall hereafter occupy, allow to be occupied or let to another person for occupancy any Residential Rental Unit within the City for which a registration statement has not been properly made and filed with the Building Inspector in accordance with the provisions of this ordinance. Registration shall be made upon forms furnished by the Building Inspector of the City for such purpose and shall specifically require the following minimum information: (Amended 06-14-2016, Ord 368)

- (a) Name, address, phone numbers and electronic mail address of the Property owner or designated Property Manager; (Amended 06-14-2016, Ord 368) (Amended RC-398, 08-21-2018)
- (b) The street address of the Property;
- (c) The number and types of Residential Rental Units within the Property, and;
- (d) The maximum number of occupants permitted for each Residential Dwelling Unit, in accordance with the applicable provisions of the City of Delavan Code of Ordinances. (Amended 06-14-2016, Ord 368)

Registration and Inspection of Property  
Containing Residential Units

**SEC. 15-7-4 MANNER OF REGISTERING.** Property owners must register each property used as Residential Rental Unit in the office of the Building and Zoning Administrator for the City. If any of the information required in 15-7-3 (a) or (b) changes, the property owner must complete and submit a new registration form with the updated information within 30 days of the change. In the case of a proposed conversion of a unit to a Residential Rental Unit, registration is required prior to said conversion. For new construction or a conversion of a Residential Rental Unit that necessitates changes requiring a building permit, registration shall be required prior to the issuance of any building permits relating to the Property. **(Repealed and recreated 01/13/04, Ord. Rc-175)** (Amended 06-14-2016, Ord 368) (Amended RC-398, 08-21-2018)

**SEC. 15-7-5 TRANSFER OF PROPERTY.** Every new owner(s) of Property (whether as fee owner or land contract purchaser or upon conveyance or transfer of any interest in the Property) shall be required to register the Property and is subject to the registration fee. (Amended 06-14-2016, Ord 368) (Amended RC-398, 08-21-2018)

**SEC. 15-7-6 REGISTRATION FEES.** A one-time registration fee of \$10.00 per Property shall be charged for registrations required under this ordinance unless the maximum registration fee allowed is increased by State Statute in which case said fee shall be increased to the new maximum amount allowed by State Statute. **(Repealed and recreated 01/13/04, Ord. Rc-175)** **(Amended 12-11-07 Ord RC-240)** (Amended 06-14-2016, Ord 368) (Amended RC-398, 08-21-2018)

**SEC. 15-7-7 INSPECTION REQUIRED.**

- (a) All Residential Rental Units in District 1, (Amended RC-398, 08-21-2018)
- (b) Residential Rental Units shall be inspected systematically
- (c) These inspection requirements are not intended to conflict with licensing and inspection requirements promulgated by the State of Wisconsin.
- (d) The provisions of this section shall not apply to:
  - (i) Dormitories owned and/or operated by a governmental agency (Amended 06-14-2016, Ord 368)
  - (ii) Nursing homes.
- (e) Where a nonresidential business or activity, or a state licensed and inspected use occupies a portion of a building and premises, which would be otherwise subject to this ordinance, the provisions of this ordinance shall be applicable to the residential and common or public areas of such building and premises.
- (f) For new construction containing Residential Units, the Building Inspector may conduct an inspection in accordance with this ordinance in conjunction with or simultaneously with any inspections relating to the issuance of an occupancy permit pursuant to City codes. Upon satisfactory completion of such inspections, the Building Inspector shall issue a certificate of inspection. In such instances there shall be no inspection fee required. **(Repealed and recreated 01/13/04, Ord. Rc-175)** (Amended 06-14-2016, Ord 368)

**SEC. 15-7-8 FREQUENCY OF INSPECTIONS.** (Amended 06-14-2016, Ord 368) (Amended RC-398, 08-21-2018)

- (a) All Property subject to inspection shall be inspected once every five years unless otherwise provided for in this chapter or allowed by State Statute;
- (b) Upon first inspection, if no habitability violations are discovered, then no inspection will occur in the same unit for a period of not less than five years;

Registration and Inspection of Property  
Containing Residential Units

a. Habitability Violations are as follows:

