

# VILLAGE OF SHOREWOOD HILLS

*Draft*

## Public Health & Safety Committee Minutes

Tuesday, July 26, 2022

1. Chairperson Carol Barford called the meeting to order at 7:03 pm.
2. Roll call: Committee members present were Ms. Barford, Bill Muehl, Jeremy Tunis, Dietmar Bassuner and Jim Rogers. Staff present: Village Administrator Sharon Eveland and Clerk-Treasurer Sam Liebert. Members of the public present: Bob Falk of 1227 Shorewood Blvd.
3. **Note compliance with open meeting law**  
Note compliance with open meeting law: Ms. Eveland confirmed that the meeting was properly posted.

Without objection, Ms. Barford moved Item #7 (Discussion regarding property maintenance in the Village)

7. **Discussion regarding property maintenance in the Village**  
Ms. Barford stated that there have been several complaints about the property at 1223 Shorewood Blvd. and other properties in the village. There are currently no property maintenance specific ordinances on the books in the village to address these concerns.

Mr. Falk stated he lives next to the distressed property. It is a health and safety hazard. Animals come into the house through holes. The property has been broken into several times. There has been little to no maintenance done on the house in the past 18 years. Has seen kids trying to break into the house through the back.

Mr. Tunis said he runs past this property regularly. Agrees that something needs to be done.

Ms. Eveland stated that she has reached out to the wife of the person listed as the property owner. Would not allow the village access to the property. They do not live in the state but live in Florida. Ms. Eveland stated that she said she would get someone out to perform lawn maintenance.

Ms. Barford asked what our current status is of any ordinances on the book.

Ms. Eveland stated that we do have a nuisance ordinance, but they can often be hard to enforce. Most communities have some level of property maintenance ordinances. Is not aware of any communities that do not have a limit on how tall

grass can grow. Believes there is a difference between grass growing naturally versus allowing your yard to grow wild and intrude into neighboring property. We don't have the sufficient ground to address properties quickly and easily like this. Ms. Eveland recommends that we implement some level of ordinance to address property maintenance.

Mr. Bassuner stated there are two issues at hand. The current property in discussion and Village wide issues on other properties. Supports having an ordinance come forward to address property maintenance.

Ms. Eveland stated she is sending a letter to the property owner requesting access to assess in the interior of the property. If they fail to respond, we will be able to work with the attorney to obtain an inspection warrant. The village assessor can then assess if a "Raze or Repair" order is required. Ms. Eveland asked the board if there is general support or consensus to move forward with drafting an ordinance to address property maintenance.

Mr. Falk stated that properties like this bring down the value of other properties.

Ms. Barford stated that homes should be safe, sealed, and secure.

Mr. Falk stated that he would like to see minimal standards when it comes to home maintenance in the village.

Mr. Muehl stated that property maintenance should be about individual choice to do what you want with your own property.

Ms. Barford stated, by consensus, that we should look into a model ordinance.

4. **Approve previous meeting minutes**

Motion by Muehl, seconded by Bassuner to approve of the June 8, 2022 minutes.

Motion carried 5-0.

5. **Discussion regarding graffiti on school building incident**

Mr. Tunis gave an update in regard to the graffiti on the school building. He stated that there was an incident of a swastika graffiti on the side of the school. The Village handled the situation well. The Village police and school district took pictures as part of the investigation. The building was cleaned quickly.

Mr. Rogers asked what our policy was regarding graffiti in general.

Ms. Eveland stated she was not aware of an official policy, but that we would do our best to remove the graffiti, and the nature of the damage. Not sure historically what the Village has done in the past.

Mr. Tunis stated the Anti-Defamation League has a process for reporting hate crime graffiti, as well as the NAACP.

Ms. Eveland stated that police reports are filed when graffiti is found.

6. **Discussion regarding Village street safety**

Ms. Barford gave an update and referred to the documents in the packet. She stated that she reviewed specific concerns with Harvard Drive. The pedestrian path was not well marked and faded. There is an ongoing initiative to address street safety. On September 14, there will be a public input session with the Public Works Committee to address street safety.

Mr. Muehl stated that drivers need to be more aware of where they drive and where pedestrians are walking.

Mr. Rogers stated there had been a pretty in-depth conversation in the past about Complete Streets.

Ms. Barford encourages everyone to stay informed of what is going on with Public Works. Stated she plans on attending the September 14 meeting.

