

CHAPTER 21

BUILDING AND PREMISES MAINTENANCE AND OCCUPANCY

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21.01 GENERAL PROVISIONS: The following general provisions shall apply in the interpretation and enforcement of this ordinance;

(1) Legislative Finding. It is hereby found that there exists, and may in the future exist, within the City of Stevens Point premises, Building, Building units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, 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 condition, 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 standards are required.

(2) Purposes. It is hereby declared that the purpose of this ordinance 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 buildings and premises for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and promote the general welfare by legislation which shall be applicable to all premises and buildings now in existence or hereafter constructed. It is hereby further declared that the purpose of this ordinance is to insure that the quality of buildings and premises 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 buildings and premises; and provision for the administration and enforcement thereof.

(3) Scope. The provisions of this ordinance shall apply uniformly to the construction, maintenance, use and occupancy of all buildings, structures and premises where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy, and maintenance of all existing buildings, structures, and premises within the jurisdiction of the City of Stevens Point irrespective of when or under that code or codes such buildings or structures were originally constructed or rehabilitated.

(4) Title. This chapter shall be known and may be cited as the Building and Premises Maintenance and Occupancy Code of the City of Stevens Point, hereinafter referred to as "this ordinance".

(5) Warning and Disclaimer of Liability. The degree of protection intended to be provided by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This ordinance does not imply that compliance will result in freedom from damages nor shall this ordinance create a liability on the part of or a cause of action against the City of Stevens Point or any officer or employee for any damage that may result from reliance on this ordinance. Lack of enforcement of the standards, rules and regulations contained therein 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 premise.

21.02 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance:

(1) Accessory Building, Premises, or Structure shall mean a building, property, or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.

(2) Appropriate Authority shall mean that person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code.

(3) Approved shall mean approved by the local or state authority having such administrative authority.

(4) Ashes shall mean the residue from the burning of combustible materials.

(5) Attic shall mean any story situated wholly or partly within the roof, and so designed, arranged or built as to be used for business, storage, or habitation.

(6) Basement shall mean the lowest story of a building below the main floor and wholly or partially lower than the surface of the ground.

(7) Building shall mean a fixed construction with walls, foundation and roof, such as a house, factory, garage, etc.

(8) Building Inspector shall mean the person vested with the authority and responsibility by the City of Stevens Point to enforce this ordinance.

(9) Cellar shall mean a room or group of rooms totally below the ground level and usually under a building.

(10) Central Heating System shall mean a single system supplying heat to one (1) or more dwelling unit(s) or more than one (1) rooming unit.

(11) Chimney shall mean a vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat-resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

(12) Dilapidated shall mean no longer adequate for the purpose or use for which it was originally intended.

(13) Dwelling shall mean 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; provided that temporary housing as hereafter defined shall not be classified as a dwelling. Industrialized 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.

(14) Egress shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.

(15) Extermination shall mean 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 method approved by the local or state authority having such administrative- authority.

(16) Fair Market Value shall mean a price at which both buyers and sellers are willing to do business.

(17) Flush Water Closet shall mean 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.

(18) Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.

(19) Grade shall mean the average finished level of the adjacent ground.

(20) Guest shall mean an individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.

(21) Habitable room shall mean a room or enclosed floor area used or intended to be used for living or sleeping purposes including bathrooms, water closet compartments, basement laundries, furnace rooms, utility rooms or less than 50 square feet of floor space, communicating corridors, stairways, closets, storage spaces, unheated areas and workshops and hobby areas below ground level.

(22) Hard-surfaced shall mean four inches of concrete, two inches of bituminous, or four inches of decomposed granite. Paved shall mean four inches of concrete or two inches of bituminous.

(23) Heated Water shall mean water heated to a temperature of not less than 120°F at the outlet.

(24) Household shall mean one or more individuals living together in a single dwelling unit sharing common living, sleeping, cooking and eating facilities.

(25) Infestation shall mean the presence within or around a dwelling of any insects, rodents, or other pests.

(26) Kitchen shall mean any room containing any or all of the following equipment: sink and/or other device for dishwashing, 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.

(27) Kitchenette shall mean a small kitchen or an alcove containing cooking facilities.

(28) Meaning of Certain Words. Whenever the words "building", "building unit", "dwelling", "dwelling unit", "premises", and "structure" are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof or any premises accessory

thereto". Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

(29) Multiple Dwelling shall mean any dwelling containing: a) three or more dwelling units, and/or b) any dwelling unit with three or more individuals who are not related by blood, marriage, adoption or legal guardianship.

(30) Occupant shall mean any individual having possession of a premises or any individual over one (1) year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units, a guest shall not be considered an occupant.

(31) Operator shall mean any person who has charge, care, control, or management of a building, or part thereof, in which building units are let.

(32) Ordinary Summer Conditions shall mean a temperature of 94°F.

(33) Ordinary Winter Conditions shall mean a temperature of minus 30°F.

(34) Owner shall mean any person who, alone or jointly or severally with others:

(a) shall have legal title to any premise, building, or building unit, with or without accompanying actual possession thereof, or

(b) shall have charge, care, or control of any premise, 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 ordinance and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(35) Permissible Occupancy shall mean the maximum number of individuals permitted to reside in a dwelling unit, rooming unit, or dormitory.

(36) Person shall mean and include any individual, firm, corporation, association, partnership, cooperative or governmental agency.