- i. The rental property or rental unit lacks hot or cold running water.
  - ii. Heating facilities serving the rental property or rental unit are not in safe operating condition or are not capable of maintaining a temperature, in all living areas of the property or unit, of at least 67 degrees Fahrenheit during all seasons of the year in which the property or unit may be occupied.
  - iii. The rental property or rental unit is not served by electricity, or the electrical wiring, outlets, fixtures, or other components of the electrical system are not in safe operating condition.
  - iv. Any structural or other conditions in the rental property or rental unit that constitute a substantial hazard to the health or safety of the tenant, or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the property or unit other than negligent use or abuse of the property or unit by the tenant.
  - v. The rental property or rental unit is not served by plumbing facilities in good operating condition.
  - vi. The rental property or rental unit is not served by sewage disposal facilities in good operating condition.
  - vii. The rental property or rental unit lacks working smoke detectors or carbon monoxide detectors.
  - viii. The rental property or rental unit is infested with rodents or insects.
  - ix. The rental property or rental unit contains excessive mold.
- (c) If a habitability violation is discovered and not corrected in the designated time period, then the property will be subject to annual inspections;
- (d) If, after two consecutive annual inspections of the same property, no habitability violations are found, then no inspection will occur in this same unit for a period of not less than five years;
- (e) Neither the common areas nor the Residential Rental Units or Rooming Units in structures newly constructed shall be further inspected after the completion and issuance of a certificate of occupancy for a period of eight (8) years from the date of said certificate unless a complaint is made thereof. Thereafter said areas and units shall be inspected in accordance with the requirements of this ordinance; and
- (f) Nothing in this section shall preclude the inspection of said dwellings more frequently than once every five years, upon complaint of any person. (Amended 06-14-2016, Ord 368)  
(Amended 06-14-2016, Ord 368)

**SEC. 15-7-9 INSPECTION CERTIFICATE REQUIRED.** No person shall rent, let or let for occupancy any Residential Rental Unit in District 1, without having a valid, current Certificate of Inspection for that Residential Rental Unit. (Amended 06-14-2016, Ord 368) (Amended 06-14-2016, Ord 368)

**SEC. 15-7-10 INSPECTION PROCEDURE.**

- (a) If, upon completion of inspection(s), a Property is found to be in compliance with all applicable provisions of the City of Delavan Code of Ordinances, and the appropriate fee(s) has been paid, the City shall issue a Certificate of Inspection for the Property;
- (b) If, upon completion of inspection(s), a Property is found to be in violation of one or more

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provisions of any applicable provisions of the City of Delavan Code of Ordinances, the City shall provide the Property Owner or Property Manager with written notice of such violations and shall set a reinspection date before which such violation(s) shall be corrected. If such violation(s) has been corrected within that period, the City shall issue a Certificate of Inspection for the Property. If such violation(s) has not been corrected within that period, the City shall not issue the Certificate of Inspection and may take any action necessary to enforce compliance with all applicable provisions of this ordinance and the City of Delavan Code of Ordinances. If such uncorrected violation(s) does not pose an immediate threat to the health, safety, and welfare of the occupants or other residents of the City, the Building Inspector or the Building Inspector's designee may, at his or her sole discretion, authorize the temporary occupancy of the Property for a period not to exceed 60 days while corrective action is undertaken by the Property owner. (Amended 06-14-2016, Ord 368)

**SEC. 15-7-11 REQUEST FOR INSPECTION.** The owner(s) of any Residential Rental Unit subject to this ordinance may request inspections of said Residential Rental Unit any time, subject to the Inspection Fees provisions of Section 15-7-16. (Amended 06-14-2016, Ord 368)

**SEC. 15-7-12 CERTIFICATE EXPIRATION DATE.** (Amended 12-11-2012, Ord. RC-329) (Amended 06-14-2016, Ord 368) (Amended RC-398, 08-21-2018)

- (a) A Certificate of Inspection issued pursuant to this ordinance shall expire five (5) years from the date of the inspection date listed in the inspection notice except as otherwise provided for in (c);
- (b) The Certificate of Inspection shall have the expiration date prominently displayed on its face.
- (c) If a property is subject to inspection fees due to failure to comply within the time period given to correct the habitability violations, and is subject to annual inspections, then the Certificate of Inspection will expire one (1) year from the date of inspection. (Amended 7/13/04, ord RC-188) (Amended 12-11-2012, Ord. RC-329) (Amended 06-14-2016, Ord 368) (Amended 06-14-2016, Ord 368)

**SEC. 15-7-13 CERTIFICATE OF INSPECTION TRANSFERABILITY.** A Certificate of Inspection issued pursuant to this ordinance shall be transferable to succeeding owners; provided, however, that the transferor shall provide written notice of said transfer to the Building Inspector or the Building Inspector's designee no later than five (5) days prior to the transfer closing and the new Property owner submits a new registration form with the updated information within 30 days of the change as required in 15-7-4. The failure to provide such notice may result in the suspension or revocation of the Certificate of Inspection. (Amended RC-398, 08-21-2018)

**SEC. 15-7-14 CERTIFICATE AVAILABILITY.** Upon the request of an existing or prospective tenant, the owner(s) or the duly designated agent or local manager shall produce the Certificate of Inspection for review.