Between 8:06 pm and 8:12 pm Mr. Tunis' connection on Zoom was lost. Quorum was still in place, so business continued.

8. **Discussion regarding cameras at Mckenna Park boathouse**

Ms. Barford gave an update from the May meeting. The Village Board is looking at crafting a policy for cameras. The point of the document in the packet, is to start gathering concepts for an overarching policy for cameras in the Village; and how does the policy apply to the boathouse. Ms. Barford gave a review and walk-through of the 'Public Video Surveillance Working Doc' that was in the committee packet.

Discussion was had by the committee.

Mr. Rogers stated he supported the document.

Mr. Tunis stated that he wasn't sure how much privacy the public has in a public place, after hours. There is no expectation of privacy. The problems at the boathouse appear to remain high and there continue to be issues. We should continue the process, but not take too long to make a decision.

Mr. Bassuner stated that our purpose should be to set guidance and direction. Is in full support of the document. Agrees with Mr. Tunis' statements.

Mr. Muehl stated he would like to see the police have the capability to see what is going on at the boathouse. No matter what we do, people will not be happy either way.

Mr. Rogers stated he would like to see language that allows for the village board to conduct periodic review the policy every so many years.

Ms. Eveland stated that there is already a regularly scheduled policy for reviewing of police policies.

Ms. Barford stated that she will work with Sharon and the staff on additional language from tonight's comments.

Ms. Eveland recommends a September target date to come back with a policy for review by the committee.

Discussion was had about possible public input about the policy proposal, and what the village could do to promote the public discussion segment.

Ms. Eveland stated that could be done.

9. **Next meeting Date: August 23, 2022 at 7:00 pm**

10. **Adjourn**

Motion by Muehl, seconded by Rogers to Adjourn at 8:49 pm. Motion carried 5-0.

Respectfully submitted,

Samuel E. Liebert  
Village Clerk-Treasurer

## 1. Maple Bluff

§149-5 Public Nuisances affecting peace and safety.

H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

M. Blighted buildings and premises. Premises existing within the Village which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, or improper management or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences, and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Village.

1. The blighted premises contribute to conditions that are dangerous to the public health, safety, morals and general welfare of the people. The conditions necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection and other public services. The conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

2. Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and shall be fostered and encouraged by this article. It is essential to the public interest that this article be liberally construed to accomplish the purposes of this subsection.

Notes: Maple Bluff also has §166 Property Maintenance, but it includes the act of littering, abandoned fridges and vehicles, open wells, etc. No explicit mention of building code; no mention of enforcement mechanisms.

## **2. Fitchburg**

§35 Buildings and building regulations.

Sec. 35-28. - Maintenance.

All buildings and structures and all parts thereof shall be maintained in a safe condition and all devices and safeguards which are required at the erection, alteration, addition, or repair of any building shall be maintained in good working order. This section shall not be construed as permitting the removal or nonmaintenance of any existing devices or safeguards unless authorized in writing by the building inspector. Such maintenance requirements shall apply to all buildings now existing or hereafter erected.

Sec. 35-54. - Powers and duties of the building inspector.

(a) State statute reference. The building inspector shall be held to be the same officer as referred to in state law as building inspector, and who shall have the same powers and duties. The building inspector shall enforce all the provisions of this article and all other state laws and city ordinances relating to the construction, alteration, repair, removal, safety and use of buildings and permanent building equipment, except as otherwise specifically provided for by statutory requirements or as provided in this article. The building inspector shall have full power to pass upon any question arising under the provisions of this article subject to the conditions contained herein.

(b) Rule making authority. The building inspector shall have the power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate orders and directives, to interpret and implement the provisions of this article to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided in this article or violating accepted engineering practice involving public safety. The building inspector shall also have the power as necessary to establish department policies, initiate administrative procedures and adopt rules to ensure effective and efficient department operation.

(c) Permits, inspections and correction orders. The building inspector shall be responsible for the issuance of all permits required by this article and for the inspection of all work for which such permits have been issued. The building inspector shall enforce compliance with the provisions of this article and shall issue necessary notices and correction orders to ensure compliance with all code requirements for the health, safety and general welfare of the public.

(d) Recordkeeping. The building inspector shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long

as the building or structure to which they relate remains in existence unless otherwise provided by other regulations.

Sec. 35-59. - Violations and penalties.

