

Chapter 118

BUILDING CONSTRUCTION AND FIRE PREVENTION

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- § 118-13.14. Prevailing regulations.

[HISTORY: ARTICLE I Adopted by the Village Board of the Village of Fall Creek 10-4-1960 as Ch. 8, Secs. 8.01 through 8.09 and 8.11 of the 1960 Code. Amendments noted where applicable. ARTICLE II Adopted by the Village Board of the Village of Fall Creek 2-8-2010]

GENERAL REFERENCES

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| Public construction contracts -- See Ch. 17, Art. I. | Floodplain and shoreland-wetland zoning -- See Ch. 266. |
| Occupancy of basements and garages -- See Ch. 109. | Subdivision of land -- See Ch. 267. |
| Numbering of buildings -- See Ch. 122. | Zoning -- See Ch. 268. |
| Sewers -- See Ch. 214. | Engineering standards -- See Ch. A300. |
| Water -- See Ch. 254. | Fees -- See Ch. A301. |

§ 118-1. Building, electrical and plumbing permits.

- A. General permit requirement. No building, plumbing or electrical work shall be performed in the Village of Fall Creek unless a permit therefor is obtained as required in the provisions of this chapter.
- B. Downtown business area. Exterior improvements (façade, windows, shutters, signs, etc.) to properties within the designated downtown business area must go through the downtown business review process. The building inspector shall review for building code compliance, the zoning administrator shall review for zoning code compliance, the architect shall review for Design Guidelines compliance and then shall be presented at Plan Commission and Village Board meetings, with the final approval being the Village Board. [Added 10-8-2012]

- C. **[Amended 9-11-03]** Precondition to Issuance of Building Permits: Obligations Owed to Village. Before a building, plumbing or electrical permit is issued by the Building Inspector, the following obligations owed to the Village shall have been paid and no permit shall be issued until the Village Clerk-Treasurer represents that fact to the Inspector:
- (1) All building permit fees required to be paid under Ch. A301 and §118-2.B. of the Village Code.
 - (2) All unpaid fees or charges owing at that time with respect to, assessed against or billed to the parcel of real estate to which the building permit shall apply, including but not limited to water and sewer service charges, special charges for current services under §66.0627, Wis. Stats., and delinquent property taxes.
 - (3) All unpaid fees and charges, taxes and other obligations owed to the Village by the owner or record of the parcel of real estate for which the building permit has been applied.
- D Permit lapses. A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within six months from the date of issuance thereof.
- E. Revocation. If the Building Inspector shall find at any time that the ordinances, laws, orders, plans and specifications described in this chapter are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety or property.²
- F. Report of violations. It shall be the duty of all police officers to report at once to the Building Inspector any building, electrical or plumbing work which is being carried on without a permit as required by this chapter.
- G. Records. The Building Inspector shall keep a record of all permits, fees and inspections and shall make an annual report thereon to the Village Board.

§ 118-2. Building Code. [Amended 7-13-2020]

- A. Building permits and inspections.
- (1) Permit required. No building or any part thereof shall hereafter be erected within the Village of Fall Creek or ground broken for the same, except as hereinafter provided, until a permit therefor shall first have been obtained from the Building Inspector by the owner or his authorized agent. The term "building," as used in this section, shall include any building or structure and any enlargement, alteration, heating or ventilating installation, moving or demolishing or anything affecting the fire hazards or safety of any building or structure.
 - (2) Application. Application for a building permit shall be made, in writing, upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also of the owner of the building, if different, and the legal description of the land upon which the building is to be located and shall contain such other information as the Building Inspector may require for effective enforcement of this section.

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (3) Plans. With such application there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Department of Safety & Professional Services (DSPS). Such plans and specifications shall be submitted in duplicate. One set shall be returned after approval as hereinafter provided, the other set shall remain on file in the office of the Clerk-Treasurer. All plans and specifications shall be signed by the designer.
- (4) Approval of plans. If the Building Inspector determines that the proposed building will comply in every respect with all ordinances of the Village and all applicable laws and orders of the State of Wisconsin, DSPS, he shall officially approve and stamp one set of the plans and return it to the owner and shall issue a building permit therefor, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws and orders or which involves the safety of the building or occupants, except with the written consent of the Building Inspector.
- (5) Minor repairs, new electrical permits and inspections if for any electrical outlet. The Building Inspector may authorize minor repairs or alterations valued at less than \$50 which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without issuing a building permit.
- (6) Inspection of work. The builder shall notify the Building Inspector when ready and the Building Inspector shall inspect all buildings upon completion of the foundation forms or before the foundation is laid and again when ready for lath and plaster or before paneling is applied. After completion he shall make a final inspection of all new buildings and alterations.
- (7) Permit expiration date and fine for non-completion. Permits for new residential dwellings shall expire 2 years after issuance. All other permits shall expire 6 months after issuance. Any construction not completed within the designated time shall be fined \$10 per day, unless a time-length extension has been granted by the Village Board. **[Added 7-7-2008]**

B. Fees. See Village of Fall Creek Schedule of Fees. **[Amended 8-8-2022]**

C. Construction standards. **[Amended 7-13-2020]**

- (1) Wherever such sections contain the words "the Chief Underwriter," the words "the Building Inspector" shall be substituted therefor, but his authority shall be limited to a factual determination of whether a proposed material or method meets the performance requirements of this code.
- (2) All of state code adopted. Chapters Commercial Code SPS 361-366 Reference NFPA of the Wisconsin Administrative Code (Wisconsin State Building Code) are hereby adopted and made a part of this section with respect to those classes of buildings to which this specifically applies. Sections Commercial Code SPS 361-366 Reference NFPA (Fire Protection) of said code are hereby adopted and made a part of this section with respect to all dwellings hereafter erected within the Village of Fall Creek. **[Amended 4-8-1999]**