**SEC. 15-7-15 SUSPENSION OR REVOCATION OF CERTIFICATE.** If the Building Inspector determines that any owner(s) has failed to comply with this ordinance or any applicable provision of the City of Delavan Code of Ordinances, after having given that person written notice of said violation(s) and a reasonable opportunity to correct said violation(s), the Building Inspector may suspend or revoke the Certificate of Inspection held by such owner(s).

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**SEC. 15-7-16 INSPECTION FEES.** (Amended 4/12/05 Ordinance RC-201) (Amended 12-11-07 Ord RC-240), (Amended 12-11-2012, Ord. RC-329) (Amended 9-9-2014, Ord. RC-346) (Amended 06-14-2016, Ord 368) (Amended RC-398, 08-21-2018)

- (a) Inspection fees will be charged based on the following criteria:
- a. A \$90 inspection fee per unit will be charged if habitability violations have not been corrected within 30 days of the initial inspection;
  - b. A \$75 inspection fee per vacant unit and/or building (common area) will be charged if habitability violations are not corrected within 30 days of the initial inspection.
  - c. All subsequent inspections will result in a fee of \$150 being charged per unit, per inspection, and

this fee will increase 2% annually as follows:

- i. 2020 inspection year - \$153.00;
- ii. 2021 inspection year - \$156.06;
- iii. 2022 inspection year - \$159.18;
- iv. 2023 inspection year - \$162.37;
- v. 2024 inspection year - \$165.62;
- vi. 2025 inspection year - \$168.93;
- vii. 2026 inspection year - \$172.31;
- viii. 2027 inspection year - \$175.76;

and will continue to increase 2% annually thereafter.

(Amended 12-11-2012, Ord. RC-329) (Amended 9-9-2014, Ord. RC-346) (Amended 06-14-2016, Ord 368)

- (b) The units enumerated above shall not include the Dwelling units used or occupied by the owner, and as such is not defined as a Residential Rental Unit, but shall apply to the owner's Property Manager;
- (c) The fee schedule contained in sections (a), (b) and (c) above are to be charged on/or after the inspection is actually performed. For purposes of this section, an inspection shall be considered performed if the City attempts the inspection but is not able to complete the inspection due to the failure of the Property Manager to show up for the inspection or due to Property Manager failure to notify tenant. (Repealed and recreated 01/13/04, Ord. Rc-175) (Amended 06-14-2016, Ord 368) (Amended RC-398, 08-21-2018)

**SEC. 15-7-17 NUISANCE INJUNCTION.** Any violation of this ordinance is hereby declared to be a nuisance as defined by the City of Delavan Code of Municipal Ordinances and/or the Wisconsin Statutes. In addition to any other relief provided by this ordinance, or the City of Delavan Code of Ordinances, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any and all violations of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. The City Attorney may request and shall be entitled to receive, on behalf of the City, reimbursement for any and all costs and expenses, including reasonable attorney fees, related to such injunction proceedings and any other enforcement action or litigation related to or arising from a violation(s) of this ordinance. All such penalties or costs and expenses awarded to the City by a court of competent jurisdiction related to a violation(s) of this ordinance may be applied as a special assessment or lien against the Property for collection by the City.

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**SEC. 15-7-18 SEVERABILITY.** The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held or determined to be invalid, such invalidity shall not affect any other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

**SEC. 15-7-19 PENALTY.** Any person, determined by a court of competent jurisdiction to have violated any provision of this ordinance shall be fined not less than twenty-five (\$25.00) dollars nor more than one thousand dollars (\$1,000.00) plus court costs and expenses, including reasonable attorney fees, for each offense, and a separate offense shall be deemed committed on each day during or on which a violation(s) occurs or continues.

