

Chapter 14.05 - BUILDING MAINTENANCE AND REPAIR STANDARDS

Sections:

14.05.010 - Legislative findings.

The common council finds that there exists, and may in the future exist, within the city, buildings or structures that are likely to affect, by reason of their maintenance or lack of maintenance, the health, safety and general welfare of the citizens of this community. It is declared that there is a need for the establishment of certain standards relating to the maintenance and repair of buildings, structures and surrounding areas. It is further declared that failure to maintain buildings and surrounding areas in a reasonable state of repair affects the value of other properties in the area, and adversely affects the environment and living conditions in the area.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.020 - Purpose.

- (a) It is the purpose of this chapter to improve and/or protect the visual image of the city.
- (b) It is also the purpose of this chapter to establish and enforce health, safety and welfare standards in order to promote the general welfare of the people.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.030 - Applicability.

- (a) The provisions of this chapter shall apply uniformly to the maintenance, use and occupancy of all buildings, structures and premises within the jurisdiction of the city irrespective of when originally constructed or rehabilitated.
- (b) However, any legally established use or structure existing prior to the effective date of this title that does not conform with the provisions of this title because of size of rooms, size of windows, height of ceilings or other basic structural dimensions shall be considered a legal nonconforming use under the provisions of Chapter 19.60 of this code. However, such nonconforming use of the structure shall not be extended, enlarged, moved or structurally altered except when required to do so by law or order, or so as to comply with the provisions of this title. Normal maintenance is permitted. This provision shall not be interpreted to disallow the extension or enlargement of a structure in respect to those dimensions that are or may still be in conformance with this title so long as such extensions or enlargements do not thereby create additional nonconforming dimensions.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.040 - Title.

This chapter shall be known and may be cited as the "property maintenance code."

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.050 - Warning and disclaimer of liability.

The degree of protection intended to be provided by this chapter is considered reasonable for regulatory purposes. This chapter does not imply that compliance will result in freedom from damages nor shall this chapter create a liability on the part of or a cause of action against the city or any officer or employer for any damage that may result from reliance on this chapter. Lack of enforcement of the standards, rules and regulations contained herein shall not create a liability on the part of the city or its officers and agents notwithstanding the issuance of permits or inspection of the premises.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.100 - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. Words and phrases not herein otherwise defined shall have the meanings accepted by common usage in other city and state of Wisconsin Codes and Statutes or the common definition set forth in a standard dictionary.

- (1) "Accessory use or structure" means a use or detached structure subordinate to the principal use of structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use of the principal structure.
- (2) "Appropriate Authority" means that person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code, or their designated representative.
- (3) "Approved" means approved by the local or state authority having such administrative authority.
- (4) "Building Inspector" means the person vested with the authority and responsibility by the city to enforce this chapter.
- (5) "Central heating system" means a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.
- (6) "Chimney" means a vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat-resisting material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

- (7) "Dwelling" means any enclosed space wholly or partly used or intended to be used for living and sleeping, whether or not cooking and eating facilities are provided; manufactured housing and modular construction, which conform to nationally accepted industry standards and used or intended for use for living and sleeping purposes shall be classified as dwellings. (See definition of "unit").
- (8) "Flush water closet" means a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water-sealed trap under the floor level.
- (9) "Grade" means the average finished level of the adjacent ground.
- (10) "Guest" means an individual who shares a dwelling unit in a nonpermanent status for not more than thirty days in a six-month period.
- (11) "Habitable room" means a room or enclosed floor area used or intended to be used for living or sleeping purposes excluding bathrooms, water closet compartments, basement laundries, furnace rooms, utility rooms of less than fifty square feet of floor space, communicating corridor stairways, closets, storage spaces, unheated areas and workshops and hobby areas below ground level.
- (12) "Heated water" means water heated to a temperature of not less than one hundred ten degrees at the outlet.
- (13) "Occupant" means any individual having possession of a premises or any individual over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit; except that in dwelling units a guest shall not be considered an occupant.
- (14) "Operator" means any person who has charge, care, control, or management of a building, or part thereof, in which building units are let.
- (15) "Owner" means any person who, alone or jointly or severally with others:
 - (A) Has legal title to any premises, building, or building unit, with or without accompanying actual possession thereof; or
 - (B) Has charge, care or control of any premises, building, or building unit, as owner or agent of the owner, or an executor, 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 were the owner.
- (16) "Person" means and includes any individual, firm, corporation, association, partnership, cooperative or governmental agency.
- (17) "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, catchbasins, drains, vents and any other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer, or gas lines.

