

TOWN OF HOWARD
CHAPTER 12
MINIMUM STANDARDS HOUSING CODE ORDINANCE

12.01 TITLE AND SCOPE

This code shall be known and may be cited and referred to as the Minimum Standards Housing Code, Town of Howard. This code establishes minimum standards governing the condition and maintenance of dwellings; establishes minimum standards governing utilities and facilities and other conditions essential to make dwellings safe, sanitary and fit for human habitation; fixes certain responsibilities and duties of owners, operators and occupants of dwellings and dwelling units; authorizes the inspection of dwellings and the condemnation of dwellings unfit for human habitation; and provides penalties for violations.

12.02 APPLICATION

The provisions of this Chapter (code) shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation; thereafter, this section shall apply to all construction and maintenance requirements of new dwellings within the Town of Howard, except that this Chapter shall remain in full force and effect to maintain and enforce the standards set forth herein, as governed by the date of construction of any dwelling or dwelling unit. If any of the provisions of this ordinance are in conflict with the Uniform Dwelling Code, the Uniform Dwelling Code shall take precedence.

12.03 DEFINITIONS

Certain words or terms in this ordinance are defined for the purpose hereof as follows: words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural number the singular; the words "dwelling", "dwelling unit" or "premises" include the words "or any part thereof."

- (1) Approved shall mean approved by the Building Inspector.
- (2) Half-basement or lower level - A portion of a building located partly underground but having less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (3) Basement - a portion of a building located partly or wholly underground and having one-half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (4) Dwelling - any building or structure, or part thereof, which is used or intended to be used for living or sleeping.
- (5) Dwelling Unit - a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping and cooking.
- (6) Extermination - the control or elimination of insects, rodents or other pests by eliminating their harborage places, by removing or marking inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping, by

blocking their access to a dwelling, or by any other recognized and legal pest elimination methods approved by a health officer of the Town of Howard pursuant to the appropriate ordinances.

- (7) First story - that story of a dwelling at or next above the average grade of adjoining ground.
- (8) Garbage - the animal and/or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (9) Habitable Room - a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.
- (10) Building and Housing Inspector - shall mean the Inspector for the Town of Howard.
- (11) Infestation - the presence, within or around a dwelling, or in or near waste disposal containers, of any insects, rodents or other pests.
- (12) Light Housekeeping - the use of a room or rooms for combined living, sleeping and dining purposes by individuals or groups of persons having part of a dwelling such as stairs or halls in common but living independently of each other and doing their cooking upon the premises, whether in the same or in other units, as distinguished from a dwelling unit or apartment having normal kitchen and toilet facilities.
- (13) Light Housekeeping Unit - the room or rooms occupied for light housekeeping purposes by one individual or group of person living independently of other such individuals or groups.
- (14) Multiple Dwelling - any dwelling containing more than two dwelling units.
- (15) Occupant - any person living, sleeping, cooking or eating in or having possession or use of a dwelling unit.
- (16) Operator - any legally responsible person who has charge, care or control of a building or part thereof in which dwelling units are leased or let.
- (17) Owner - any legally responsible person who, alone or jointly or severally with others:
 - (a) Has legal title to any dwelling with or without actual possession thereof.
 - (b) Has charge, care or control of any dwelling as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this ordinance to the same extent as if he were the owner.
- (18) Person - shall include any individual, firm, corporation, association or partnership.
- (19) Plumbing - water pipes, mechanical garbage disposal units, waste pipes, water closets, sinks, installed dishwashers and clothes washing machines, lavatories, bathtubs, shower baths, catch basins, drains, vents and other similar supplied fixtures, including all connections to water or sewer lines.

- (20) 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.
- (21) Rooming House - any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator.
- (22) Rubbish - combustible or noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery or dust.
- (23) Supplied - paid for, arranged, furnished, or provided by or under control of the owner or operator.

12.04 COMPLIANCE WITH REQUIREMENTS

No person shall occupy or let to another for occupancy any dwelling for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this chapter.