- (3) Conflicts. If, in the opinion of the Building Inspector, the provisions of the State Building Code adopted by Subsection B(2) of this section shall conflict with the provisions of the Federal Housing Administration standards adopted by Subsection B(1) of this section in their application to any proposed building or structure, the Inspector shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this section. This provision shall not, however, apply to manufactured homes as that term is defined and applied under Subsection D(5) below, which shall be required only to comply with regulations under 24 CFR 3280 et seq., promulgated under the National Manufactured Housing and Safety Standards Act of 1974, 42 U.S.C. § 5401-5426, and which were manufactured to federal specifications determined by the Department of Housing and Urban Development (HUD). **[Amended 8-10-2000]**
 - (4) Dwellings. The term "dwelling," as used in this section, includes every building occupied exclusively as a residence by not more than two families.
 - (5) Applicants for approvals shall contact directly any one of the above-named agencies for product review procedures.
 - (6) The recommended approval of buildings, component parts and assemblies of buildings and new materials by the Research and Evaluation Committee, Building Officials and Code Administrators International, Inc., or Product Fabrication Service or Underwriters' Laboratories, Inc., does not necessarily constitute an approval by the Village of Fall Creek. Final responsibility and authority for acceptance of materials or products and systems of construction is delegated to the Village Board.
- D. Unsafe buildings. Whenever the Building Inspector finds any building or part thereof within the Village to be, in his judgment, so old or dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and so that it would be unreasonable to repair the same, he shall 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. Such order and proceedings shall be as provided in W.S.A. s. 66.05(1m)(a). **[Amended 4-8-1999, 7-13-2020]**

§ 118-3. One- and Two-Family Dwelling Code. UDC SPS Manufactured Homes. 320-325 and SP5326[Added 6-3-1980; amended 4-8-1999, 7-13-2020]

- A. Application of provisions.
- (1) Title. This section shall be known as the "One- and Two-Family Dwelling Code of the Village of Fall Creek."
 - (2) Purpose. The purpose and intent of this section is to:
 - (a) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and additions and alterations to one- and two-family dwellings where the initial construction on the dwelling was commenced after the effective date of this section.

- (b) Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the Wisconsin Department of Safety & Professional Services.
 - (c) Establish and collect fees to defray administrative and enforcement costs.
 - (d) Establish remedies and penalties for violations.
 - (e) Establish use of the Wisconsin uniform building permit as prescribed by the Wisconsin Department of Safety & Professional Services.
- B. State Uniform Dwelling Code adopted. The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters COMM 20 through 25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this section 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 section. Any code provisions incorporated herein are intended to be made part of this section to secure uniform statewide regulation of one- and two-family dwellings in this Village of the State of Wisconsin. A copy of those Administrative Code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's office.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:
[Amended 7-13-2020]

ADDITION -- New construction performed on a dwelling which increases the outside dimensions of the dwelling.

ALTERATION -- A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved with a dwelling.

DEPARTMENT -- The Wisconsin Department of Commerce.

DWELLING -- Any building, the initial construction of which is commenced on or after the effective date of this section, which contains one or two dwelling units.

MINOR REPAIR -- Repair performed for maintenance or replacement purposes on any existing one- or two-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 appearances and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed a minor repair.

ONE- OR TWO-FAMILY DWELLING -- A building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

PERSON -- An individual, partnership, firm or corporation.

UNIFORM DWELLING CODE -- Those Administrative Code provisions, and any future amendments, revisions or modifications thereof, contained in the following chapters of the Wisconsin Administrative Code:

- (1) Chapter SPS-320, Administration and Enforcement.
- (2) Chapter SPS-321, Construction Standards.

- (3) Chapter SPS-322, Energy Conservation Standards.
 - (4) Chapter SPS-323, Heating, Ventilating and Air Conditioning Standards.
 - (5) Chapter SPS-316, Electrical Standards.
 - (6) Chapter SPS-381-387, Plumbing and Potable Water Standards.
- D. Method of enforcement. For the purpose of administering and enforcing the provisions of this section and the Uniform Dwelling Code, the Village shall establish the office of Building Inspector, which shall be filled by that method prescribed under Subsection E below.
- E. Building Inspector.
- (1) Creation and appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village Board. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Section DSPPS of the Wisconsin Administrative Code. **[Amended 7-13-2020]**
 - (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Board. Any subordinate hired to inspect buildings shall be certified under Chapter DSPPS of the Wisconsin Administrative Code by the Department. **[Amended 7-13-2020]**
 - (3) Duties. The Building Inspector shall administer and enforce all provisions of this section and the Uniform Dwelling Code.
 - (4) 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 the performance of his duties.
 - (5) 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.
- F. Building permits.
- (1) Building permits required. No one- or two-family dwelling, initial construction of which shall be commenced after the effective date of this section, shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his agent from the Building Inspector. Application for a building permit shall be made, in writing, upon that form, designated as the "Wisconsin uniform dwelling permit application," furnished by the Wisconsin Department of DSPPS. **[Amended 7-13-2020]**
 - (2) Submission of plans. The applicant shall submit two sets of plans for all new, or repairs or additions to existing, one- or two-family dwellings at the time that the building permit application is filed.