(37) Plumbing shall mean and include 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, and the installation thereof, together with all connections to water, sewer, or gas lines.

(38) Premises shall mean 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.

(39) Privacy shall mean the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

(40) Refuse shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

(41) Refuse Containers shall mean a watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers as have been approved by the appropriate authority. Openings into the container such as covers and doors shall be tight fitting.

(42) Resident shall mean any adult residing within the area having a telephone exchange local to Stevens Point.

(43) Rodent and/or animal pest harborage shall mean any conditions or place where rodents and/or animal pests live, nest, or seek shelter.

(44) Rodent and/or animal pest-proofing shall mean a form of construction which will prevent the ingress or egress of rodents and/or animal pests to or from a given space or 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 material impervious to rodent-gnawing and other methods approved by the appropriate authority.

(45) Rubbish shall mean 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 and crockery.

(46) Safety shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

(47) Standard Driveway. A hard-surfaced space for vehicle egress and ingress no less than ten feet in width placed solely for access to a side or rear yard.

(48) Supplied shall mean paid for, furnished by, provided by, or under the control of the owner, operator, or agent.

(49) Temporary Housing shall mean 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 (30) consecutive days.

(50) Undefined Words. Words not specifically defined in this ordinance shall have the common definition set forth in a standard dictionary.

(51) Unit shall mean 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 an owner, occupant, or operator distinct from that part controlled by another.

(52) Yard, rear shall mean a space on the same premise as the main building between the rear lot line and a line extending the full width of the lot parallel to the rear lot line and through the nearest supporting member of the main building. For the purposes of this ordinance, lots having a street on two or more sides do not have a rear yard.

(53) Yard, side shall mean a space on the same premises as the main building and exclusive of the main building, the rear yard, and the street yard.

(54) Yard, street shall mean an open space on the same premises as the main building between the street right-of-way line and a line extending the full width or length of the lot parallel to the street right-of-way line and through the nearest supporting member of the main building.

21.03 RESPONSIBILITIES OF OWNERS AND OCCUPANTS

(1) No owner or individual shall occupy or let to another individual any premise or premise unit unless it is clean, sanitary and complies with all applicable legal requirements of the State of Wisconsin and the City of Stevens Point.

(2) Every owner of a premise or premise units shall maintain in a clean and sanitary condition the shared or public areas.

(3) Every owner or occupant of a premise or premise unit shall maintain in a clean and sanitary condition that part or those parts of the premise or premise unit that he occupies and controls.

(4) Every owner or occupant of a premise or premise unit shall store and dispose of all rubbish in a clean, sanitary and safe manner. Recyclable and refuse containers shall be stored with their lids closed and shall not impede any exit from the structure. Recyclables and refuse items shall not be stored outside of the containers. Recyclable and refuse containers shall not be stored between a public right-of-way and the nearest plane of a dwelling that faces such right-of-way (excluding porches, stoops, landings, access ramps, decks, or other similar improvements) unless:

(i) such right-of-way is an alley;

(ii) the containers are placed out for purposes of collection no sooner than the day before collection and the end of the day after collection; or

(iii) if in order to comply with (4) above, the owner or occupant would be required to store the containers in a garage or to transport the containers more than five (5) feet over a grassed area because a garage is the nearest front plane of the dwelling. Under these circumstances, the containers may be stored directly in front of the garage and stacked no more than two containers deep at any one location.

(a) Recyclable Materials.

1. Definition.

- a. Recyclable materials shall include all that as mandated by Portage County Solid Waste Department (PCSWD) www.co.portage.wi.us/mrfb/materialrecoveryitems.htm Transfer Facility at 600 Moore Road, Plover WI. Such recyclables may include the following: Aluminum and steel cans, glass, plastic bottles, paper, cardboard.

2. Disposal of Recyclable materials.

- a. No recyclable material shall be disposed of with the regular City refuse except for those recyclables rendered useless for recycling purposes. Only recyclable materials shall only be placed in the green lid cart that is provided by the city with the lid fully closed for collection. Recyclable materials shall include all those materials as mandated by Portage County Solid Waste Department (PCSWD) www.co.portage.wi.us/mrfb/materialrecoveryitems.htm Transfer Facility at 600 Moore Road, Plover WI.

- b. All recyclable materials may be commingled and placed in the green lid carts. Newspapers and magazines may be placed in brown grocery bags and then commingled with all other recyclables.

- (b) Non-recyclable refuse.

1. Every owner or occupant of a premise or premise unit shall store and dispose of all garbage and any other waste and recyclable materials in a clean, sanitary and safe manner and will only be collected by the city if in storage carts provided by the city with the lid fully closed.

2. Every owner of a premise shall supply facilities with enough City carts as needed for the sanitary, safe storage and disposal of garbage and recyclable materials. Carts for refuse and recyclable materials collected by the city shall be placed at the curb and shall be readily accessible for removing and emptying the same and shall be placed no sooner than 6:00 p.m. the day before collection to midnight the day of collection. Any refuse, recyclables, or carts placed at the street/curbside beyond such times shall be subject to removal or orders to correct violation by the City or its contractor and the owner of the property shall be charged a fee for disposal pursuant to Wis. Stats. 66.062 along with a service charge as provided in this Ordinance.

3. Commencing September, 2008 all non-recyclable refuse shall be placed in the brown lid carts with lids fully closed for collection.