12.05 REQUIREMENTS FOR SANITATION

- (1) Sink, Flush Water Closet, Lavatory Basin and Bathtub or Shower in Dwellings.
 - (a) Every dwelling unit shall contain:
 - (1) A kitchen sink in good working condition, properly connected to an approved water and sewer system.
 - (2) A room or rooms affording privacy and equipped with a flush water closet, lavatory basin, and bathtub or shower in good working condition, properly connected to an approved water and sewer system.
 - (b) No water closet shall be of the flush hopper, frost-proof hopper, privy or similar type where a sewer system is available to the property; and where no sewer is available, then such facilities shall be used only when approved by the Building Inspector.
- (2) Access to Bathrooms and Water Closets. Access to at least one bathroom or water closet compartment shall be provided without requiring passage through a sleeping room, bathroom or water closet compartment of another dwelling unit.
 - (a) Floors and Ventilation of Bathrooms and Water Closets.
 - (1) Every water closet compartment and bathroom shall be floored with a surface which is reasonably impervious to water and which can be easily kept in a clean and sanitary condition.
 - (2) Every bathroom and water closet compartment shall be provided with windows meeting the requirements for light and ventilation of habitable rooms prescribed in section 12.06 or with an approved mechanical or gravity ventilation system affording adequate ventilation and maintained in good working condition at all times.
 - (b) Piped Hot and Cold Running Water.

- (1) Every kitchen sink, lavatory basin and bathtub or shower required under this ordinance shall be connected and supplied with hot and cold running water.
- (2) Every dwelling shall have supplied water-heating facilities which are properly installed and connected to water lines maintained in safe and good working condition and of a sufficient capacity to supply an adequate amount of water at every required kitchen sink, lavatory basin, bathtub or shower at a temperature capable of not less than 120 degrees Fahrenheit.

12.06 REQUIREMENTS FOR LIGHT, VENTILATION AND HEATING

(1) Window Area and Ventilation

- (a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area in every sleeping room shall be 10 percent of the floor area of such room, but not less than 12 square feet. Whenever wall or other portions of structures face a window of any such room and such light obstruction structures are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15 percent of the total floor area.
- (b) Every habitable room shall have at least one window which can easily be opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall equal at least 45 percent of the minimum window area required by this Section.

(2) Screening

- (a) When flies or other pests are prevalent, all openable windows as required by Subsection (2) of this section shall be effectively screened and screen doors shall be self-closing. Screens and screen doors shall be maintained in good condition.
- (b) Every basement window used for ventilation, and every other opening to a building which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively with a screen or such other device as will effectively prevent their entrance.

(3) Electrical Outlet. The electrical outlets installed shall meet all National Fire Protection Association (NFPA) Code, as well as any other state codes.

(4) Public Hall Lighting. Every public hall and stairway in every multiple dwelling shall be lighted to at least five-foot candles on the floor and stair at all times.

(5) Heating Facilities. Every dwelling shall have heating facilities which are properly installed and vented, are maintained in safe operating condition, and are capable of heating all habitable rooms, bathrooms and water compartments in each dwelling unit therein to a temperature of at least 70 degrees Fahrenheit at a

distance of three feet above floor level when the outside temperature is minus 20 degrees Fahrenheit.

12.07 REQUIREMENTS FOR FLOOR SPACE AND GENERAL OCCUPANCY

- (1) Floor Space
 - (a) Every dwelling unit shall contain at least 1000 square feet of floor space for occupancy.
- (2) Access to Sleeping Rooms. No dwelling unit shall be so located or arranged that access thereto requires passage through a habitable room of another dwelling unit.

12.08 REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE OF DWELLING AND DWELLING UNITS

- (1) Structural Soundness.
 - (a) Members - every foundation, door, outer wall, ceiling and roof shall be weathertight, watertight, and rodent-proof, shall be capable of affording privacy, and shall be kept in good repair.
 - (b) Openings - every window, exterior door and basement hatchway or stairway shall be weathertight, watertight, and rodent-proof and shall be kept in good working condition and repair.
 - (c) Stairs and Porches - every inside and outside stair and handrail, and every porch and porch rail shall be so constructed as to safely support the maximum load that normal use may require and shall be kept in safe condition and good repair at all times. The Building Inspector may require a handrail for each stair if deemed necessary.
- (2) Mechanical Soundness of Plumbing. All plumbing shall be properly installed and maintained in sanitary condition free from defects, leaks and obstructions.
- (3) Exits. Every dwelling unit shall have a safe, unobstructed means of egress leading to safe and open space ground level, as required by the Wis. State Stats. and the ordinances of the Town of Howard.
- (4) Effectiveness. Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

12.09 REQUIREMENTS FOR CLEANLINESS AND GARBAGE AND TRASH DISPOSAL

- (1) Owner or Owner-Occupant Responsibility.
 - (a) Every owner or owner-occupant shall be responsible for the cleanliness of all parts of a dwelling and premises shared in common by more than one family and for provision of the following utilities and services, except where such responsibility is assumed by an operator or an occupant by agreement.
 - (1) Provision of garbage and rubbish disposal facilities or containers where the dwelling exceeds two units.