**CHAPTER 8**  
(created 4/16/2019 Ordinance C-410)

**Vacant Building Code**

- 15-8-1 Legislative Intent
- 15-8-2 Public Record
- 15-8-3 Rules of Interpretation and Definitions
- 15-8-4 Applicability (Amended 10/15/19 Ord RC-417)
- 15-8-5 Severability
- 15-8-6 Code Official
- 15-8-7 Vacant or Abandoned Building or Structure Requirements
- 15-8-8 Vacant Building License; Inspection; Maintenance Standards; Fees
- 15-8-9 Appeals to Building Board of Appeals
- 15-8-10 Reinspection Fees
- 15-8-11 Penalties

**Sec. 15-8-1 Legislative Intent**

1. Purpose: The City Council of the City of Delavan, Wisconsin finds that there are now, and may in the future be vacant buildings which are dilapidated, unsafe, unhygienic and inadequately maintained so as to create or contribute to blight and so as to jeopardize the health, safety, prosperity and general welfare, and so as to create a public and/or private nuisance.
2. Intent: The intent of this Code is to establish the measures and requirements reasonably necessary to protect the health, safety and welfare of the public from the public nuisances, blight and negative market impact of vacant or abandoned buildings and structures.

**Sec. 15-8-2 Public Record**

1. Finding: In addition to the purposes in Section 15-8-1, the City finds that vacant buildings are targets for vandalism, arson, and other illegal activities. The City still further finds that the public disclosure of the identification of any or all vacant buildings would provide to persons with criminal intentions a data source to locate vacant buildings in which to carry out illegal activity. While the City acknowledges the requirements of the Wisconsin Public Records Law embodied in Wisconsin States §§ 19.31 through 19.39, and the strong public policy underpinning those statutes that all persons are entitled to the greatest possible information regarding the affairs of government, the City also recognizes that against that strong public policy, records custodians must balance contrary public policy such as that found by the City in this subsection 1, that would weigh against disclosure of a particular document.
2. Policy: Prior to releasing any records that are received, created or maintained pursuant to the provisions of this chapter or are received, created, or maintained to accomplish the purpose of this chapter, the records custodian will consider the intent of the City articulated in this section.

**Sec. 15-8-3 Rules of Interpretation and Definitions**

**1. Rules of Interpretation.**

- a. Tense. Words used in the present tense shall be interpreted to include the future tense.
- b. Gender. Words used stating or implying gender shall be interpreted to include the masculine, feminine and neuter.
- c. Number. Words used implying the singular shall be interpreted to include the plural, where appropriate, and vice versa.
- d. “May” and “Shall”.
  - i. The word “may” is permissive.
  - ii. The word “shall” is mandatory and not directory.
- e. “Used For”. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “maintained for”.

**2. Definitions.**

- a. 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, i.e., a child’s playhouse, garden house, greenhouse, garage, carport, shed, fence, or retaining wall.
- b. Building. Any Structure used or intended for supporting or sheltering any use or occupancy. For multi-unit structures, each non-residential unit is deemed a separate “building” subject to this chapter; in multi-unit structures, individual residential units are to be considered a part of the larger building that encompasses the other residential units.
- c. Code Official. The Building Inspector, or any duly authorized designee of the Building Inspector.
- d. Exterior Premises. The open space on the premises or the portion of the premises upon which there is not a structure.
- e. Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- f. Good Repair. “Good Repair” shall mean free from blighting and hazardous conditions, clean and sanitary, and in a safe condition.
- g. Imminent Hazard. A condition which could cause serious or life-threatening injury or



death at any time.

- h. Mixed Occupancy. Occupancy of a structure in part for residential use and in part for some other lawful use under the Zoning Code, not accessory thereto.
- i. Municipal Code. The Municipal Code for the City of Delavan, Wisconsin, which includes the Vacant Building Code.
- j. Occupied. A building is occupied when it is open to the public, when a business or manufacturing activity is performed therein, or when people reside therein. Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this Chapter, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer service.
- k. Owner. Every person, partnership, limited partnership, corporation, service corporation, limited liability company or partnership, or other legally-recognized entity or association, who alone or jointly or severally with others:

  - i. Has the legal title to a Building or Structure;
  - ii. Has a legal right or obligation to the care, charge, or control of any Building or Structure, in any capacity including but not limited to, agent; executor, administrator, trustee, guardian, or personal representative of the estate of the holder of legal title; or an agent, trustee, receiver or other person appointed by court order with authority to have possession or control of the Building or Structure; or
  - iii. Is a mortgagee, where either:
    - (1) the mortgagee has obtained a judgment of foreclosure against the mortgagor with regard to the premises containing the Vacant Building or Structure; or
    - (2) the mortgage or note secured by the mortgage contains a provision authorizing the mortgagee to act to secure or repair the property of the mortgagor, and the mortgagor no longer maintains the vacant Building or Structure; or
  - iv. Is a land contract vendor, where either:
    - (1) the land contract vendor has obtained a judgment of foreclosure against the land contract vendee with regard to the premises containing the vacant Building or Structure; or
    - (2) the land contract contains a provision authorizing the land contract vendor to act to secure or repair the property of the vendee, and the vendee no longer maintains the Vacant Building or Structure.
  - v. “Owner” does not include any real estate licensee providing brokerage services in accordance with Wis. Stat. Chapter 452.
- l. Partially Vacant. A multi-unit building or structure that has one (1) or more vacant units.