- (3) Issuance of permit. If the Building Inspector finds that the proposed building or repair or addition complies with the Village ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application, and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Village Clerk-Treasurer.
- G. Fees for building permits and inspections. At the time the application for a building permit is filed, the applicant shall pay a building permit fee. The amount of the permit fee shall be determined by the Village Board, which will establish a permit fee schedule which will designate permit and inspection fees.⁸
- H. Violations and penalties.
 - (1) No person shall erect, use, occupy or maintain any one- or two- family dwelling in violation of any provision of this section or the Uniform Dwelling Code or cause or permit any such violation to be committed. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than \$50 nor more than \$200, together with the costs of prosecution, and, if in default of payment thereof, shall be imprisoned for a period of not less than one day nor more than six months or until such forfeiture and costs are paid.
 - (2) If an inspection reveals a noncompliance with this section or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 20 days after written notification unless an extension of time is granted pursuant to Section DSPS. **[Amended 7-13-2020]**
 - (3) If, after written notification, the violation is not corrected within 20 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.
 - (4) Each day each violation continues after the twenty-day written notice period has run shall constitute a separate offense. Nothing in this section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this section or the Uniform Dwelling Code.
 - (5) If any construction or work governed by the provisions of this section or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- I. Appeal to Zoning Board of Appeals. Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Zoning Board of Appeals. Those procedures customarily used to effectuate an appeal to the Zoning Board of Appeals shall apply.
- J. Liability for damages. This section shall not be construed as an assumption of liability by the Village for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

⁸ Editor's Note: See § 118-2B for the current schedule of fees.

§ 118-4. Electrical Code.

- A. State code applies. All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code, adopted by the Wisconsin Department of DSPS, and the National Electrical Code, and amendments and revisions adopted to date, which are hereby made by reference a part of this chapter.⁹The Village of Fall Creek adopts SPS 316 in its entirety. **[Amended 10-7-2019, 7-13-2020]**
- B. Commercial electrical. The Village of Fall Creek will exercise jurisdiction over the inspection of electrical wiring, installations at farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, or wharves and recreational vehicle parks. **[Added 10-7-2019]**
- C. Permit. No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Village Building Inspector, except that repair or replacement 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.
- D. Inspection of work. 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 at once 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. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.

§ 118-5. Plumbing Code.

- A. State code applies. The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wisconsin Administrative Code, Chapter SPS 381-387 (State Plumbing Code), which is hereby adopted by reference as a part of this chapter.¹⁰ **[Amended 7-13-2020]**
- B. Permit. No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made without first securing a permit therefor from the Building Inspector. 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. All later deviations from such plan must be submitted to and approved by the Building Inspector.
- C. Licensed plumber required. All plumbing work shall be done only by a plumber licensed by the State Board of Health, 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.

⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁰ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. Inspection of work. Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall at once inspect or cause to be inspected the work. If he finds that the work conforms to the State Plumbing Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. No person shall use or permit to be used any plumbing or drainage until it has been inspected and approved by the Building Inspector.

§ 118-6. Flammable liquids.

The Wisconsin Administrative Code, Chapter IND 8 (Flammable Liquids Code), issued by the Wisconsin Department of Commerce, is hereby adopted by reference as a part of this chapter, and it shall be the duty of the Building Inspector to enforce the provisions thereof.

§ 118-7. Fire District.

A. Fire District limits.

- (1) All that part of the Village of Fall Creek included within the following described territory shall be known as the "Fire District": Beginning at the northeast corner of Outlot No. 27, thence west to the northwest corner of Outlot No. 25, thence south to the southwest corner of Outlot No. 148, thence east to the southeast corner of Outlot No. 98, thence north to the southwest corner of Outlot No. 77, thence east to the southeast corner of Outlot No. 74, thence north to the northeast corner of Outlot No. 74, thence west to the southeast corner of Outlot No. 49, thence north to the northeast corner of Outlot No. 48, thence west to the point of beginning.
- (2) The Fire District limits in the Village of Fall Creek shall be that area within the District limits as shown on an Official Map, entitled and marked "Official Map of the Fire District Limits of the Village of Fall Creek." Said map, the original copy of which is filed in the office of the Clerk-Treasurer, is hereby adopted as the Official Map of the Fire District of the Village of Fall Creek.

B. Regulations within Fire District.

- (1) Requirements. Every building hereafter erected, enlarged or moved within or into the Fire District shall be of fire-resistive, mill or ordinary construction, except as otherwise provided by this chapter. Enclosing walls, division walls and party walls shall be four-hour, fire-resistive walls of a construction as provided in Section SPS 361-366 refers to International Building Code as adopted and National Electric Code as adopted by DSPS of the Wisconsin Administrative Code, which is hereby by reference made a part of this chapter, with respect to all buildings and structures within the Fire District. **[Amended 4-8-1999, 7-13-2020]**
- (2) Exceptions. No building of frame construction shall be constructed within or moved within or into the Fire District except the following:
 - (a) Buildings occupied as a private garage, not more than one story in height nor more than 750 square feet in area, located on the same lot with a dwelling, provided that any such building shall be placed at least three feet from the lot lines of adjoining property.