- (18) "Premises" means a platted lot or part thereof or unplatted lot or parcel of land or plat of land, either occupied or unoccupied by a dwelling or nondwelling structure, and includes any such building or part thereof, accessory structure or other structure thereon.
- (19) "Privacy" means the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interference, either by sight or sound by other individuals.
- (20) "Rodent and/or animal pest-proofing" means a form of construction which will prevent the ingress or egress of rodents and/or animal pests to or from a given space of building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rodents and/or animal pests by climbing, burrowing or other methods, by the use of materials impervious to rodent-gnawing and other methods.
- (21) "Supplied" means paid for, furnished by provided by, or under the control of the owner, operator, or agent.
- (22) "Unit" means a room or group of rooms located within a building forming a single habitable or business unit or any other part of a premise controlled by another.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.200 - Responsibilities of owners and occupants.

- (a) No owner or individual shall occupy or let to another individual any premises or premises unit unless it is safe, clean, sanitary and complies with all applicable legal requirements of the state and the city.
- (b) Every owner of a premises containing two or more dwelling units shall be responsible for maintaining, in a clean and sanitary condition, the shared or public areas of the premises thereof.
- (c) Every occupant of a premises or premises unit shall maintain in a clean and sanitary condition that part or those parts of the premises or premises unit that he/she occupies and controls. Vacant premises shall be maintained in a clean and sanitary condition by the owner.
- (d) Every occupant of a premises or premises unit shall store and dispose of all his/her rubbish in a clean, sanitary and safe manner, and comply with the provisions of Chapter 8.24 "Rubbish" and Chapter 8.28 "Garbage and Rubbish Collection" of this code.
- (e) Every rental dwelling unit shall have storm or thermal windows in season and have window screens providing ventilation except where there is supplied some other device affording adequate ventilation which is approved by the appropriate authority.

- (f) Every occupant of a premises containing a single unit shall be responsible for the extermination of insects, rodents and/or animal pests on the premises; and every occupant of a premises unit in a premises containing more than one premises unit shall be responsible for such extermination whenever his premises unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a premises in a reasonably insect, rodent and/or animal pestproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the premises units in any premises or in the shared or public parts of any premises containing two or more premises units, extermination thereof shall be the responsibility of the owner.
- (g) Owners or occupants of a premises or premises unit shall comply with the provisions of Chapter 7.48 "Storing Junk on Property" of this code.
- (h) Every occupant of a premises unit shall keep all installed heating, ventilating, electrical and plumbing fixtures in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (i) In every dwelling unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-seven degrees Fahrenheit shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of forty-eight inches above the floor level, under average minimum winter temperatures.
- (j) Every owner, operator, occupant of any premises or vehicle operator shall comply with the provisions of Chapters 19.51 "Traffic Parking and Access" of this code.
- (k) Every owner or occupant of any premises shall comply with the provisions of Chapter 7.22 governing the cutting of grass and noxious weeds.
- (l) Every owner, operator, or occupant of any premises shall comply with the provisions of Chapters 7.20 and 19.57 prohibiting noise pollution, air pollution, and noxious odors.
- (m) Every owner, operator or occupant of any premises shall comply with the provisions of Chapter 12.20 of this code pertaining to the maintenance of sidewalks fronting their property.
- (n) No owner, operator or occupant of a building, building unit, or premises shall suffer, permit or allow any condition which may be dangerous to young children because of their inability to appreciate peril and may reasonably be expected to attract them to premises.
- (o) Every owner, operator or occupant of any premises shall comply with the provisions of Chapter 5.56 of this code, restricting the storage of junked, disassembled, inoperable or unlicensed vehicles.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.300 - Minimum standards for basic equipment and facilities.