4. No person shall deposit or dispose of hypodermic needles, scalpels, lancets or other sharp medical waste with garbage or other refuse please call 715-346-1537 or 715-345-1573 for proper disposal procedures.

5. Disposal of Yard Waste.

- a. Yard waste shall include all leaves, yard and garden debris and brush, including clean woody vegetative material no greater than 4" in diameter. This term

does not include stumps, roots, shrubs with intact root balls or brush cleared from undeveloped property.

b. Yard waste shall be recycled or disposed of by residents at their own cost. The City may provide at certain locations, deposit areas for such yard waste. It shall be unlawful for any person to deposit such yard waste contrary to the regulatory signs at each site specifying methods of disposal. Any person violating the provisions of this section shall be fined.

(c) Recycling. Multiple Family and Non-Residential Facilities

1. Every owner of a multiple dwelling containing 5 or more dwelling units shall implement a recycling program which includes the following:

a. Notify tenants, including seasonal tenants, in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter of the programs under this section.

b. Provide for the collection of recyclable materials separated from the solid waste by the tenants and the delivery of the recyclable materials to a materials recovery facility.

c. Notify tenants, including seasonal tenants, of reasons to reduce and recycle, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and phone number.

2. Every owner or designated agent of non-residential facilities and properties shall implement a recycling program which includes the following:

a. At least semi-annually, notify in writing all users, tenants and occupants of the properties of the programs under this section.

b. Provide for the collection of recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the recyclable materials to a recycling facility.

c. Notify user, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements of the responsible unit's or out of state unit's recycling program, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address and phone number.

(5) and (6) Deleted 4-15-92.

(7) Every rental dwelling unit shall have screens providing ventilation and storm or thermal windows in season. Once installed, in any one season, the screens, storms, and thermal windows become the responsibility of the occupant.

(8) Every occupant of a premise 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 premise unit in a premise containing more than one (1) premise unit shall be responsible for such extermination whenever his premise 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 premise in a reasonably insect, rodent and/or animal pestproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the premise units in any premise, or in the shared or public parts of any premise containing two (2) or more premise units, extermination thereof shall be the responsibility of the owner.

(9) No owner or occupant of a premise or premise unit shall accumulate rubbish, boxes, lumber, scrap metal, appliance, or any other material or furniture designed for interior use on the premises which it is exposed to the weather for longer than 24 hours in such a manner that may be unsightly to, incompatible with, or repugnant to the residential or commercial neighborhood.

(10) No person shall store, place or allow conditions or materials that may serve as food harborage for rodents or insects or store, place, or allow any health nuisance, source of filth or cause of sickness. No person shall suffer, permit or allow vegetative matter, which may provide harborage for rodents or insects or which may conceal filthy deposits or be unsightly to, incompatible with, or repugnant to neighboring residential or commercial premises. Owners shall be responsible for the maintenance of their property and of the area between the owners property line and the curb or the edge of the street or alley.

(11) Every occupant of a premise unit shall keep all supplied fixtures and facilities therein in a clean, sanitary, and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(12) 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 67 degrees F. shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of eighteen (18) inches above the floor level.

(13) Parking shall be provided as indicated in the Zoning Code.

(14) No owner, operator, or occupant of a building, building unit, or premise shall without written approval from the City of Stevens Point suffer, permit, or allow any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or the health, safety, life or limb of some person. No such person shall suffer permit, or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph, or other mechanical or electrical device, instrument or machine, which loud or excessive or unusual noise shall disturb the comfort, quiet, or repose of persons therein or in the vicinity.

(15) No owner, operator, or occupant of a building, building unit, or premise 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.

(16) [Repealed 05-16-16]

(17) No owner, operator or occupant of any premises shall suffer, permit or allow noxious weeds as defined in Section 66.96 Wisconsin Statutes (being Canadian Thistle, Leafy Sprunge and Field Bindweed) and poison ivy, and in addition thereto, sow thistle, burdock, ragweed, sandbur, lambsquarter, green foxtail, yellow foxtail, pigweed, and bull thistle are noxious weeds in the event such weeds grow in profusion on a premises.

(18) No owner, operator or occupant of any premise shall suffer, permit or allow any disassembled, dismantled, junked, wrecked or inoperable and/or unlicensed motor vehicle, machinery or trailer to be stored or allowed to remain in the open on such a premise for a period in excess of three days unless it is in connection with an automotive sales and repair business located in a properly zoned area. Vehicles, machinery or trailers for which lawful operation upon a public highway requires display of current license or registration must, in addition to being licensed and/or registered, display that license or registration.

(19) No electrical wiring, equipment, or devices shall be in dangerous or unsafe condition or defective or of inadequate capacity to provide safe conditions.

(20) The weights and measures prescribed by the laws of the State of Wisconsin and particularly Chapter 98 of the State Statutes and Chapter AG 53 from the Department of Agriculture, Wisconsin Administrative Code, are hereby declared to be the standard weights and measures of the City of Stevens Point.

21.04 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, 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 50°F, but more than 32° under ordinary maximum summer conditions, 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 and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator, and/or similar devices are provided.

(2) Within every dwelling unit there shall be a nonhabitable 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 such closet for each eight (8) 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 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 the 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, and which is connected to a sewer system approved by the appropriate authority.

(5) Every dwelling unit in a one or two story dwelling shall have at least one 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 (2) or more approved means of egress leading to a safe and open space at ground level, or as required by the laws of this State and the City of Stevens Point.