- (b) Buildings of frame construction, except when used for a high-hazard occupancy, not exceeding 2,500 square feet in area when used for a business occupancy or 1,000 square feet in area when used for other occupancies, nor more than one story in height, and having a horizontal separation of not less than 10 feet on all sides. Walls having horizontal separation of less than 10 feet shall have a fire-resistance rating of not less than one hour.
 - (c) Greenhouses not more than 15 feet in height.
 - (d) Sheds open on the long side, not more than 15 feet in height nor more than 500 square feet in area, located at least five feet from buildings and from adjoining lot lines.
 - (e) Builders' shanties for use only in connection with a duly authorized building operation.
- D. Bulk oil tanks prohibited. The storage of Class I and Class II flammable liquids, as defined in Section IND 8.01 of the Wisconsin Administrative Code, in aboveground tanks outside of buildings is prohibited within the Fire District.
- E. Standards for solid fuel fired heating devices. **[Amended 1-12-2006]**
 - (1) Definitions.
 - (a) CHIMNEY – A chimney includes a stack and is a vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device.
 - (b) SOLID FUEL FIRED HEATING DEVICE OR SOLID FUEL UNIT – A device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel fired stoves, fireplaces, cooking stoves and combination fuel furnaces or boilers which burn solid fuel (such as wood or coal), including outdoor wood burning units.
 - (2) Design.
 - (a) The outdoor solid fuel fired heating device shall be constructed with self-contained weather-proofing with no additional structure enclosing the fired unit, unless specifically allowed by manufacturer.
 - (b) The outdoor solid fuel fired heating device shall be listed by a nationally recognized testing laboratory acceptable to the Department of DSPS. **[Amended 7-13-2020]**
 - (c) The outdoor solid fuel fired heating device shall be designed for operation at atmospheric pressure and be properly vented to prevent a positive pressure condition.
 - (3) Code compliance. The outdoor solid fuel fired heating device and all parts accessory to it, including, but not limited to pressure safety controls, shall be installed to meet all applicable mechanical codes and the manufacturer's listing. All electrical wiring serving an outdoor solid fuel fired heating device shall be installed in accordance with Wisconsin Electrical Code.

- (4) Permit. A heating permit is required prior to installation per 118-2. A site plan indicating the outdoor solid fuel fired heating device's location on the property and information to determine compliance with applicable standards and codes shall be filed with the permit application. Plans and calculations showing structural adequacy, as required in subsection E.3., shall be filed with the permit application, unless waived by the heating inspector. The installation shall be inspected by the heating inspector for compliance with all applicable standards and approved plans before it is placed in operation.
- (5) Requirements.
 - (a) The outdoor solid fuel fired heating device shall have an attached permanent stack extending at least 3 feet higher than the highest portion of the roofline of any building regularly occupied by people having any door, openable window, or air intake vent located closer than 50 feet from the outdoor solid fuel fired heating device. Regularly occupied by people shall mean used in whole or in part as a place of assemblage, lodging, trade, occupancy, or use by persons.
 - (b) All stacks and chimneys shall be designed, constructed, and maintained to withstand horizontal wind pressures of not less than 30 pounds per square foot and also in accordance with the manufacturer's listing.
 - (c) The outdoor solid fuel fired heating device shall be located at least 100 feet from any property line adjoining any developable lot and 150 feet from any door, openable window, or air intake vent of a building regularly occupied by people other than the building(s) served by the outdoor solid fuel fired heating device.
 - (d) The outdoor solid fuel fired heating device shall not be located in any front yard or corner side yard.
 - (e) The outdoor solid fuel fired heating device shall be enclosed by fencing or other barrier to prevent access by unauthorized persons.
- (6) Public nuisance. Dense smoke, noxious fumes, gas and soot, cinders, or live sparks produced by an outdoor solid fuel fired heating device that interfere substantially with the comfortable enjoyment of life, health, or safety of another person or the public may be declared a public nuisance by a properly designated authority and ordered abated.
 - (a) Trash, garbage, recyclable materials, and yard waste are not considered solid fuel, and the burning of these materials is prohibited.
- (7) Disconnection or removal. If an outdoor solid fuel fired heating device or any part thereof is deemed unsafe, or is in violation of this chapter, the heating inspector may order that the outdoor solid fuel fired device be permanently disconnected or removed.
- (8) Repairs. Repairs to the outdoor solid fuel fired heating device shall be made in accordance with the manufacturer's recommendations.

- F. Razing old or damaged buildings. Any existing building of frame construction within the fire limits which may hereafter be damaged by fire or which has deteriorated to an amount greater than 1/2 of its value, exclusive of the foundation, as determined by the Village Assessor, shall not be repaired or rebuilt, but shall be ordered removed by the Building Inspector under the provisions of W.S.A. s. 66.05.
- G. Fire-retardant roofing.
 - (1) Every roof hereafter constructed within the Fire District, including buildings listed in Subsection C(2) of this section, shall be covered with a roofing having a fire-resistive rating equivalent to Class B or better of the Underwriters' Laboratories, Inc., classification in its List of Inspected Materials, which is hereby adopted by reference and incorporated in this section as if fully set forth herein.
 - (2) No roofing on an existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface except in conformity with the requirements of Subsection F(1).
- H. The Building Inspector (or Fire Chief or other designated person) is hereby authorized and it shall be his duty to enforce the provisions of this section.

§ 118-8. Violations and penalties. [Amended 4-8-1999]

In addition to the revocation provisions herein, and except where another penalty is specifically provided, the penalty for violating any provision of this chapter shall be as provided in Chapter 1, § 1-19 of this Code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.

§ 118-9. Household fire warning systems. [Added 5-2-1978]

Household fire warning systems shall be installed in each newly constructed single-family or duplex dwelling unit within the Village of Fall Creek and in any single-family or duplex dwelling unit where remodeling of greater than 25% of the full value of the building as determined by the Village Assessor occurs. The above shall have therein installed an approved audible alarm device activated by smoke or particles of combustion bearing the seal of Underwriters' Laboratories.