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

- (1) Every dwelling unit having a kitchen or kitchenette shall be equipped with the following:
 - (A) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.
 - (B) Cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safekeeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
 - (C) A stove or similar device for cooking food, and a refrigerator or similar device, for the safe storage of food at temperatures less than fifty degrees Fahrenheit but more than thirty-two degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied. Repair, maintenance and replacement of the appliances shall be the responsibility of the owner of the appliance.
- (2) Within every dwelling unit there shall be a non-habitable room which affords privacy to anyone within said room and which is supplied with a flush water closet in good working condition and within every dwelling unit let to another there shall be one such closet for each ten persons or fraction thereof. Said flush water closet shall be equipped with easily cleanable surfaces, and shall be connected both to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and to a sewer system which is approved by the appropriate authority.
- (3) Within every dwelling unit there shall be a lavatory sink. Said lavatory sink, may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be placed in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the appropriate authority.
- (4)

Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as flush water closet or in another room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure.

- (5) Every dwelling unit in a one-story or two-story dwelling shall have at least two approved means of egress leading to a safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress leading to a safe and open space at ground level, or as otherwise permitted by the laws of this state and the city.
- (6) All stairway landings, platforms, roof decks or similar elevations or depressions more than two feet above or below adjacent grade or floor level shall have a guard rail on the open sides thereof, at least thirty-six inches in height, with an intermediate rail at midheight or vertical rails at eleven inches maximum spacing on center. Stairways on the outside of buildings and an integral part thereof, having more than three risers, shall have a handrail on each side. Alternate systems providing at least the same degree of protection, approved by the appropriate authority shall be acceptable.
- (7) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit, except common areas provided for such purpose.
- (8) No person shall let to another for occupancy any dwelling or dwelling unit unless each exterior door of the dwelling unit is equipped with a safe, functioning locking device.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.310 - Minimum standards for light, ventilation and electricity.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling unit, for the purpose of living therein, which does not comply with the requirements of this section.

- (1) Every habitable room shall have at least one window or skylight facing outdoors; provided, that if connected to a room or area used seasonally (e.g., porch), then adequate daylight must be possible through this interconnection. The minimum total window or skylight area, measured between stops, for such room shall be at least eight percent of the floor area.
- (2) Fifty percent of the minimum window area size or minimum skylight type of window size, as required in subsection 1 of this section, shall be easily opened except where there is supplied some other device affording adequate ventilation which is approved by the appropriate authority.
- (3)

Every bathroom and water closet compartment and nonhabitable room used for food preparation shall comply with the light and ventilation requirement for habitable rooms contained in this section except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition which is approved by the appropriate authority.

- (4) Every dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures which shall be properly installed and maintained in good and safe working condition and connected to a source of electric power in a manner prescribed by the ordinances, rules, and regulations of the city. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:
 - (A) Floor or Wall Type Electrical Outlets.
 - (i) Kitchen. One floor or wall electrical outlet for each sixty square feet or fraction thereof of total floor area and in no case less than three such outlets;
 - (ii) Bedroom, Living Room, Dining Room. Two floor or wall type electric outlets for the first ninety-nine square feet or fraction thereof and an additional outlet for each additional fifty square feet or fraction thereof;
 - (iii) Bathroom, Water Closet Compartment, Utility Room and Workshop. One floor or wall type electric outlet for each room.
 - (B) Electric Light Fixtures. Every bathroom water closet compartment, kitchen, kitchenette, laundry room, furnace room, utility room, foyer, communicating corridor, and interior stairway, shall contain at least one electric light fixture with convenient switches or equivalent devices for turning on one light in each room or passageway located so as to permit the area ahead to be lighted.
- (5) Every public hall and stairway in every multiple dwelling containing more than three units shall be adequately lighted by natural or electric light at all times. Every public hall and stairway in structures containing not more than three dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of fulltime lighting.
- (6) However, any legally established electrical fixtures and outlets or arrangement of electrical fixtures and outlets existing prior to the effective date of this title shall be considered a legal nonconforming use under the provisions of Chapter 19.60 of this code.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.320 - Minimum heating standards.