(a) Unlawful acts. No person shall in the city erect, construct, alter, extend, repair, remove, demolish, use or occupy any building or structure or equipment regulated by this article, or cause, permit or suffer the same to be done, in conflict with or in violation of any of the provisions of this article or fail to timely comply with any lawful order issued hereunder.

(b) Notice of violation and order. The building inspector may serve a notice of violation and order on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of the provisions of this article, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this article. Such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The building inspector may also suspend or revoke any permit for any building or structure on any property on which such noncompliance is discovered in accordance with [section 35-55](#).

(c) Prosecution. If a notice of violation and order is not complied with promptly, the building inspector may request the city attorney to institute the appropriate proceeding at law or in equity to correct or abate such violation or require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this article or of the notice or order made pursuant thereto. In any court action or legal proceeding, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the building inspector constitute a defense.

(d) Citations. In the event that any person fails or neglects to comply with a lawful order issued under the provisions of this article, the building inspector may issue a citation in accordance with [chapter 18](#) imposing a forfeiture as provided in subsection (f) of this section.

(e) Injunctions and restraining orders. As a substitute for, or in addition to, forfeiture actions, the city attorney may, on behalf of the city, seek enforcement of any and all parts of this article by court actions seeking an injunction or restraining order against the person responsible for the violation for the purpose of ordering that person to do one or more, of the following:

- (1) Restrain, correct or remove the violation or refrain from any further execution of work.
- (2) Restrain or correct the erection, installation or alteration of such building or structure.
- (3) Require the removal of work in violation of the provisions of this article.

(4) Prevent the occupation or use of the building or structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, with the provisions of this article, or in violation of a plan or specification under which an approval, permit or certificate was issued.

(f) Forfeitures. See forfeiture/bond/deposit schedule for penalties for any person who shall violate or fail to comply with the provisions of this article or any lawful order of the building inspector issued pursuant thereto.

(g) Relationship to nuisance actions. No provisions of this article shall be construed to bar any private or public nuisance action to enjoin or abate the use or occupancy of any land or structure under state law.

(h) Assistance from other officials. The building inspector in the performance of his/her duties shall receive the assistance of the chiefs of the police and fire departments and of all other city officials, including the city attorney, in prosecuting violations hereof.

Notes: Fitchburg has adopted State of Wisconsin building codes by reference, Section 35-77.

### **3. Verona**

#### **Sec. 15-1-8 - Unsafe Buildings.**

Whenever the Common Council, upon the inspection and report of the Building Inspector or other authorized inspector, finds any building or part thereof within the City to be, in his judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Council may order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. The Council shall give specific reasons for its determination. Such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

#### **Sec. 15-1-12 - Basements; Excavations.**

(d) Vacant Buildings. Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe, and a menace to public safety. The Building Inspector shall give the owner thereof written notice to secure said building or structure and comply with City Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector to condemn and raze said building or structure in accordance with the applicable provisions of Sec. 66.05(2)(a), Wis. Stats.

#### **Sec. 15-1-9 - Disclaimer on Inspections.**

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

#### **Sec. 15-1-11 - Regulation and Permit for Razing Buildings.**

(a) No building within the City of Verona shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled

away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.

(b) All debris must be hauled away at the end of each week for the work that was done during that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Note: Verona has adopted the State of Wisconsin building codes

## **4. Middleton**

### Chapter 23 – Minimum housing and property maintenance code

#### 23.02 INTENT AND PURPOSE

(1) This ordinance is adopted for the purpose of preserving and promoting the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, spiritual and monetary values.

(2) It is recognized that there may now be, or, may in the future be, residential and nonresidential buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

#### 23.05 SAFE AND SANITARY MAINTENANCE OF PROPERTY

(1) The purpose of this section is to recognize the private and public benefits resulting from safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards, and vacant areas. Attractive and well maintained property enhances the neighborhood and City and provides a suitable environment for increasing the value of real estate in the community.

(2) Every owner or operator shall improve and maintain all property under her or his control to comply with the following minimum requirements:

(a) All courts, yards, or other areas on the premises shall be properly graded to divert water away from buildings.

(b) All exterior property areas shall be kept free from noxious weeds.

(c) All exterior property areas shall be properly maintained in a clean and sanitary condition, free from debris, refuse, garbage, physical hazards, rodent harborage and infestation.

(d) Fences, other minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe and sanitary condition.

Walkways shall provide convenient all weather access to buildings, and parking areas serving multi-family dwellings shall be free from hazards of snow, ice and other inclement weather conditions.