- A. Location of approved fire warning devices. Approved fire detectors shall be located as follows:
 - (1) In or near the center of the ceiling of all hallways leading to each separate sleeping area;
 - (2) At the head of each stairway leading to an occupied area; and
 - (3) On the basement side of an enclosed basement stair.
- B. Installation. Approved fire devices shall be installed as follows:
 - (1) Ceiling-mounted units shall be installed not less than six inches from a wall/ceiling intersection.
 - (2) Wall-mounted units shall be installed not less than six inches nor more than 12 inches from the ceiling.

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- (3) Spacing and installation shall conform to National Fire Protection Agency No. 74, Standard for Household Fire Warning Systems.
- C. Specifications of devices. Each detection device shall:
- (1) Cause the operation of an alarm which shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed;
 - (2) Have a minimum rating of 85 dBA at 10 feet; and
 - (3) Have a self-restoring test button or a means to permit the householder to check and test the system.
- D. Penalty. Any person, firm or corporation who or which shall violate any of the provisions of this section shall be subject to a forfeiture of an amount not less than \$1 nor more than \$200, together with the costs of prosecution, and, in default thereof, shall be imprisoned in the county jail of Eau Claire County until such forfeiture and said costs, together with the subsequent costs, are paid, but in no event for a term greater than 30 days. Each day of violation shall be handled as a separate offense.

§ 118-10. Building materials.

The specifications for building materials used by the City of Eau Claire, State of Wisconsin, are hereby adopted as specifications for building materials used in all construction in the Village of Fall Creek.

§ 118-11. Energy conservation. [Added 12-5-1978; amended 4-8-1999, 7-13-2020]

- A. Chapter SPS 361-366 of the Wisconsin Administrative Code, the Energy Conservation Standards Chapter of the One- and Two-Family Dwelling Code, as adopted and effective December 1, 1978, and all amendments thereto, is adopted and incorporated in this chapter by reference.
- B. The Building Inspector, as certified by the Wisconsin Department of DSPS, and his designated representatives are hereby authorized and directed to administer and enforce all of the provisions of Chapter SPS 320-366 including SPS 322.

§ 118-12. Public buildings and commercial buildings. [Added 4-12-1990; amended 4-8-1999, 7-13-2020]

Pursuant to W.S.A. s. 101.12, this Village Board of the Village of Fall Creek does hereby initiate a Building Code enforcement program for public buildings and commercial buildings as follows:

- A. Adoption of Wisconsin Building and Heating, Ventilating and Air Conditioning Code; Existing Buildings Code; and Historic Building Code.
 - (1) The current editions of the Wisconsin Building and Heating, Ventilating and Air Conditioning Code, SPS 361-366; Existing Buildings Code, and Historic Building

§ 118-12 FALL CREEK CODE - BUILDING CONSTRUCTION AND FIRE PREVENTION § 118-12

Code Chapter, of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated into this chapter by reference.

- (2) The Building Inspector, as certified by the Wisconsin Department of DSHS, is hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin Building and Heating, Ventilating and Air Conditioning and Plumbing and Electrical Code.
- B. Building permit required. No person shall build or cause to be built any new public building containing less than 50,000 cubic feet in total volume or alter a public building with less than 100,000 cubic feet in total volume without first submitting plans and specifications to the Building Inspector and obtaining a building permit for such building. (Note: All other larger public buildings are required to have their plans and specifications submitted to the Wisconsin Department of DSHS for approval.)
 - C. Building permit fee. The building permit fee shall be as set forth in § 118-2B.
 - D. Penalties. Enforcement of this section shall be by means of withholding of building permits, imposition of forfeitures and injunctive action [as according to W.S.A. s. 62.23(9)].

ARTICLE II

Housing Maintenance and Occupancy Code

[HISTORY: Adopted by the Village Board of the Village of Fall Creek 2-8-2010]

§ 118-13.1. Interpretation.

The general provisions of Sections 118-13.2 through 118-13.5 shall apply in the interpretation and enforcement of the ordinance codified in this chapter.

§ 118-13.2. Declaration of necessity.

It is found that there exists and may in the future exist, within the village, premises, dwelling units, rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use or occupancy affect or are likely to affect adversely the public health, (including the physical, mental, and social well-being of persons and families), safety and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety and general welfare, it is further found that the establishment and enforcement of minimum housing standards is required.

§ 118-13.3. Purpose.

It is declared that the purpose of the ordinance codified in this chapter is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control incidence of communicable diseases, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is further declared that the purpose of the ordinance codified in this chapter is to insure that the quality of housing is adequate for protection of public health, safety, and general welfare, including: establishment of minimum standards for basic equipment and facilities for light, ventilation and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators and occupants of dwellings; and provisions for the administration and enforcement thereof.

§ 118-13.4. Short title.

This chapter shall be known and may be cited as the housing maintenance and occupancy code of the Village of Fall Creek, Wisconsin.

§ 118-13.5. Applicability.

The provisions of this code shall apply to all buildings used or designed or intended to be used for human habitation. Such occupancies and uses in existing buildings may be continued if such use or occupancy was legal at the time of adoption of this code, provided such structures are not substandard and such continued use is not dangerous to life. The decision of the health officer shall be subject to appeal to the appeal board as herein provided.

§ 118-13.6. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

ABANDONED DWELLING – a dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of 12 consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.

ACCESSORY STRUCTURE – is a structure subordinate to the main or principal structure and located on the same lot, the use of which is customarily incidental to the main building.

APPROVED – means approved by the local or state authority having such administrative authority.

ASBESTOS – is the term used for a group of naturally occurring minerals that separate into fibers which are mined and milled for commercial use.

BASEMENT - is that portion of a building below the first floor or ground floor with its entire floor below grade.