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

- (1)

Every dwelling shall have heating facilities which are properly installed and are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least sixty-seven degrees Fahrenheit at a distance of forty-eight inches above floor level under average minimum winter temperature.

- (2) No owner or occupant shall install, operate or use a means of heating employing a flame that is not vented outside the structure in an approved manner.

14.05.330 - General requirements relating to safe and sanitary maintenance of premises.

No person shall occupy as owner, occupant, or let to another for occupancy, a premises or premises unit which does not comply with requirements of the applicable Wisconsin Administrative Code regarding safe and sanitary maintenance of parts of buildings and with the following requirements:

- (1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board or timbers.
- (2) Structures that are finished with paint or stain should have paint or stain applied as necessary to maintain exterior building surfaces. When the building has more than thirty percent deterioration of its finished surface due to peeling or chipping on any wall, that entire wall shall be painted or stained. Such painting and staining shall be completed within ninety days from the date of the first application.
- (3) All exterior 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 and properly hung.
- (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.
- (6) Every yard, court, passageway, driveway and other portion of the lot on which the dwelling stands shall be graded and drained so as to comply with Section 19.57.110 of this code. Driveways shall be maintained in good repair to avoid an unsightly nuisance such as potholes.
- (7) Every window, exterior door and hatchway or similar device shall be rodentproof and reasonably watertight and weathertight and shall be kept in working condition and good repair.
- (8) Every premises shall be maintained in a ratfree and ratproof condition.
- (9)

All fences provided by the owner or agent on the premises and/or all fences erected or caused to be erected by an occupant shall be constructed of manufactured metal fencing material, wood, masonry, or other inert material. Such fences shall be maintained in good condition. The permissible height and other characteristics of all fences shall conform to the appropriate statutes ordinances, and regulations of the city and the state. Wherever any egress from the premises opens into the fenced area, there shall be a separate means of egress from the fenced area.

- (10) Accessory structures present or provided by the owner, agent or tenant occupant on the premises shall be structurally sound and be maintained in good repair. The exterior of such structures shall be made weather-resistant through the use of decay-resistant materials or the use of paint or other preservatives.
- (11) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto shall be safe to use and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads. Floors shall not be loaded beyond a safe load.
- (12) Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition. No owner, operator or occupant of any premises shall permit or allow to remain any connection of roof leaders, surface drains, foundation footing drains, or any other clear water drains to a building sewer or drain which discharges into a sanitary sewer or private sewage treatment facility. Cross-connections of water lines are prohibited. Connection to the potable water supply system of any fixture or installation creating a backflow or backsiphonage hazard, without backflow or backsiphonage protection as approved by the appropriate authority, is prohibited.
- (13) No owner, operator or occupant shall cause without proper authority any service, facility, equipment or utility, which is required under this chapter, to be removed or shut off from or discontinued from any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress or during temporary emergencies when discontinuance of services is necessary for safety reasons.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.340 - Maximum density, minimum space, use and location requirements.

No person shall occupy or let to be occupied any dwelling or dwelling unit for the purpose of living therein unless there is compliance with the requirements of this section.

- (1) The maximum occupancy of any dwelling let to another shall be limited by the following requirement: for each occupant at least one hundred twenty-five square feet of floor space, the floor space to be calculated on the basis of total habitable room area. "Occupant" shall

not include any person under eighteen years of age, for the purpose of this subsection.