(e) Exterior wood surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain a neat and attractive appearance.

- (f) Landscaping, plantings and other decorative surface treatments shall be installed whenever possible and maintained to present a neat and attractive appearance in all court and yard areas. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles travelling on public ways.
- (g) Every foundation, floor, wall, ceiling, chimney and roof shall be reasonably weathertight, and rodent proof, shall be kept in proper repair, and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. Interior walls or ceilings shall provide a suitable base for decorative finish, a waterproof and hard surface in spaces subject to moisture and shall not have noticeable surface irregularities or cracking. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
- (h) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, and rodent proof, and shall be kept in proper working condition and repair.
- (i) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair.
- (j) Where the Building Inspector deems it necessary for safety, every flight of stairs, which is more than two (2) risers high shall have handrails which shall be located as required by ordinance; every porch which is more than two (2) risers high shall have handrails so located and of such design as required by ordinance. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.
- (k) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions.
- (l) Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and be kept in clean and sanitary conditions.
- (m) Every supplied facility, piece of equipment, or utility shall be so constructed, installed and maintained so that it will function in proper working condition.
- (n) No owner, operator or occupant shall permit any service, facility, equipment, or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or lodging room let or occupied by him or her, except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies when discontinuances of service is approved by the Building Inspector.

### (3) Height of Grasses

#### (a) Purpose

The Common Council finds that lawn areas comprised of untended or unmanaged grasses or other primarily herbaceous vegetation that forms a ground cover that exceeds eight inches in length adversely affects the public health and safety in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within

the City. For that reason, except as provided in paragraph (b), any lawn, grass, or weed on a lot or other parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance. Any such lawn area violating this subsection shall also be considered a public nuisance under Chapter 17.02(1).

(b) Exceptions

This subsection shall also not apply to:

1. Floodplains, wetlands, nature conservancies and natural areas designated as such by the City of Middleton, Dane County, State of Wisconsin or the federal government.
2. Bona fide rain garden planting areas.
3. Managed Natural Landscaping  
“Managed natural landscaping” means a planned and designed yard or landscape consisting of native or naturalized plants grown subject to active cultivation techniques intended to control, direct and maintain the growth of natural vegetation. Such landscaping shall be free of noxious weeds as defined under Wis. Stats. §66.0407 and shall be separated from neighboring property (not including streets or sidewalks) by a border such as a fence, landscape block, stone, hedge or a buffer of mowed grass, mulch or stone not less than two feet in width such that the natural landscaping shall be kept from laying across the property line.
4. Open, undeveloped parcels of land 5 acres or greater in size located in an agriculture or conservancy zoning district.

(c) Notice to Cut Grasses

1. If the Building Inspector determines with reasonable certainty that any public nuisance as defined in paragraph (a) of this Section exists, the City shall immediately cause written notice to be served on the owner, occupant, or person in charge of the property that the public nuisance must be removed within five days. This notice shall inform said person that, in the event the public nuisance is not abated within five days, the City may take such action as prescribed in paragraph (d) of this subsection.
2. The notice may be served by:
  - a. personal service;
  - b. certified mail, or
  - c. by regular mail to the last known address of the owner, occupant or person in charge if the notice is posted, no later than the same day as mailing, on the front door of the main building, or dwelling on the premises, or if no building or dwelling exists, by posting on the premises in a conspicuous manner.

(d) Failure to Abate Nuisance

1. City Abatement

If after five days from service of notice to abate under paragraph (c), the public nuisance is not abated, in addition to any other enforcement action authorized under this Chapter, the City may cut or cause

to be cut all grasses, weeds or vegetation from the subject property so as to conform with this section.

#### 2. Costs

A fee shall be charged in the amount of the actual cost incurred by the City for providing said service. The charges shall be set forth in a statement to the City Treasurer who in turn shall mail the same to the owner, occupant, or person in charge of the subject premises.

#### 3. Failure to Pay

If said statement is not paid in full within 30 days thereafter, the City Treasurer shall enter the charges on the tax roll as a special charge against said lot or parcel of land as provided by Wis. Stats. § 66.0627. The City may also seek recovery of costs as restitution in any forfeiture action.