- m. Responsible Person. A natural person who is the owner, operator or manager of any structure or premises.
  - n. Rubbish. Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, and other combustible materials, and 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.
  - o. Secured. A Building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all of its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panels intact and unbroken.
  - p. Structure. Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.
  - q. Unified Business District. Any commercial building or group of commercial buildings comprised of permitted and/or conditional uses located on a lot or group of lots, which lot or group of lots has a common ownership, and which is planned, developed or functions as a unit.
  - r. Vacant. A building or structure shall be deemed vacant if no person or persons, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s), tenant-occupant(s), owner-occupants or tenant(s) on a permanent, non-transient basis. Vacant status is determined from a totality of circumstances. For purposes of this chapter only, rebuttable evidence of vacancy includes, but is not limited to, low or no utility usage, lack of customary furnishing consistent with occupancy, accumulation of newspapers or fliers, and fixtures or windows coverings which are not Secured.
  - s. Waste. "Waste" shall mean garbage, ashes, rubbish and trash, but not of an earthy or construction nature.
  - t. Weeds. "Weeds" or "Noxious Weeds" shall have the definition provided in Title 8 Chapter 1 Section 6 of the City of Delavan Municipal Code.
  - u. Zoning Ordinance. "Zoning Ordinance" shall mean the zoning ordinance for the City of Delavan, Wisconsin.
3. Terms Defined Elsewhere. Where terms are not defined in this Code section and are defined in other City Ordinances, Codes and NFPA 70, such terms shall have the meanings ascribed to them herein.
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, such as the context indicates.

**Sec. 15-8-4 Applicability**

1. General. The provisions of this Vacant Building Code shall apply to all manufacturing, commercial, institutional, residential, and mixed occupancy buildings vacant for three hundred sixty (360) consecutive days, and all unified business districts and mixed occupancy buildings, which have been partially vacant for one hundred eighty (180) days.

Upon application to the Building Inspector, an exemption from the provisions of this code may be granted for a period of up to 365 days.

In the event an exemption is granted the premises must be maintained in a clean and sanitary condition with grass/weeds cut and snow removed and the building maintained in good condition during the exemption period consistent with Title 15, Chapter 5 the Minimum Housing Code of the City of Delavan Municipal Code. The exemption may be revoked for a failure of the applicant to maintain the Building or the premises associated with the Building free from violation of law.

Any one of the following circumstances may be a basis for an exemption from the provisions of this chapter:

- a. A Building under active construction, rehabilitation, renovation or repair for which a Building Permit has been obtained.
  - b. A Building with a raze permit or with a raze order pending from the City of Delavan.
2. Conflict. In any case where a provision of this Code is found to be in conflict with a provision of the Zoning Ordinance or any other provisions of the Municipal Code, the provisions which established the higher standard for the protection of the public health, safety and welfare shall prevail.
  3. 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 Municipal Code or the Zoning Ordinance. Repairs, additions or alterations to a structure shall be done in accordance with the procedures and provisions of State law, Chapter 14 of the Municipal Code and NFPA 70. Nothing in this Vacant Building Code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance.
  4. Existing Remedies. The provisions in this Code shall not be construed to abolish or impair existing remedies of the City, or its officers or agencies, under State laws or other City General or Zoning Ordinances relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or the abatement of public nuisances.
  5. Historic Buildings. The provisions of this Code shall apply to structures designated by the Federal Government, State or City as historic buildings. Any work to said structures shall also comply with the Zoning Ordinance and Chapter 70 ILHR of the Wisconsin Administrative Code.

6. Referenced Statutes, Ordinances, Codes and Standards. The Statutes, Ordinances, Codes and standards referenced in this Code shall be incorporated herein by reference and be part of the requirements of this Code to the prescribed extent of each such reference, and include amendments, renumbering and successor acts.
7. Requirements Not Covered By This Code. The 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 Code, shall be determined by the Code Official, subject to a right of appeal to the City Council.