(6) Structurally sound handrails shall be provided on any steps containing five (5) risers or more. If steps are not enclosed, handrails and balusters spaced no greater than nine (9) inches apart shall be provided. Porches and/or balconies located more than three (3) feet higher than the adjacent area shall have structurally sound protective handrails thirty (30) to thirty-six (36) inches high and, if unenclosed, balusters spaced no greater than six (6) inches apart shall also be provided. Alternate systems providing at least the same degree of protection, if 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.

(8) No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices.

21.05 MINIMUM STANDARDS FOR LIGHT AND VENTILATION. 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 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 every habitable room shall be at least eight (8) percent of the floor area of such room but if light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

(2) Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately, provided that if connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection. The total of openable window or skylight area in every habitable room shall be equal to at least fifty (50%) percent of the minimum window area size or minimum skylight type of window size, as required in Subsection 21.05(1) of this Ordinance, except where there is supplied some other device affording adequate ventilation and 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 subsections 21.05(1) and 21.05(2) of this ordinance, 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) Where there is usable electric service readily available, every dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures which shall be properly installed, maintained in good safe working condition and connected to a source of electric power in a manner prescribed by the ordinances, rules, and regulations of the City of Stevens Point. The minimum fixtures shall be as follows:

(a) Floor or wall type electrical outlets:

1. Kitchen - one floor or wall type electrical outlet for each sixty (60) square feet or fraction thereof of total floor area in no case less than two (2) such outlets;
2. Bedroom - one floor or wall type electrical outlet for the first 99 square feet or fraction thereof and an additional outlet for each additional 50 square feet or fraction thereof;
3. Living room, Dining room, Bathroom, Water closet compartment, Utility room, and Workshop - one floor or wall type electrical 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 four units shall be adequately lighted by natural or electric light at all times. Every public hall and

stairway in structures containing not more than four (4) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

21.06 MINIMUM THERMAL 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 67 degrees Fahrenheit at a distance of eighteen (18) inches above floor level under ordinary winter conditions.

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

21.07 GENERAL REQUIREMENTS RELATING TO SAFE AND SANITARY MAINTENANCE OF PREMISES. No person shall occupy as owner, occupant, or let to another for occupancy, a premise or premise unit which does not comply with requirements of the Wisconsin Administrative Code regarding safe and sanitary maintenance of parts of buildings and with the following requirements:

(1) General. The exterior of every structure or accessory structure including fences shall be structurally sound and maintained in good repair. The same shall be maintained free of broken glass, loose shingles or siding, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties protected from blighting influences. No building shall be so unsanitary or otherwise unfit for human occupancy, habitation, or dilapidated or blighted to the extent where windows, doors, or other openings or plumbing or heating fixtures or facilities or appurtenances of such building, dwelling or structure are either damaged, destroyed or removed so that such building, dwelling or structure offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition.

(2) Weather-Proof. Every foundation, roof, exterior wall, door, skylight and window shall be reasonably weathertight, watertight, and dampfree, and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be in sound condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective coverings or treatments. Walls shall be capable of affording privacy for the occupants.

(3) Pest-Proof. Every premise shall be maintained in a condition free of nuisance animals including, but not limited to, rats and pigeons. Every window, exterior door and hatchway or similar device and every wall, foundation wall, roof, mechanical attachments and vents shall be pest-proof and reasonably watertight and shall be kept in working condition and good repair.

(a) During that portion of the year when there is a need for protection against mosquitoes, flies, and other flying insects, every door opening directly from a unit to outside space shall have supplied properly-fitting screens having at least sixteen (16) mesh and self-closing devices and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens, except that such screens shall not be required during such period in rooms deemed by the appropriate authority to be high enough to be free from such insects or in rooms located in areas which are deemed by the appropriate authority to have so few insects as to render screens unnecessary.

(b) Every window located at or near ground level used or intended to be used for ventilation and every other opening located at or near ground level which might provide an entry for rodents shall be supplied with adequate screen or such other devices as will effectively prevent their entrance.

(4) Structural Integrity. 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 capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform treads. No structural members of any building or structure shall be of less than safe strength as determined by the Building Inspector. Floors shall not be loaded beyond its load bearing capacity as determined by the State Building Code.

(5) Plumbing. 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 or sewer or drain which discharges into a sanitary sewer or private sewage treatment plant. Cross connections are prohibited except as approved by the Building Inspector. Connection to the potable water supply system of any fixture or installation creating a backflow or back-siphonage hazard without backflow or back-siphonage is prohibited.

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

(b) Every plumbing fixture and pipe, every chimney, flue, and smoke pipe, and every other facility, piece of equipment, or utility which is present in a building or building unit, or which is required under this ordinance, shall be constructed and installed in conformance with the appropriate statutes, ordinances, and regulations of the City of Stevens Point and the State of Wisconsin.

(6) Removal. No building which cost of repair would exceed 50% of the assessed value of such building divided by the ratio of the assessed value to the recorded value as last published by the stated supervisor of assessments shall be repaired, but shall be presumed a public nuisance and shall be razed or removed.

(7) Site Drainage. Every premise shall be graded, drained, free of standing water and maintained in a clean, sanitary, and safe condition. Clear water drainage shall be to a

terminal designated and approved by the City. All premises with discharge, either existing or anticipated by reason of proposed site alteration as determined by the City, unlike that discharging from the premises in its natural condition, shall be provided with storm drainage facilities to the standards of the City including, but not limited to, specifications in "City of Stevens Point Storm Water Guidelines".