- (2) Extermination of insects, rodents or other pests; except that where only one dwelling unit is infested the occupant of such infested unit shall be responsible for its extermination, unless the dwelling is not maintained in a reasonably rat proof or insect-proof condition.
 - (a) Provision of all facilities, utilities, service or conditions required by this ordinance.
- (2) Occupancy Responsibility
 - (a) Every occupant of a dwelling unit shall be responsible for keeping the occupied area and premises and all plumbing equipment and facilities in a clean, safe and sanitary condition at all times. Garbage and rubbish shall be disposed of or stored in proper containers in a neat and sanitary manner unless disposed of or stored by the owner or owner-occupant as provided in paragraph 1 above.

12.10 ENTRY AND INSPECTION OF DWELLINGS

- (1) The Building Inspector is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units and premises located within the Town of Howard in order to safeguard the health and safety of the occupants of such dwellings and of the general public. For this purpose and upon showing proper identification, the Building Inspector is authorized to enter, examine and survey at any reasonable hour all dwellings, dwelling units and premises, but the owner, occupant of the person in charge thereof, may give the Building Inspector free access thereto for the purpose of such inspection, or require a warrant to accomplish same.
- (2) Every occupant of a dwelling shall give the owner thereof or his agent or employee access to any part of such dwelling or its premises at any reasonable hour for the purpose of making any repairs or alterations which are necessary to effect compliance with the provisions of this ordinance or any lawful order issued pursuant thereto.
- (3) No officer, agent or employee of the Town of Howard shall be 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 ordinance. Any suit brought against any officer, agent or employee of the Town of Howard as a result of the proper discharge of his duties under this ordinance shall be defended by the Town of Howard Town Attorney until final determination of the proceedings therein.

12.11 ENFORCEMENT: SERVICE OF NOTICES AND ORDERS: HEARINGS

- (1) Notices of Violation
 - (a) Whenever the Building Inspector determines that there has been a violation of any provision of this ordinance he shall give notice of such violation to the person or persons responsible therefor and order compliance with the ordinance as hereinafter provided. Such notice and order shall be in writing on an appropriate form and shall include:

- (1) A list of the violations, with reference to the Section of this ordinance violated, and an order as to the remedial action required to effect compliance with this ordinance.
- (2) Specification of a reasonable time for compliance
- (3) Advice concerning the procedure for appeal

Such notice and order shall be served upon the owner, occupant or agent in person; provided, however, that the notice and order shall be deemed to be properly served if such owner, occupant or agent is sent a copy thereof by registered mail to his last known address and a copy is posted in a conspicuous place in or on the dwelling affected.

(2) Hearings

- (a) Any person affected by a notice and order issued in connection with the enforcement of this ordinance may request and shall be granted a hearing on the matter before the Housing Appeals Board, provided such person shall file in the office of the Building Inspector a written petition requesting the hearing and setting forth his name, address, telephone number and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within thirty days of the date the notice and order are served. Upon receipt of the petitions, the Building Inspector shall set a time and place for a hearing before the Housing Appeals Board and shall give the petitioner written notice thereof. Said hearing shall be held within thirty days after a petition has been filed, and the petitioner shall be given an opportunity to be heard and to show cause why the notice and order should be modified or withdrawn. The failure of the petitioner or his representative to appear and to state his case at such hearing shall have the same effect as if no petition were filed.
- (b) After the hearing, the Housing Appeals Board by a majority vote, shall sustain, modify or withdraw the notice, depending on its findings as to whether the provisions of this ordinance have been complied with, and the petitioner and the Building Inspector shall be notified within ten days in writing of such findings.
- (c) The proceedings of the hearing, including the findings and decision of the Housing Appeals Board and the reasons therefore shall be summarized in writing and entered as a matter of public record in the office of the Building Inspector. Such record shall also include a copy of every notice and order issued in connection with the case.