BATHROOM - is an enclosed space containing one or more bathtubs or showers, or both, or which may contain water closets, lavatories, or fixtures serving similar purposes.

BUILDING – is any structure built for the support, shelter and enclosure of person, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.

CENTRAL HEATING SYSTEM – is a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

COURT – is an open, uncovered, unoccupied space partially or wholly surrounded by the walls of a structure.

DETERIORATION – is the condition or appearance of a building or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use of, or lack of maintenance.

DILAPIDATED – describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.

DWELLING – is any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided, that temporary housing as hereinafter defined shall not be regarded as a dwelling.

DWELLING UNIT – is any 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, cooking, and eating.

EXTERMINATION – is the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

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FAMILY – is one adult person plus one or more persons who are legally related to said person and residing in the same dwelling unit with said person.

FLAT ROOF DECK – means to have a pitch of not more than 2.5 inches in 12 inches with a minimum area of 14 square feet and a minimum dimension of not less than 3 feet.

FLUSH WATER CLOSET – is a toilet bowl flushed with water under pressure with a water-sealed trap above the floor level. Such toilet bowl shall have a smooth, easily cleanable surface.

FRIABLE ASBESTOS – is asbestos-containing material which can be crumbled, pulverized, or reduced to powder by hand pressure. Common types of friable asbestos-containing material included pipe insulation and sprayed or tiled on insulation materials.

GARBAGE – is the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.

GRADE – is the level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GUEST – is any person who shares a dwelling unit in a non-permanent status for not more than 30 days.

HABILITABLE ROOM - is a room or enclosed floor space not less than 7 feet in any direction used or intended to be used for living, sleeping, or dining purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, utility rooms, foyers, or communicating corridors, stairways, closets, and storage spaces, as well as workshops, and hobby and recreation areas in parts of the structure below ground level or in attics.

HEALTH OFFICER – is the director of the Eau Claire city-county health department or a representative designated by him.

HEATED WATER – is water heated to a temperature of not less than one hundred twenty degrees Fahrenheit.

HEATING FACILITY – is any combination of approved building construction, machinery, devices, or equipment so proportioned, arranged, installed, operated and maintained as to produce and deliver in place the required amount and character of heating device.

HOUSEHOLD - is one or more persons living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities.

HOUSING ADVISORY BOARD – is the Village of Fall Creek Plan Commission.

HUMAN HEALTH HAZARD – is a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

IMMINENT LEAD HAZARD – is a lead hazard that, if allowed to continue, will place a person at immediate risk of lead exposure and lead poisoning.

INFESTATION – is the presence within or around a dwelling of any insects, rodents or other pests.

INSANITARY CONDITION – is a condition constituting a danger or hazard to the health of a person or persons occupying or frequenting a building or premises, or to the general public.

INTERIM CONTROL OF LEAD HAZARDS means any set of measures designed to temporarily reduce human exposure or likely exposure to a lead hazard, including specialized cleaning, repair, maintenance, painting, temporary containment and ongoing monitoring of lead hazards or potential lead hazards.

KITCHEN – is any room containing any or all of the following equipment, or area of a room within three feet of such equipment: sink and/or other device for dish washing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

LEAD-BASED PAINT - is paint or any other surface coating material containing more than 0.06% lead by weight, calculated as lead metal, in the total nonvolatile content of liquid paint or more than 0.7 mg/cm² by X-ray fluorescent spectroscopy in the dried film of applied paint.

LEAD-CONTAMINATED DUST - is surface dust in dwellings that contain an area or mass concentration of lead in levels exceeding current federal or state standards or guidelines.

LEAD-CONTAMINATED SOIL - is bare soil that contains lead at or above 400µg/g (micrograms per gram) and could be a lead hazard to one or more persons.

LEAD HAZARD - is any substance, surface or object that contains lead and that, due to its condition, location, or nature, may contribute to the lead poisoning or lead exposure of a person.

LEAD HAZARD ABATEMENT - is any set of measures designed to permanently eliminate a lead hazard, including all of the following:

- a. The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead based paint, the replacement of surfaces or fixtures painted with lead-based paint, and the removal or covering of lead-contaminated soil.
- b. All preparation, clean-up, disposal and associated post-abatement clearance testing activities.

LEAD HAZARD REDUCTION - are actions designed to reduce human exposure to lead hazards, including lead hazard abatement and interim control activities involving lead-based paint or lead-contaminated dust or soil or clearance activities that determine whether an environment contains a lead hazard.

MEANING OF CERTAIN WORDS – whenever the words “dwelling”, “dwelling unit”, “rooming units”, “premises”, “structure” are used in this chapter they shall be construed as though they were followed by the words “or any part thereof”. Words used in the singular include the plural, and the plural the singular. The masculine gender includes the feminine and the feminine the masculine.

MULTIPLE DWELLING – is any dwelling containing more than two dwelling units and/or rooming units.

NON-FRIABLE ASBESTOS - is two categories of asbestos-containing materials that cannot be crumbled to powder by hand pressure.

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- a. Category I is pliable (not brittle), breaks by tearing rather than fracturing, and does not release asbestos fibers upon breaking. Common types are resilient floor covering and asphalt roofing products.
- b. Category II is any material, excluding category I, containing asbestos that is brittle (not pliable), breaks by fracturing rather than tearing, and does release some asbestos fiber upon breaking. Common types are rigid exterior siding and boards known as transite.

NONHABITABLE ROOM - is a room which is not a habitable room.

OCCUPANT – is any person, over one year of age, living, sleeping, cooking or eating in, or actually having possession of a dwelling unit or a rooming unit, except that in dwelling units a guest will not be considered an occupant.