(8) Erosion. All premises with a rate of soil erosion, either existing or anticipated by reason of land disturbances as determined by the City, in excess of soil loss tolerance established by the U.S.D.A. Soil Conservation Service.

(9) Fencing. All fences provided by the owner or agent on the premise 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. All wood materials other than decay-resistant woods shall be protected against decay by use of paint or other preservative. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of the City of Stevens Point and the State of Wisconsin. Wherever any egress from the premise opens into the fenced area, there shall be a means of egress from the premise to any public way adjacent thereto.

(10) No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this ordinance to be removed or shut-off from or discontinued for 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 service is approved by the appropriate authority.

(11) All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances, and regulations dealing with fire protection of the City of Stevens Point and the State of Wisconsin.

(12) No person shall construct, erect, maintain, or permit any vault, subterranean storage area, entrance or opening thereto in any public highway, roadway, or sidewalk without the express written consent of the City of Stevens Point. This provision shall not affect the installation of utilities by a public utility which may be governed by other ordinances.

(13) No person shall permit the continued maintenance of any fuel oil fill pipe or stand pipe if the fuel tank located in the improvement has been rendered inoperable, removed, or discontinued. Such stand pipe or fill pipe shall be rendered inoperable through the installation of an impermeable material such as concrete.

21.08 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 shall not exceed any of the following requirements:

(a) For each occupant at least one hundred twenty five (125) square feet of floor space, the floor space to be calculated on the basis of total habitable room area.

(b) Parking shall be provided as indicated in the Zoning Code.

(2) The ceiling height of any habitable room occupied by adults eighteen years of age or older shall be at least seven (7) feet high 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 (7) feet and the floor area of that part of such room where the ceiling height is less than five (5) 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. The ceiling height of any room occupied for sleeping purposes by a family related by blood or marriage shall be at least six foot four inches (6'4") 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 six foot four inches (6'4") and the floor area of that part of such room where the ceiling height is less than five (5') 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 dam proof construction.

(b) The minimum window area is equal to at least that required in subsection 21.05(1) 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 space 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 masonry opening of the window.

(c) The total openable window area in each room is equal to at least the minimum as required under subsection 21.05 (2) of this ordinance, except where some other approved devices affording adequate ventilation and humidity control are supplied.

(d) There are no pipes, ducts, or other obstructions less than six feet eight inches (6'8") above the floor level which interfere with the normal use of the room or area.

(4) No space located more than four (4) feet below grade shall be used as a habitable room of a dwelling unit let to another.

(5) In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first occupant eighteen years of age or older, and at least fifty (50) square feet of floor space for each additional occupant thereof eighteen years of age or older. In every dwelling unit of two (2) or more rooms occupied by a family related by blood or marriage, every room occupied for sleeping purposes shall contain at least fifty (50) square feet of floor space for each occupant

less than eighteen years of age. If the largest room occupied for sleeping purposes in each dwelling unit of two (2) or more rooms occupied by a family related by blood or marriage is less than the above standards, that room shall have a minimum occupancy of two persons regardless of the room size for the purposes of calculating occupancy. Occupancy greater than two shall conform to the standards contained in this ordinance. Every room used for sleeping purposes shall have immediate passage to at least four (4) 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.

(6) No dwelling or dwelling unit containing two (2) 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 (1) 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.

(7) Minor modifications or modifications with conditions to the requirements of this section may be approved by the Zoning Administrator after taking into account such factors as total lot size, size of the unit and sleeping rooms, number of units in the building, compatibility with the surrounding uses, and other factors necessary to protect the public health and safety.

21.09 ADOPTION OF PLANS OF INSPECTION BY THE BUILDING INSPECTOR. The Building Inspector is hereby authorized and directed to develop and adopt plans for the inspection of premises subject to the provisions of this ordinance.

21.10 INSPECTION: POWERS AND DUTIES OF THE BUILDING INSPECTOR.

(1) The Building Inspector shall enforce the provisions of this ordinance and is hereby authorized and directed to make inspections pursuant to one (1) or more of the plans for inspection authorized by subsection 21.09 in response to a complaint that an alleged violation of the provisions of this ordinance or of applicable rules or regulations pursuant thereto may exist or when the Building Inspector has valid reason to believe that a violation of this ordinance or any rules and regulations pursuant thereto has been or is being committed.

(2) The Building Inspector is hereby authorized to enter and inspect all premises subject to the provisions of this ordinance for the purpose of determining whether there is compliance with its provisions. In the case of dwellings where the owner of record is not a resident individual, the Inspector shall attempt to notify such individual and in the event that individual is not available, the Inspector shall attempt to notify the resident agent.

(3) The Building Inspector and the owner, occupant, or other person in charge of a premise subject to this ordinance may agree to an inspection by appointment.

(4) The owner, occupant, or other person in charge of a premise, upon presentation of proper identification by the Building Inspector and a copy of any relevant plan of inspection pursuant to which entry is sought, shall give the Building Inspector entry and free access to every part of the premise surrounding any of these.

(5) The Building Inspector shall keep confidential all evidence which he may discover or obtain in the course of an inspection made pursuant to this section and such evidence shall be considered privileged.

(6) If any owner, occupant, or other person fails or refuses to permit free access and entry to the structure or premise under his control, or any part thereof, with respect to which an inspection authorized by this ordinance is sought to be made, the Building Inspector may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements, petition and obtain such order from a court of competent jurisdiction.