### **Sec. 15-8-5 Severability**

1. If any provision of this Vacant Building Code is, for any reason, 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 Code, which shall remain in full force and effect.
2. If the application of any provision of this Vacant Building Code is for any reason held to be an invalid application to a particular premises or structure by any court of competent jurisdiction, such provisions shall continue to apply and remain in full force and effect to any premises or structure not specially included in said judgment.

### **Sec. 15-8-6 Code Official**

1. Code Official. The Code Official shall have the authority to exercise the power and duties of the position specified in this Code. The Code Official shall administer and enforce this Code.
2. Code of Conduct. The Code Official in administering and enforcing this Code, shall abide by the City of Delavan's Ethical Standards of Public Officials and Employees and Code of Ethics.
3. Inspections. The Code Official has the power to inspect Premises and structures to determine compliance with this Code. All reports of such inspections shall be in writing, signed or initialed and dated. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise in the course of their duties, in accordance with City policy.
4. Right of Entry. The Code Official is authorized to enter structures or Premises, at reasonable times, with the express or implied consent of the owner, operator or occupant, to inspect and conduct administrative interior and exterior inspections for Code administration and enforcement and Licensing/Permitting purposes specified in this and other ordinances. If entry is refused or not obtained, the Code Official is authorized to pursue recourse to

obtain entry as provided by law.

5. Reinspections. Every owner, operator and occupant of a Premises shall cooperate with and facilitate reinspections of Premises at reasonable times pursuant to reasonable notice by the Code Official to determine Code compliance with an Order to Repair. Failure by said owner, operator or occupant to cooperate with and facilitate such reinspections by the Code Official shall be a violation of this Code.
6. Obstruction. No owner, or operator of a Premises may deny the Code Official 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.
7. Denial of Entrance. No occupant of a Premises shall obstruct the owner thereof from complying with any order(s) of the Code Official made under authority of this Code. Obstruction shall include the denial of entrance into a Premises at reasonable times pursuant to reasonable notice.
8. Identification. The Code Official shall carry City issued identification when entering and inspecting Premises in the performance of their duties under this Code and display such identification, when asked.
9. Notices and Orders. The Code Official shall, as necessary issue notices and orders to responsible persons and tenants, where relevant, to obtain compliance with this Code.
10. Records. The City is responsible for keeping official records of all business and activities of the City specified in the provisions of this Code in accordance with State and City record keeping requirements.

#### **Sec. 15-8-7 Vacant Or Abandoned Building Or Structure Requirements**

1. Vacant Building License. The owner of a vacant building or structure shall obtain a Vacant Building License for the period during which it is vacant. When a building or structure becomes vacant, as defined by this Code, the owner of the building or structure shall apply for and obtain a Vacant Building License and pay the fee, as set forth in **Section 15-8-8**.

Upon the expiration of a Vacant Building License, if the building or structure is still vacant, the owner shall arrange for an inspection of the building and premises with the Code Official pursuant to **Section 15-8-8**, and renew the license within ten (10) days of expiration in the same manner as the expired license. All renewed licenses shall be subject to all conditions and obligations imposed by this Code.

2. Code Compliance. The owner of a vacant building or structure shall comply with all building, fire, property maintenance, zoning, and other applicable Codes or Ordinances,

and shall apply for all necessary building, fire prevention and zoning permits upon application for a Vacant Building License.

3. Waste Removal. The owner of a vacant building or structure shall immediately remove all waste from the interior of the structure. The owner of a vacant building or structure shall also immediately remove any waste, debris or excessive vegetation from the exterior premises surrounding the vacant building or structure in accordance with the vacant building maintenance standards of this Code and the Municipal Code.
4. Owner's Responsibility. The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and other openings in the building or structure to prohibit entry by unauthorized persons in accordance with the Vacant Building Maintenance Standards of this Code.

If the owner does not reside within the State, the owner shall provide to the Code Official, the name, address and telephone number of an agent who is available for service of process within the State of Wisconsin.

If the owner is not available, the owner shall provide to the Code Official the name, address, and telephone number of a manager who is a natural person who is available for contact by the Code Official at all times for emergency repairs and maintenance, and who will respond to the vacant building or structure when required by the Code Official.

The agent and manager may be the same person, and/or either may be a Responsible Person.

The owner shall notify the Code Official within thirty (30) business days of any changes to the name, address or telephone number of the agent or manager.

5. Owner's Obligations Continuous Through Term of Vacancy. The obligations of owners of a vacant building or structure are continuing obligations which are effective throughout the time of vacancy, as that term is defined in this Code.