OPERATOR – is any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are let.

ORDINARY MAXIMUM SUMMER CONDITIONS – is a temperature of ninety-two degrees Fahrenheit.

ORDINARY MINIMUM WINTER CONDITIONS – is a temperature of minus twenty-one degrees Fahrenheit.

OWNER - is any person who, alone or jointly or severally with others:

- a. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- b. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, operator, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

PERMISSABLE OCCUPANCY – is the maximum number of persons permitted to reside in a dwelling room or rooming unit.

PERSON – means and includes any individual, firm, corporation, association or partnership.

PLUMBING – means and includes all of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PREMISES – is a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.

PRIVACY – is the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

PUBLIC – is an area open to the public.

RECREATION ROOM – is a game or recreation room such as is frequently built in a cellar or basement.

REFUSE - is all putrescible and nonputrescible solids (except body wastes) including garbage, trash, ashes and dead animals.

RESIDENT – is a resident of the village.

ROOM – is a space within an enclosed building, and set aside from other rooms or space by a permanent partition or partitions.

ROOMING UNIT – is 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 purposes.

SPACE HEATER – is a self-contained heating appliance of either the circulating type or the radiant type and intended primarily to heat only limited space of area such as one room or two adjoining rooms.

STORAGE – is an item or items or materials intended for use at a subsequent time in another location.

SUBSTANDARD BUILDING – is all buildings used for purposes of human habitation which do not conform to the minimum standards established by this chapter and by any other provisions of this code or other ordinances.

TEMPORARY HOUSING – is any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty consecutive days.

TRASH - is nonputrescible solid wastes (excluding ashes) consisting of either:

- a. Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood;
or
- b. Noncombustible wastes such as tin cans, glass or crockery.

UNOBSTRUCTED MEANS OF EGRESS – means that the exit is accessible from a common use area such as a hallway, living room, or kitchen, or, if the same is not available, from a bedroom or other area which is accessible to all occupants, that the exit is not in such a location as to become easily obstructed, and that the exit remains readily available for egress and not obstructed at all times.

VACANT DWELLING – is a dwelling which is unoccupied for a temporary period of time, less than 12 consecutive months and is intended by the owner to be occupied in the future, provided that such occupancy is bona fide and not to be acquired for the sole purpose of defeating the vacancy of the dwelling.

VENTILATION – is the process of supplying and removing air, by natural or mechanical means, to or from any space.

WATER CLOSET COMPARTMENT – is an enclosed space containing one or more water closets and one or more lavatories, and which may also contain urinals and other plumbing fixtures.

§ 118-13.7. Safety and sanitary facilities maintenance.

A. Lead hazard inspection and abatement.

- (1) The health officer may conduct an inspection of a dwelling, dwelling unit, accessory structure, premise, surface, substance or object which the health officer has reason to believe may be a lead hazard or may exceed the allowable lead levels. The health officer may remove samples or objects necessary for laboratory analysis to determine the presence of a lead hazard in the dwelling or premise.
- (2) If the health officer determines that a lead hazard exists on the premises, the health officer shall do any or all of the following:
 - (a) Cause to be posted in a conspicuous place upon the dwelling or premises a notice of the presence of a lead hazard.
 - (b) Notify the occupant of the dwelling or premises, or that person's representative, that a lead hazard is present on or in the dwelling or premises and may constitute a health hazard.
 - (c) Issue an order to the occupant and/or owner that requires any or all of the following:
 - [1] Interim control of lead hazards.
 - [2] Lead hazard reduction.
 - [3] Lead hazard abatement.
 - [4] Vacating the dwelling or dwelling unit due to the presence of an imminent lead hazard.
 - [5] Abatement of a lead hazard by a state of Wisconsin certified lead worker and lead supervisor, when required by state law.
 - [6] Clearance testing activities to determine if a lead hazard has been eliminated.

§ 118-13.8. Health Officer--Inspections—Duties.

- A. The health officer is authorized and directed to make inspections pursuant to the plans for inspection authorized by this chapter or in response to a complaint that an alleged violation of the provisions to this chapter or of applicable rules or regulations pursuant thereto has been committed; or when the health officer has valid reason to believe that a violation of this chapter or any rules or regulations pursuant thereto has been committed. If violations are found to exist the procedure of enforcement stated in subsections 118-13.16 through 118-13.20 inclusive shall also apply to such violations.

- B. The health officer is authorized to enter and inspect all dwellings, dwelling units, or rooming units subject to the provisions of this chapter between the hours of eight a.m. and five p.m. (except Sundays and holidays), for the purpose of determining whether there is compliance with its provisions. He shall give the occupant thereof, or if there is none, then the owner thereof not less than twenty-four hours' notice of his intent to inspect the premises and may then make his inspection only if he is given permission to do so. In the absence of such permission, he shall obtain a search warrant before entering the premises.

However, if delay in inspection would pose a serious and imminent threat to human life, health or property, he may enter the premises without such permission or notice and with or without a search warrant as the circumstances may prescribe.

The twenty-four hour notice requirement may be waived by the occupant, or if there is none, the owner.

- C. The health officer is hereby authorized to inspect the premises surrounding dwellings, dwelling units, or rooming units subject to this chapter for the purpose of determining whether there is compliance with its provisions.
- D. The health officer and owner, occupant or other person in charge of a dwelling, dwelling unit or rooming unit subject to this chapter may agree to an inspection by appointment at a time other than the hours provided by this chapter.
- E. The owner, occupant or other person in charge of a dwelling, dwelling unit, or rooming unit upon presentation by the health officer of proper identification, shall give the health officer entry and free access to every part of the dwelling, dwelling unit, or rooming unit or to the premises surrounding any of these, except as noted in subsection B above.
- F. If any owner, occupant, or other person in charge of a dwelling, dwelling unit or rooming unit, or a multiple dwelling subject to the provisions of section 118-13.18 refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this chapter is sought, the health officer may seek in a court of competent jurisdiction an order that such owner, occupant or other person in charge cease and desist with such interference.