(3) Orders to Vacate

- (a) Where a notice of violation and order to comply have been served pursuant to this ordinance and, upon reinspection at the end of the time specified for compliance, and if not petition for a hearing has been filed, it is found that the violation or violations have not been remedied, the Building Inspector may order the dwelling, or parts thereof affected by the continued violations, vacated in accordance with the following procedure:

- (1) Dwellings shall be vacated within a reasonable time, not to exceed 60 days.
- (2) Vacated dwellings shall have all outer doors firmly locked and basement, cellar and first and second story windows bared or boarded to prevent entry.
- (3) Vacated dwellings shall not again be used for human habitation until written approval is secured from the Building Inspector.
 - (a) If a dwelling or part thereof is not vacated within the time specified in the order of vacation, the Building Inspector shall seek a Court Order in a Court of competent jurisdiction for the vacation of such dwelling or part thereof.
- (4) Emergency Order Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the health and safety of the residents or of the public, he may issue an order so stating and notwithstanding any other provision of this ordinance such order shall take affect and shall be complied with immediately. Upon petition to the Housing Appeals Board, petitioner shall be afforded a hearing pursuant to paragraph (2) of this section
- (5) Vacation and Demolition
 - (a) If the owner, occupant, or lessee fails to comply with the order of the Building Inspector or the action of the Housing Appeals Board after hearing, the Building Inspector shall cause such dwelling or part thereof to be vacated and repaired or demolished as the facts may warrant and shall, with the assistance of the Town of Howard Town Attorney, cause the costs of such repair or demolition to be charged against the land on which the building existed as a municipal lien or to be recovered in a suit at law against the owner.
 - (b) In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous dwelling" as defined herein is immediately vacated and repaired or demolished, the Building Inspector shall cause its immediate vacation and repair or demolition. The costs of such emergency repair or demolition shall be collected in the same manner as provided in paragraph (5)(a) above.

12.15 HOUSING APPEALS BOARD

- (1) A Housing Appeals Board is hereby created as authorized by this chapter.
 - (a) Membership - the Board shall consist of five members. One member shall be a member of the Town Board. One member shall be the Town Attorney (permanent appointment) who shall be an ex-officio member and not vote. The Building Inspector shall be an ex-officio member of the Board and shall act as secretary, but shall not vote. The remaining members shall be qualified by experience or training to pass on matters pertaining to building construction.
- (2) The members of the Board shall be appointed by the Town Chairman subject to confirmation by the Town Board for a term of three years. To keep experienced

members on the board and to protect against high turnover of the members, the initial appointment of members shall be appointed for different lengths of service to stagger the years for reappointment. Each member shall serve until his successor is appointed. To be eligible for appointment to said Board, a person shall be a citizen of the United States and a taxpayer and resident of the Town of Howard.

- (3) The Board shall elect a Chairman from its members. The Housing Appeals Board shall:
- (a) Adopt rules of procedure not inconsistent with this chapter, elect its own officers, and keep a record of all proceedings, including the vote of each member on each case heard. No member of the Board shall take part in any hearing or determination in which he has directly or indirectly and personal or financial interest. Three members of the Board in attendance at any meeting shall constitute a quorum.
 - (b) Interpret the intent of the chapter in specific cases where, upon appeal, it clearly appears that, by reason of special conditions, undue hardship would result from literal application of any section of the chapter. Where such undue hardship is clearly demonstrated, the Board may permit a variance from the applicable section provided the dwelling will vary only a reasonable minimum from the literal provision of the chapter and will comply generally with spirit and intent of the regulations as to sanitation, safety and rehabilitation. Any such variance shall be permitted only by the concurring vote of at least three members of the Board.

12.16 INTERPRETATION

The provisions of the chapter shall be held to be the minimum requirements to protect the health, safety, morals and welfare of the people of the Town of Howard and where this ordinance imposes greater requirements than imposed by other provisions of law or ordinance shall control.

12.17 PENALTIES

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a forfeiture. Any person who violates any provision of this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$200. In addition, the person convicted shall also pay all costs and expenses involved in the case, including the Town's Attorneys Fees for prosecution of such action. Each day such violation continues shall be considered a separate offense with a separate penalty. [Amended 6/6/00]

Adopted 8/5/03