(a) When required, the Building Inspector shall obtain a warrant to inspect.

(b) Any person who refuses to comply with an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

21.11 Voluntary Residential Rental Inspection Program

- (1) Purpose. The purpose of this program is to ensure rental properties are safe and healthy for renters, that they are regularly maintained, and to reduce the potential of blighting influences on neighborhoods.
- (2) Scope. This is a voluntary program of rental inspections. The inspection(s) for this program would be for basic health and safety issues, which will be developed as a standardized checklist by the City's Department of Community Development for use by any persons, public or private, qualified to perform said inspections.
- (3) Checklist. A City developed standardized checklist and any addenda to clarify any checklist items would be used for the inspection. Any working guidance deemed necessary or requested as clarification for checklist items would be developed by the City's Department of Community Development. This checklist is subject to change from time to time, as determined by the City's Community Development Department.
- (4) Inspector or Inspecting Agency. The City or a privately licensed State of Wisconsin Uniform Dwelling Code (UDC) – Construction Inspector or State of Wisconsin Department of Safety and Professional Services (DSPS) Home Inspector, inspect the residential rental property as part of this program. If the inspection is not performed by the City, the following conditions would apply:
 - a) The inspector must provide to the City a copy of their certification as a licensed State of Wisconsin Uniform Dwelling Code (UDC) – Construction Inspector or State of Wisconsin Department of Safety and Professional Services (DSPS) Home Inspector.
 - b) The inspector must provide a completed City inspection form for each unit/area and any associated notes or corrections that were required for compliance.
 - c) The inspection will not be considered complete until the property is deemed complaint by the inspector with all of the checklist items identified.

- d) The inspector must sign and provide an affidavit of physical inspection, including dates of inspections, any corrections required, dates completed, and description of unit(s) and area(s) inspected.
 - e) The inspector must also attest that they, or their company have no financial, ownership, business interest in or work for a management company responsible for the properties inspected. Such attestation shall be in writing on a form approved by the Building Inspection Superintendent.
- (5) Right to Audit Inspection. If Community Development Department staff have reason to believe that an inspection performed by a third-party was done inappropriately, the City reserves the right to perform an independent inspection to determine compliance with this program. If the owner refuses to allow the City to inspect the property, the certificate will be immediately revoked. If during the audit inspection no violations are found, the owner shall not be charged the fee under Section 8 for the inspection.
- (6) Prohibition of Inspector. If a third-party inspector completes an inspection on a property and that property has been audited and found to be in violation of this program for a second time, that non-City inspector shall not be allowed to participate in this program for a period of at least five years, unless approved by the Building Inspection Superintendent.
- (7) Owner to Provide Access. The owner of the property will be responsible for scheduling the times for inspection and receiving any needed access or permissions from the tenant.
- (8) Fee. The fee for this program is outlined in the most recently adopted Community Development Department Fee Schedule. The City inspection cost will be reduced by 50% for each unit that was self-pre-inspected by the owner and no items of non-compliance were found during the inspection. The trip charge would remain the same. Reinspections, if needed for non-compliant items, would be billed as outlined in the aforementioned fee schedule.
- (9) Units Required to be Inspected. The number of units to be inspected shall be as follows:

Total Units on Property	Number of Units Required to be Inspected	Common Areas	Pre-Inspection Credit
1-4	All	All	Units are eligible for the pre-inspection credit
5-23	20% (minimum of 4) Units must be randomly selected by the inspector	All	Units are not eligible for the pre-inspection credit
24+	20% (minimum of 4) Units must be randomly selected by the inspector	All	Units are not eligible for the pre-inspection credit

- (10) Local Contact. If the owner does not reside within a 50 mile commute of the property, the owner must provide the City with a designated agent who can make decisions relating to the operation and maintenance for the property. The following contact information is required: name, address, phone number, and email address.
- (11) Certificate. A certificate of inspection shall be issued and posted at the property upon approval and completion. The certificate shall be good for a period of five years from the date of certification unless revoked according to the terms of this Section.
- (12) List of Certified Rentals. The City will be responsible for maintaining the list of certified properties, along with the inspector or inspection company who performed the inspection. Such list will be posted on the City's website.
- (13) Revocation of Certificate. Should violations be found on the property following the issuance of the certificate, the owner shall abate such violations within the timeframe provided by the City. If the violations are not abated within that timeframe, the City shall have the right to revoke the property's certificate. Should the certificate be revoked, the owner must reapply and meet all requirements of the program to be reinstated.

21.12 RULES AND REGULATIONS. The Building Inspector is hereby authorized to make, adopt, revise, and amend such rules and regulations as he deems necessary for the carrying out of the purposes of this ordinance.

21.13 NOTICE OF VIOLATION.

(1) Whenever the Building Inspector determines that any premise or premise unit fails to meet the requirements set forth in this ordinance or in applicable rules and regulations issued pursuant thereto, except for provisions regulating exterior premises, he may issue a notice setting forth the alleged violations of this ordinance and advise the owner, occupant, operator, or agent that such violations must not exist. This notice may:

- (a) Be in writing.
- (b) Set forth the alleged violations of this ordinance or of applicable rules and regulations issued pursuant thereto.
- (c) Describe the dwelling or dwelling unit where the violations are alleged to exist or to have been committed.
- (d) Provide a reasonable time, generally not to exceed sixty (60) days, after which the premise shall be in compliance with any ordinance provisions allegedly violated.
- (e) Notify the owner, occupant, operator, or agent of the premise or premise unit responsible for compliance with the alleged violation personally or by certified mail addressed to the last known place of residence of the owner, occupant, operator, or agent. Notification may be made upon such person or persons by posting a notice in or about the premise or premise unit described in the notice, or by causing such notice to be published in a newspaper of general circulation as a Class 2 notice; or by notifying the person's agent.