- (2) The ceiling height of any habitable room shall be at least seven feet, except that in any habitable room under a sloping ceiling at least one-half of the floor area shall have a ceiling height of at least seven feet and the floor area of that part of such room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.
- (3) No space located partially below grade shall be approved for use as a habitable room of a dwelling unit unless:
 - (A) The floor and those portions of the walls are of waterproof and dampproof construction;
 - (B) The minimum window area is equal to at least as required in Section 14.05.310 of this chapter and such window area is located entirely above the grade of the ground adjoining such window area, or if windows are located wholly or partly below grade, there be constructed a properly drained window well whose open area is equal to or greater than the area of the masonry opening for the window; the bottom of the window well is below the top of the impervious masonry construction under the window and the minimum horizontal distance at a right angle from any point of the window well is equal to or greater than the vertical depth of the window well as measured from the bottom of the opening for the window;
 - (C) The total openable window area in each room is equal to at least the minimum as required under Section 14.05.310 of this chapter, except where some other approved devices affording adequate ventilation and humidity control are supplied;
 - (D) There are no pipes, ducts or other similar obstructions less than six feet eight inches above the floor level which interfere with the normal use of the room or area.
- (4) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least fifty-three square feet of floor space for each occupant thereof. Every room for sleeping purposes shall have immediate passage to at least four square feet of floor-to-ceiling height closet space for personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of sleeping room space used in determining permissible occupancy. For each occupant at least one hundred twenty-five square feet of floor space, the floor space to be calculated on the basis of total habitable room area. Occupant shall not include any person under eighteen years of age, for the purpose of this subsection.
- (5) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another

sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, or cellar or to the exterior of the dwelling unit.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.400 - Powers and duties of the building inspector.

- (a) The building inspector shall enforce the provisions of this chapter and is authorized and directed to make inspections when he has valid reason to believe that a violation of this chapter or any rules and regulations pursuant thereto has been or is being committed.
- (b) For the purpose of making exterior inspections, the building inspector is authorized to examine and survey at all reasonable times during daylight hours the exterior portion of all buildings, structures or premises. Every owner or occupant shall give the building inspector free access to any said premises.
- (c) The building inspector may require any complainant reporting a violation of this chapter to submit the report in writing.
- (d) The building inspector or his designated representative having probable cause to believe a violation of this chapter exists, shall have authority to enter the interior of any such premises after at least a twenty-four-hour written notice has been given to the owner, or his agent and the occupant requesting an appointment for such entry and inspection. If, after such notice is given, access is denied by both the owner and occupant, the building inspector may apply to the Circuit Court for a special inspection warrant.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.410 - Enforcement procedures.

Whenever the building inspector determines that there is a violation of any provision of this chapter, notice of such violation shall be given to the person or persons responsible therefor, which shall:

- (1) Be in writing;
- (2) Indicate the nature of the violation(s);
- (3) Be served upon the owner or his/her agent, and the occupant or operator(s), as the case may require. Such notice shall be deemed to be properly served upon such owner, or his/her agent, and occupant, or operator, if a copy thereof is:
 - (A) Served upon him/her personally, or
 - (B) Sent by registered or certified mail to his/her last known address, and posted in a conspicuous place in or about the building or structure affected by notice;
- (4)

State a reasonable amount of time, generally within thirty days, but not to exceed sixty days, unless there are extraordinary circumstances involved, to correct or abate the violation;

- (5) Advise the person served of the right to request a hearing before the board of zoning appeals to appeal the building inspector's order and that the notice shall become an order of the building inspector ten days after service unless such a hearing is requested.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.420 - Repairs and other corrective action.