§ 118-13.9. Housing advisory board.

A housing advisory board is the Village Plan Commission. The health officer or a representative designated by him shall serve as secretary to the board. A quorum shall consist of three members present in person at any duly convened meeting. In all cases not less than three members must vote for a proposal for it to carry. All meetings, transactions and records of action of the housing advisory board shall be open to the public. The board shall adopt its rules and regulations for the transaction of business. Meetings shall be held at the call of the chairman and at such times as the board may determine. In addition to the powers otherwise granted in this chapter, the board shall have the power of interpretation where ambiguity or doubt may exist in any application of this chapter.

The board, in exercising the power and authority granted by this chapter, shall act on specific appeals and applications only. In exercising its power of interpretation, the board may act upon application, upon written request from the village board, from the health officer, or upon its own motion. Such action shall not, however, change or have the effect of changing, any rule, regulation, provision or restriction of this chapter, but shall affect only its application to specific cases before the board.

§ 118-13.10. Enforcement-Notices, orders and hearings.

- A. Whenever the health officer determines that there are reasonable grounds to believe that there has been a violation of any provisions 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:
- (1) Be put in writing;
 - (2) Include a statement of the reasons why it is being issued;
 - (3) Allow a reasonable time for the performance of any act it requires;
 - (4) Be served upon the owner of 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 certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling 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. Such notice may,
 - (5) 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. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the housing advisory board. Such person shall file with the health officer a written petition requesting such a hearing setting forth a brief statement of the grounds thereof within ten days of the day the notice was served. Upon receipt of such petition the health officer shall advise the chairman of the housing advisory board, who shall set a time and place for such hearing, which shall be within ten days, or as soon thereafter as the matter may be heard by the board, and shall give the petitioner written notice thereof. At such a hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.
- C. After such hearing the housing advisory board may sustain, modify or withdraw the notice, depending upon its finding as to whether the provision of this chapter and the rules and regulations adopted pursuant thereto have been violated. The board shall be guided by a policy of reasonable compliance in order to promote the public health and may at its discretion permit exceptions to provisions of this chapter so long as such exceptions are not contrary to the spirit of the chapter as a whole, or contrary to state statutes or Wisconsin Administrative Code.

- D. The proceedings at such hearing, including the findings and decision of the housing advisory board shall be summarized, reduced to writing and entered as a matter of public record in the office of the village clerk. 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 housing advisory board may seek relief therefrom in any court or competent jurisdiction as provided by the laws of this state.
- E. Whenever the health officer finds that an emergency exists which requires immediate action to protect the public health 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 housing advisory board shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this chapter and the rules and regulations adopted pursuant thereto have been complied with, the health officer shall continue such order in effect or modify it or revoke it.

§ 118-13.11. Housing appearance.

- A. Minimum Standards. No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following sections.
- B. Foundations, Exterior Walls, and Roofs. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit, which does not comply with the following requirements.
 - (1) Every exterior wall, eave, soffit, trim and similar surface shall be free of deterioration, holes, breaks, loose or rotting board or timbers.
 - (2) Structures that require paint or stain, or that have been painted or stained, should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent deterioration of its finished surface on any wall, that wall shall be painted or stained.
 - (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
 - (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured, hung properly, and in good repair.
 - (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.

- C. Grading and Drainage Lots. Every yard, court, vent passageway, driveway, and other portion of the lot on which the dwelling stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- D. Accessory Structures. All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenance or accessory structures which serve no useful purpose and are in a deteriorated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.
- E. Abandoned Dwellings. The owner of any abandoned dwelling or his or her authorized agent shall:
 - (1) Cause all services and utilities to be disconnected from or discontinued to said dwelling;
 - (2) Lock all exterior doors and windows of said dwelling;
 - (3) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with section 118-13.11.B. of this chapter; and
 - (4) Maintain the yard and accessory structures such that they comply with section 118-13.11.C. and D. of this chapter.
- F. Nuisances. The interior and exterior of vacant and abandoned dwellings and their premises shall be maintained in a nuisance-free condition.

§ 118-13.12. Unfit dwellings—Condemnation procedure.

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 requirements:

- 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 health officer:
 - (1) One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
 - (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (3) One which because of its general condition or location is insanitary or otherwise dangerous, to the health or safety 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 health officer, shall be vacated within a reasonable time as ordered by the health officer.
- 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 health officer. The health officer 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 placarded as such, except as provided in subsection C
- 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 housing advisory board, under the procedure set forth in section 118-13.10.

§ 118-13.13. Violation—Penalty.

Any person who violates any provision of this chapter, or any provision of any rules or regulation adopted by the health officer pursuant to authority granted by this chapter, shall, upon conviction thereof, forfeit not less than \$25.00 (twenty five dollars) or more than \$500.00 (five hundred dollars) together with the costs of prosecution, and every day of violation shall constitute a separate offense. On default of payment of such forfeiture, any person so convicted shall be confined in the county jail of Eau Claire County for a term of not less than one day and not more than sixty days.

§ 118-13.14. Prevailing regulations. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the village existing on the effective date of the ordinance codified herein, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the village existing on the effective date of the ordinance codified herein which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this chapter.