Posting of this notice on the premises is deemed notice to any person making use of such building or premise within two (2) years after date of posting.

Constitute an order requiring that the then existing violations of this ordinance or of applicable existing rules or regulations issued pursuant thereto shall not exist after a reasonable time allowed if the person served with such notice does not request a reconsideration or petition for a hearing on the matter in the manner hereinafter provided.

(2) If a notice is given it shall constitute an order requiring that the then existing violations of this ordinance, or of applicable existing rules or regulations issued pursuant thereto, shall not exist after a reasonable time allowed if the person served with such notice does not request a reconsideration or petition for a hearing on the matter in the manner herein provided. If the same ordinance violation occurs within six months of the original notice and order being sent and remedied, the City shall not be required to serve a second notice for the same violation within six months of the first notice being sent and remedied, unless the property ownership has changed within that six month period. If the violation is observed to continue or reoccur within this six month time period, a notice with the applicable service fee(s) included shall be delivered to the property owner as outlined below.

(a) A service charge in the amount indicated in the most recently Common Council adopted Department of Community Development Fee Schedule, shall be levied against the property owner for the inspection and preparation of any notice and order for correcting violations, or for the investigation of a valid noise complaint. In the event corrective action is not taken within the reasonable time for compliance, any subsequent notice or order given to a property for successive violations of any provision of this Ordinance shall have a service charge levied against the property owner in the amount indicated in the most recently Common Council adopted Department of Community Development Fee Schedule. In the event the property owner fails to pay this service charge within 30 days, the fee shall be assessed as a special charge levied against the property under Section 66.0627 of Wisconsin Statutes, as amended.

(3) The Building Inspector, after the expiration of time granted the person given such notice to seek reconsideration or a hearing in the manner hereinafter provided by this ordinance or after a final decision adverse to such person served has been rendered by the Public Protection Committee or by a court of competent jurisdiction to which an appeal has been taken, may cause the notice to be recorded in the Office of the Register of Deeds for Portage County, Wisconsin. All subsequent transferees of the premise or premise unit in connection with which a notice has been so recorded shall be deemed to have notice of the violations alleged and shall be liable to all penalties and procedures provided by this ordinance and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.

21.14 PENALTIES. Any owner, occupant, operator, or agent of a building or premise or any person making use of a premise who fails to conform with, or who violates the provisions of this Ordinance shall be subject to a forfeiture of not more than One Hundred Dollars (\$100.00), for each offense together with the costs of prosecution and in lieu of payment of the fine and costs, imprisonment in the County Jail not exceeding 30 days. Each day that the violation exists shall constitute a separate offense.

21.15 REPAIRS AND OTHER CORRECTIVE ACTION.

(1) Public Nuisances to be Abated.

(a) No person may maintain or permit a public nuisance within the City.

(b) The Common Council determines that a nuisance is unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health, or safety of another or others. Criteria for a public nuisance are as follows:

1. The number of people affected;
2. The location of the operation or property;
3. The degree or character of the injury inflicted or the right impinged upon;
4. The reasonableness of the use of the property;
5. The nature of the business maintained;
6. The proximity of dwellings to the business; and
7. The nature of the surroundings or community.

Repeated violations of an ordinance constitutes a public nuisance as a matter of law.

(c) Responsibility of Enforcement; Inspections.

1. It shall be the duty of the City Building Inspector to make, or cause to be made, periodic inspections or inspections upon complaint of nuisances defined in subdivision B. above.

(d) Summary Abatement.

1. Order of Abatement. If the Building Inspector determines that a public nuisance exists within the City and that there is imminent danger to the public health, safety, peace, comfort or welfare, he/she may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken as he/she deems necessary to abate the nuisance. Notwithstanding any other provisions of this subsection, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.

2. Abatement by the City. Whenever the owner or occupant shall refuse or neglect to remove or abate the condition described in the order, the Building Inspector shall, in his/her direction, enter upon the premises and cause the nuisance to be removed or abated and the City shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

(e) Nonsummary Abatement.

1. Order to Abate Nuisance. If the Building Inspector determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, comfort or welfare, he/she shall issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be served personally on the owner of the property, as well as the occupant if different from the owner and applicable to the described nuisances, or, at the option of the Building Inspector, the notice may be mailed to the last known address of the person to be served by registered mail with return receipt. If the owner or the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a class 3 notice under W.S.A. Chapter 985. The time limit specified in the order runs from the date of service or publication.

2. Abatement by the City. If the owner or occupant fails or refuses to comply within the time period described, the Building Inspector may enter upon the premises and cause the nuisance to be removed or abated and the City shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

3. Remedy from Order. Public Protection Committee shall have no authority to act on orders issued under this subsection. Any person affected by orders issued under this subsection shall, within thirty (30) days of service or publication of the order, apply to the circuit court for an order restraining the City and the Building Inspector from entering on the premises and abating or removing the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.