- (a) Whenever an owner, operator or agent of a premises or premises unit fails, neglects or refuses to make repairs, raze or remove, make safe by repairs or other corrective action called for, the building inspector may undertake such repairs or action when in the building inspector's judgment a failure to make them will endanger the public health, safety or welfare. If the owner fails to repair or remove a building which is dilapidated or blighted to the extent that such building, dwelling, or structure offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition the building inspector may apply to the Circuit Court for an order determining that such building, dwelling, or structure constitutes a public nuisance and the defect shall be remedied.
- (b) A separate notice of intention to make repairs or take other corrective action shall be served upon the owner, operator or agent pursuant to Section 14.05.410.
- (c) Every owner, occupant, operator or agent of a premises or premises unit who has received notice of the intention of the building inspector to make repairs or take other corrective action shall give entry and free access to the agent of the building inspector for the purpose of making such repairs. Any owner, occupant, operator or agent of a dwelling or dwelling unit who refuses, impedes, interferes with, hinders, or obstructs entry to the premises pursuant to notice of intention to make repairs or take other corrective action shall be subject to a civil penalty of a minimum of one hundred dollars plus court costs for each day said party fails to comply with this section.
- (d) When repairs are made or other corrective action taken at the direction of the building inspector and the owner, operator or occupant fails to pay for the expense of such repairs, the cost of such repairs and corrective action may be levied and collected as a special charge or special tax upon the lot or land on which such work is done.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.430 - Applications for reconsideration, hearings and appeals.

- (a) Hearings.
 - (1)

Any person who receives a notice from the building inspector issued in connection with any alleged violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto or any order requiring repair or demolition pursuant thereto or any order requiring repair or demolition pursuant to Section 14.05.410 of this chapter, may file with the city clerk of the city a petition to the board of zoning appeals for a hearing setting forth his/her reasons for contesting the notice or order.

- (2) Such petition shall be filed with the city clerk within ten days after receipt of notice of violation.
 - (3) Upon receipt of a valid petition, the city clerk shall schedule the hearing within twenty days after receipt of the petition and notify the petitioner of the hearing date, time and location.
 - (4) At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn or why the period of time permitted for compliance should be extended.
 - (5) The board of zoning appeals of the city shall have the power to affirm, modify or revoke the notice or order and may grant an extension of time for the performance of any act required where the board of zoning appeals of the city finds that there is practical difficulty or undue hardship connected with the performance of any act required by the provisions of this chapter or by applicable rules or regulations issued pursuant thereto and that such extension is in harmony with the general purpose of this chapter to secure the public health, safety and welfare.
 - (6) The board of zoning appeals may grant variances from the provisions of this chapter or from applicable rules and regulations issued pursuant thereto when the board of zoning appeals finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this chapter and applicable rules and regulations pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that an extension of time would not provide an appropriate remedy in the case at hand; that such variance is in harmony with the general purpose of this chapter to secure the public health, safety, and welfare.
- (b) Appeals. Any person aggrieved by the final decision of the board of zoning appeals of the city may obtain judicial review by filing in a court of competent jurisdiction within twenty days of the announcement of such decision a petition praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the board of zoning appeals which shall file with the court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify or vacate the decision complained of in whole or in part. The findings of the board of zoning appeals with respect to questions of act shall be sustained if supported by substantial evidence on the record, considered as a whole.

Whenever in the judgment of the building inspector, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator or agent to take appropriate action to correct or abet the emergency. If circumstances warrant, the building inspector may act to correct the emergency.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.450 - Penalties.

Any person who is deemed to have notice and any owner, occupant, operator or agent of a building or premises or any person making use of a premises who has received a notice as provided in Section 14.05.410 and who fails, neglects or refuses to comply with, or permits violation of the ordinance provisions set forth in such notice at any time after the specified reasonable consideration period, or any person regardless of notice who fails to conform with these ordinance provisions shall be subject to a forfeiture of a minimum of one hundred dollars plus court costs for each day said party fails to comply with this section.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.500 - Conflict of ordinances—Effect of partial invalidity.

- (a) 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 city existing on the effective date of the ordinance codified in this chapter, the provision which established the higher 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 city existing on the effective date of the ordinance codified in this chapter, which established 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.
- (b) If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall remain in full force and effect and to this end the provisions of this chapter are hereby declared to be severable.

(Ord. 1217 (9/17/91) § 1(part), 1991).

14.05.510 - Effective date.

This chapter is effective upon passage and publication as required by law.

(Ord. 1217 (9/17/91) § 1(part), 1991).