#### 4. Continuing Violations

If the Building Inspector finds a second violation of this Section within the same season the owner, occupant or person in charge of the premises shall be required to contact the Building Inspector to confirm whether the premises is or will be cared for such that future compliance can be expected. If no contact is made, the Building Inspector may assume that the owner or occupant will not comply with this Section and shall be authorized to cut or cause the grasses, weeds or vegetation at any time and charge the costs therefore as provided in paragraph (d) 2. above, without further notice for the remainder the season. The second notice shall inform the owner or occupant of the requirements and consequences of this paragraph. The notice shall further provide the phone number and any other contact information for the Building Inspector or other official or employee the Building Inspector may designate.

### 23.07 RESPONSIBILITY OF OWNERS, OPERATORS, AND OCCUPANTS, AND LICENSES FOR RESIDENTIAL BUILDINGS

(1) The purpose of this section is to fix the responsibility of owners, operators and occupants of residential buildings and provide for the licensing of lodging houses other than those licensed by the State of Wisconsin.

(2) The responsibility of owners, operators and occupants of residential buildings is as follows:

(a) Every owner of a residential building containing two or more dwelling units shall be responsible for maintaining in a clean, proper and sanitary condition the shared or public areas of the residential building and premises.

(b) Every occupant of a residential building shall keep in a clean, proper and sanitary condition that part of the residential building and premises which she or he occupies and controls, except that the operator of every lodging house shall be responsible for the maintenance of all walls, floors, ceilings and every other part of the lodging house. Every occupant of a residential building shall dispose of all his or her refuse and garbage in the containers required by s. 6.06 and 6.07 of this Code.

(c) Every owner of a residential building shall be responsible for hanging, installation

and maintenance of all screens and double or storm doors and windows whenever the same are required under the provisions of this ordinance.

(d) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his or her dwelling 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 residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.

(e) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(f) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of the Building Code and the occupancy is limited to the maximum permitted by the Building Code.

(g) Every owner of rental property shall neatly display in a conspicuous accessible place in every residential building a list of not less than three alternate agents and their phone numbers to be called to arrange for emergency work required when the owner or operator is not readily available. This list shall be maintained at all times.

(h) The operator of every lodging house shall change supplied linen and towels therein at least once each week, and prior to the letter of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

### 23.08 DESIGNATION OF UNFIT BUILDINGS OR STRUCTURES AND LEGAL PROCEDURES

(1) The purpose of this section is to provide for the designation and repair or razing of those buildings or structures which are so dilapidated, unsafe, dangerous, unhygienic, inadequately maintained or lacking in basic equipment, facilities, light, ventilation and heating so as to constitute a danger to the occupants or the public.

(2) Any building or structure which shall be found to have any of the following defects may be designated as unfit for human habitation and in need of repairs or razing and so placarded by the Building Inspector. Legal notice shall be served upon the operator or owner of any building:

(a) Which is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe, or vermin infested that it creates a hazard to the health or safety of the occupants or of the public.

(b) Which lacks illumination, ventilation, heating, basic equipment or sanitary facilities adequate to protect the health, safety or general welfare of the occupants or of the public.

(c) Which because of its general condition, location, or appearance, is a blighting

influence or causes decreasing physical or monetary value of property in the neighborhood.

(3) Any building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be vacated within a reasonable time as ordered by the Inspector.

(4) No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by the Inspector. The Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.

(5) No person shall deface or remove the placard from any building or structure or part thereof which has been condemned as unfit for human habitation and placarded as such.

(6) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Inspector, which in the opinion of the Inspector, would be unreasonable to repair shall be razed or removed upon legal written service of the order of the Inspector. If the owner shall fail or refuse to comply with the order, the Inspector shall cause such building to be razed or removed under the procedures provided for unsafe buildings in Wis. Stat. s. 66.05.

#### 23.09 ADMINISTRATION AND ENFORCEMENT

(1) The purpose of this section is to provide for the administration and enforcement of this Ordinance.

(2) The Building Inspector is hereby directed to enforce this Ordinance. The Building Inspector shall be under the supervision of the Director of Public Works.

(3) The duties of the Building Inspector shall be as follows:

(a) Provide and maintain public information relative to all matters arising out of this Ordinance.

(b) Maintain permanent and current records of all matters arising out of this Ordinance.

(c) Investigate all written complaints pertaining to Code violations and conduct systematic inspection of buildings, structures and lands to determine compliance with the terms of this Ordinance and take such action as necessary to secure such compliance. He or she shall likewise advise each complainant of his or her right to appeal any decision of the Building Inspector to the Housing Code Appeals Board.