(f) Authority to Assess Costs. The cost of abatement or removal of a nuisance under this section shall be collected from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(g) Abatement in Accordance with State Law. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the state.

(h) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application hereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

(2) As an alternative curative method, whenever an owner, operator, or agent of a premise or premise 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. 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. Every violation of this code is a public nuisance and may be enjoined and the maintenance thereof may be abated at suit of the City of Stevens Point, the State, or citizen thereof.

(3) Whenever an owner, operator, or agent of a premise or premise 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. Every violation of this code is a public nuisance and may be enjoined and the maintenance thereof may be abated at suit of the City of Stevens Point, the State, or any citizen thereof.

(4) Notice of intention to make repairs or take other corrective action shall be served upon the owner, operator, or agent pursuant to section 21.13.

(5) Every owner, operator, or agent of a premise or premise 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, operator, or agent of a dwelling or dwelling unit who refuses, impedes, interferes with, hinders, or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a civil penalty of One Hundred Dollars (\$100.00) for each such failure to comply with this section.

(6) 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, cost of such repairs and corrective action shall be levied and collected as a special charge or special tax upon the lot or land upon which such work is done.

21.16 APPLICATIONS FOR RECONSIDERATION, HEARINGS, APPEALS.

(1) Hearings.

(a) Except as otherwise provided, any person aggrieved by a notice of the Building Inspector issued in connection with any alleged violation of the provisions of this ordinance or of any applicable rules and regulations pursuant thereto or by any order requiring repair or demolition pursuant to section 21.15 of this ordinance, except parking violations, recycling violations, or non-recyclable refuse violations 21.03(4)(b), and snow removal violations, may file

with the Public Protection Committee of the City of Stevens Point a petition setting forth his reasons for contesting the notice or order.

(b) Such petition shall be filed within the specified reasonable consideration period.

(2) Any person aggrieved by the final decision of the Public Protection Committee of the City of Stevens Point may obtain judicial review by filing in a court of competent jurisdiction within twenty (20) 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 Public Protection Committee which shall file in a 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 Public Protection Committee of the City of Stevens Point with respect to questions of fact shall be sustained if supported by substantial evidence on the record, considered as a whole.

(3) Where a judicial review of a decision of the Building Inspector is sought when such order originates under Sec. 66.0413 of the Wis. Stats., the statutory procedures shall be adhered to.

21.17 EMERGENCIES. 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 abate the emergency. If circumstances warrant, the Building Inspector may act to correct the emergency.

21.18 CONFLICT OF ORDINANCES - EFFECT OF PARTIAL INVALIDITY.

(1) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City of Stevens Point existing on the effective date of this ordinance, the provision which established the higher standard for the protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Stevens Point existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

(2) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and to this end the provisions of this ordinance are hereby declared to be severable.

21.19 ABATEMENT OF GRAFFITI

(1) Council findings:

(a) The Council finds that graffiti creates a blight condition which can result in the deterioration of property values and, unless graffiti is quickly removed, other properties may soon become targets of graffiti.

(b) The Council further finds that graffiti is often associated with gang activity and that such activity is inconsistent with the Council's desire for order and safety. The Council finds that quick removal of the graffiti may assist in preventing the entrenchment of gangs, to reduce their influence and to reduce public concern.

c) The Council declares its intention to minimize the adverse effects of graffiti by quick removal.

(2) Definitions. For purposes of this Ordinance, the terms defined herein shall have the following meanings.

Graffiti: shall mean any writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb, temporary signs, machinery, equipment, vehicles, trailers or other permanent structures on public or private property and which have the effect of defacing the property.

Graffiti Materials: include paint, aerosol or pressurized containers or paint, indelible markers, ink, dye or any other substance capable of defacing property.

Whoever does any of the following is subject to a forfeiture of not more than \$200 and in lieu of payment assessed imprisonment for not more than sixty (60) days in the county jail.

(1) For any person to place graffiti on any exterior surface located on public or private property.

(2) For any person to possess graffiti materials for the purpose of placing graffiti on any exterior surface located on public or private property.

(3) For the owner of any property to allow graffiti to be placed on any external surface on the owner's property or to fail to remove graffiti in the time allotted.

Based on observation or information received from the public, the Police Department or Inspection Department will investigate and identify graffiti. If the presence of graffiti is verified, the Inspection Department will cause the owner of the property to be notified that removal of the graffiti is required within ten (10) days.

If removal is not completed in the specified time, the City may arrange for removal, with the costs assessed to the property owner, and have the right to enter upon private property to do so.

(1) The following shall be exempt from the requirements of this Ordinance.

(a) Train cars in transit through the City, whether moving or temporarily immobile.

(b) Wall murals or other designs which are not inconsistent with other City Ordinances, authorized by the property owner, do not contain language offensive to the public, encouraging or promoting unlawful activity, or containing writing or symbols denoting gang activity or affiliation.

(c) Commercial motor vehicles in transit through the City, or stopped for the purposes of loading or unloading merchandise, or otherwise parked for a period of no more than twenty four hours.

(d) Drawings created and displayed as art in a forum held or operated by an organization which is not classified under the statutory definitions as a gang, is limited in duration to no more than forty eight hours or is enclosed within a structure in which the contents are not visible from the exterior.

(e) Temporary markings made for the purpose of safety, construction, sidewalk or highway maintenance, removal of diseased trees or as otherwise authorized by the head of any City Department.