#### **Sec. 15-8-8 Vacant Building License; Inspection; Maintenance Standards; Fees**

1. License Application. Application by the owner of a vacant building or structure for a Vacant Building License shall be made on a form provided by the Code Official. Applicants shall disclose all measures to be taken to ensure that the building will be kept weathertight, secure from trespassers, and safe for entry by police officers and firefighters in times of exigent circumstances or emergency. The application shall include, but not be limited to, the following:
  - a. Contact information for each owner. If the owner is other than a natural person or persons, the following shall apply, as appropriate:
    - i. If the owner is a corporation, limited liability company, or limited liability partnership, the registration statement shall provide the names and

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residence addresses of all responsible persons and the name and business address of the registered agent for service of process appointed pursuant to Wisconsin State Statutes.

- ii. If an estate, the name and business address of the personal representative of the estate.
  - iii. If a trust, the names and addresses of the trustee or trustees.
  - iv. If a partnership, the names and residence addresses of the partner or partners.
  - v. If another form of unincorporated association, the name and residence address of a responsible person.
  - vi. If an individual person, the name and residence address of that individual person.
- b. Any rehabilitation or demolition plans.
  - c. An acknowledgement by the owner that grass and weeds shall not exceed a height of twelve (12”) inches, and that snow and ice shall be removed from the public right-of-way within twenty-four (24) hours after a snowfall.

### 2. Inspection of Premises.

- a. Purpose. The Code Official, or his/her designee, may inspect vacant buildings to determine the structural integrity of the building, the repairs necessary to maintain structural integrity, to determine what repair actions must be undertaken to maintain the premises safe for entry of police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present an imminent hazard to the public during the time that the building remains vacant, and that the building and structure are in compliance with the Vacant Building Maintenance Standards.
- b. Inspector. The Code Official, or his/her designee, may conduct inspections made pursuant to the provisions of this Vacant Building Code in conjunction with other inspectors of the City, including police officers, firefighters, or inspectors from other governmental bodies.

c. Types of Inspections.

i. Code Official Directed.

- (1) Implied Consent. Any owner of a building, which is either the subject of a Vacant Building License or an application filed by a responsible person, for a Vacant Building License, is deemed to have given consent to inspections of the building.
  - (2) Reinspections. At any time subsequent to the issuance of an Order to Repair, the Code Official may conduct reinspections to determine compliance with the Order to Repair. Such reinspections will be conducted only after a reasonable time has been afforded to a responsible party to comply with portions of the Order. Reinspections are subject to reinspection fees under **Section 15-8-10.**
  - (3) Emergency Inspections/Emergency Repairs. If, at any time, the Code Official has reason to believe that an emergency situation exists with respect to the building, which tends to create an imminent hazard to health, welfare or safety of the general public, the Code Official may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. If the Code Official finds an emergency situation exists in fact, which presents an imminent hazard to the health, welfare or safety of the general public, the maintenance of which, until such time as the responsible party could conduct the repairs, would be unreasonable, the Code Official may cause any reasonable action, including the employment of necessary labor and materials, to perform emergency repairs. Costs incurred in the performance of emergency repairs, shall be paid by the City and the City shall recover the costs through special assessments levied against the benefited 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 benefited property.
  - (4) Inspections Made Pursuant To A Special Inspection Warrant. If any responsible party takes any action contrary to the Implied Consent given by the owner in Section 26.08c.i.(1), above, the owner hereby consents to the issuance of a Special Inspection Warrant by a judge of a court of competent jurisdiction, pursuant to Section 66.0119, Wisconsin Statutes, or any successor thereof. Any interior inspection made pursuant to a Special Inspection Warrant shall be deemed a reinspection for the purpose of imposition of fees pursuant to **Section 15-8-10.**
- i. Responsible Party Requests For Inspection. Requests from responsible parties for inspections of buildings which are both subject to a Vacant Building License and are under the control of the requesting responsible party.
  - ii. Issuance of Orders to Repair. The Code Official, upon inspection, shall issue orders to repair for work needed to:



- (1) Adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the Vacant Building Maintenance Standards set forth in this Code; and,
- (2) Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officer or firefighters entering the premises in times of emergency.

When issuing such orders, the Code Official shall specify the time for completion of the work. All work done pursuant to this Section shall be done in compliance with the applicable Building, Fire, Property Maintenance and Zoning Codes and Ordinances.