(d) Initiate, direct and review from time to time a study of the provisions of this Ordinance and make recommendations through the Housing Code Appeals Board to the Mayor and Common Council not less frequently than once a year on such matters that will improve this Code of its systematic enforcement.

(4) It shall be the duty of each owner, operator and occupant of real estate, upon request of the Building Inspector or duly authorized assistant or agent, to permit inspection of any premises owned, controlled or occupied by him or her at all reasonable times in order to determine compliance with the provisions of this Ordinance.

(5) Housing Code Appeals Board

(a) There is hereby created a Housing Code Appeals Board which shall consist of

seven (7) members. One member may be an architect, one a builder, one a structural engineer, one member of the Common Council and the remaining members shall be qualified by experience or training to pass on matters pertaining to building maintenance and construction and shall include tenants, homeowners, and landlords or resident managers in its composition. The City Attorney or an Assistant City Attorney shall be an ex-officio member of the Board, without vote.

(b) The Building Inspector shall be an ex-officio member of the Board and shall act as Secretary, but shall not vote. The members of the Board shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term of three (3) years. Each member shall serve until his or her successor is appointed. To be eligible for appointment to said Board, a person shall be a citizen of the United States and resident of the City of Middleton. The term of the appointments shall be three years.

(c) The Board shall elect a Chair from its members.

(d) The Board shall adopt reasonable rules and regulations for the conduct of its investigations and hearings and shall render all dispositions and findings in writing to the Building Inspector and Mayor, and, in case of a disputed matter, shall furnish a duplicate copy thereof to the appellant. The Board may recommend to the Common Council such new legislation as may be considered necessary. All meetings of the Board shall be open to the public.

(e) The Board shall have authority to determine the suitability of alternate means of providing "adequate", "approved", "attractive appearance", "good working conditions" and "properly" as defined and used in this Ordinance and to establish administrative regulations on such matters as what constitutes "attractive appearance". The Board shall have the authority to permit variations in the provisions of the Housing and Property Maintenance Code if it appears that such provisions do not clearly include the specific condition or that manifest injustice might be or will be done. Any action of the Board varying the application of the Minimum Housing and Property Maintenance Code must be by a concurring vote of at least four (4) members.

(f) Any party aggrieved by the decision of the Building Inspector, under the expressed provisions of this Code, may appeal to the Housing Code of Appeals Board by serving written notice on the Building Inspector within ten (10) days after written notification of the decision of the Building Inspector except for notices under Section 23.05(3), in which case written notice of appeal must be served within five (5) days. Such notice shall be at once transmitted to the Board, which shall arrange for a hearing on the particular provision. Such hearing shall be held within fourteen (14) days, and the decision of the Board shall be given within ten (10) days after the hearing.

(g) Appeals of notices issued under Section 23.05(3) shall be limited to whether grasses or herbaceous vegetation constitute a lawn area consistent with the purpose set forth in Section 23.05(3)(a). The Board may not permit variance from the eight (8) inch height limitation. An appeal shall not automatically stay any abatement action under Section 23.05(3)(d); however, no fees may be charged under Section 23.05(3)(d)1. until the appeal is determined and denied.

(h) All decisions and findings of the Housing Code Appeals Board shall in all

instances by final administrative determinations, and shall be subject to review by a court, as may be provided by law.

(6) Any application for an appeal shall be submitted in writing and shall be accompanied by a fee as set forth in the Fee Schedule under Section 3.12 which shall be paid to the Building Inspector and deposited with the City Treasurer.

(7) Any person who violates any provision of this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture, as prescribed by s. 30.04 of this Code, and in addition shall pay all costs and expenses of prosecution. Each day any violation continues shall constitute a separate offense.

(8) Separability

It is hereby declared to be the intention of the Common Council of the City of Middleton that the several provisions of this Ordinance are separable, in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(9) Conflicts of Ordinances

In any case where a provision of this Ordinance or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, or any regulation of the City of Middleton, the provision which establishes the higher standard for the promotion of the health and safety of the public shall prevail.

(10) Retaliatory eviction for reporting alleged violations of this Code is prohibited. Retaliatory eviction shall be construed to mean eviction occurring within a period of ninety (90) days following affirmative action by the Building Inspector to secure compliance with the terms of this Ordinance, unless determined otherwise by the Housing Code Appeals Board upon review.

(11) All clauses in rental agreements contrary to the expressed provisions of this Code are prohibited.

Note: Middleton also uses WI State building codes by reference (Chapter 11 of ordinances).