- d. Issuance of Vacant Building License. The Code Official shall issue a Vacant Building License upon being satisfied that the building has been inspected and is in compliance with the Vacant Building Maintenance Standards set forth in this Vacant Building Code, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This License shall be effective for a period of three hundred sixty (360) days.
- e. Vacant Building Maintenance Standards. A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following Vacant Building Maintenance Standards:
  - i. Building Openings. Doors, windows, areaways, and other openings shall be weathertight and secured against entry by birds, vermin and trespassers. Missing or broken glass in doors, windows and other such openings shall be repaired/replaced with glass. No building opening shall be boarded.

All first floor or ground level windows, doors and openings shall be free of any posters, paper or fabric coverings.
  - ii. Roofs. The roof and flashings shall be sound and tight, not admit moisture, or have defects which might admit moisture, rain or roof draining; and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
  - iii. Drainage. The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.
  - iv. Building Structure. The building shall be maintained in good repair, structurally sound, and free from debris, rubbish and garbage. The building shall be maintained in a sanitary manner and in a manner that does not pose a threat to the public health, safety and welfare.
  - v. Structural Members. The structural members shall be free of deterioration and

capable of safely bearing imposed dead and live loads.

**vi.** Foundation Walls. The foundation walls shall be maintained in a structurally sound and sanitary condition so as not to pose a threat to the public health, safety and welfare, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rat-proof.

**vii.** Exterior Walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

**viii.** Decorative Features. The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

**ix.** Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces 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.

**x.** Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces 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.

**xi.** Walkways. Public walkways shall be in good repair, shall be safe for pedestrian travel, and shall be free of snow and ice. Snow and ice removal shall be completed within twenty-four (24) hours of a snowfall.

**xii.** Accessory Building/Structures. Accessory buildings/structures such as garages, sheds and fences shall be free from safety, health and fire hazards; and, shall comply with these Vacant Building Maintenance Standards.

**xiii.** Exterior Premises. The premises upon which the structure or building is located shall be clean, safe, sanitary, free from waste, rubbish, garbage, excessive vegetation, exterior storage, and shall not pose a threat to the public health, welfare or safety.

**f.** Vacant Building License Fee. The City Council shall from time to time, by Resolution, establish a Vacant Building License fee.

**g.** Unpaid License. If an application for a Vacant Building License is required, and following

mailing of a second notice of License fees due to the applicant, License fees, as provided for by this Chapter, remain unpaid, said fees shall be charged to the property owner of record as a special assessment against the real estate upon which the License is issued and shall be a lien upon the Premises until paid in full, with interest accruing on the unpaid balance at a rate of interest of eighteen (18%) percent per annum from the date of billing. There shall also be a One Hundred (\$100.00) Dollar Administrative Fee added to the charge and special assessment to cover the administrative costs of charging and assessing the Premises.

### **Sec. 15-8-9 Appeals to Building Board of Appeals**

Appeal and Fee. Any person receiving a notice of violation and order which has been issued in connection with the enforcement of any provision of this Code and aggrieved thereby, may appeal the order and shall be granted a hearing on the matter before the Board of Appeals, provided that such person shall file a written notice with the City of appeal and request for hearing, setting forth a brief statement on the grounds therefor, within twenty (20) days after the date the notice of violation and order was served. Upon receipt of such appeal, the Board of Appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice of violation and order should be modified or withdrawn. No appeal to the Board of Appeals shall be deemed perfected or shall be heard until the appellant shall pay an appeal fee of One Hundred Fifty (\$150.00) Dollars.

### **Sec. 15-8-10 Reinspection Fees**

To compensate the City for inspection and administrative costs related to the enforcement of this Chapter, an escalating fee established by the City Council through resolution, may be charged for any reinspection 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.

Reinspection fees which are not paid by or on behalf of the property owner within thirty (30) days of the date of mailing an invoice to the property owner of record on the City tax roll shall be assigned and collected as a special charge 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 eighteen (18%) percent per annum. There shall also be a One Hundred (\$100.00) Dollar administrative expense added to the assignment and special charge to cover the administrative costs of assigning and specially charging the property.

### **Sec. 15-8-11 Penalties**

1. Violation Penalties. Any person who shall violate a provision of this Code shall, upon conviction, be subject to a forfeiture of not more than One Thousand (\$1,000) Dollars; and, in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense. Failure to promptly pay said forfeiture shall subject the violator to be sentenced to the County Jail for a period not to exceed (60) days.

## Vacant Building Code

2. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Code Official in conjunction with the City Attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct business, or utilization of the structure or premises.