

CHAPTER 55

HOUSING CODE

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55.01 PURPOSE OF CHAPTER

It is hereby found and declared that buildings or other structures, either occupied or unoccupied, which because of faulty design, or construction, or failure to keep them in a proper state of repair, or lack of proper sanitary facilities, or lack of adequate lighting or ventilation, or inability to properly heat, or improper management, or any combination of these factors, have become or are becoming, dilapidated, neglected, overcrowded with occupants, or unsanitary so that they do jeopardize, and are detrimental to the health, safety, morals or

welfare of the people of the Village of Pulaski. It is further found and declared that the elimination of such buildings or structures, or the prevention of the occurrence of such conditions in the future is in the best interests of the citizens of this Village, and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this Chapter.

55.02 DEFINITIONS

(a) **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Chapter:

- (1) **"Approved"** means approved by or in accordance with regulations established by the Health Commissioner.
- (2) **"Basement"** means that portion of a building between floor and ceiling which is more than 3-1/2 feet below the average contact ground level of the exterior walls of the building.
- (3) **"Bath"** means a bathtub or shower stall.
- (4) **"Bedroom"** means a habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.
- (5) **"Dwelling"** means any building or structure, which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- (6) **"Dwelling Unit"** means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.
- (7) **"Extermination"** means 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 any other approved pest elimination methods.
- (8) **"Family"** means one adult occupant plus one or more persons who are legally related to said occupant as husband or wife, son or daughter, mother or father, brother or sister, mother-in-law or father-in-law.
- (9) **"Habitable Room"** means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces, and stairways, and room used for play or recreational purposes.
- (10) **"Health Officer"** means the Health Officer of the Village of Pulaski or his authorized representatives, including the Building Inspector.
- (11) **"Infestation"** means the presence of any insects, rodents, or other

- pests within a dwelling or on the dwelling premises.
- (12) **"Kitchen"** means a habitable room used or intended to be used for cooking or the preparation of meals.
 - (13) **"Living Room"** means a habitable room within a dwelling unit which is used, or intended to be used primarily for general living purposes.
 - (14) **"Nursing Home"** means a dwelling or part thereof within which shelter, meals and nursing care are supplied as defined in Wis. Adm. Code H32.01 and H32.02.
 - (15) **"Nursing Unit"** means any room or group of rooms forming a single habitable unit used or intended to be used for sleeping by patients or the provision of bedside nursing care to patients within a nursing home.
 - (16) **"Occupant"** means any person including an owner or operator, living, sleeping, or cooking in, or having actual possession of a dwelling unit, rooming unit, or nursing unit.
 - (17) **"Operator"** means any person who has charge, care, or control of a building or part thereof, in which dwelling units, rooming units or nursing units are let.
 - (18) **"Owner"** means any person who alone or jointly or severally with others shall have legal title or equitable title to any dwelling, dwelling unit, rooming unit, or nursing unit; or shall have charge, care or control of any dwelling, dwelling unit, rooming unit or nursing unit as executor, administrator, trustee, or guardian of the estate of the owner.
 - (19) **"Patient"** means a person suffering from infirmities of old age or illness, or physical disability.
 - (20) **"Plumbing"** means all of the following facilities and equipment: water pipes, garbage disposal units, waste pipes, vent pipes, toilets, sinks, installed dishwashers, lavatories, baths, installed clothes washing machines, catch basins, drains, vents, domestic hot water heaters, and any other similar fixtures, together with all connections to water, sewer, or gas lines.
 - (21) **"Premises"** means a platted lot or part thereof, or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or structure.
 - (22) **"Roomer"** means an occupant of a rooming house who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.
 - (23) **"Rooming House"** means any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three (3) or more roomers, except hotels and tourist rooming houses licensed by the Hotel and Restaurant Division of the Wisconsin State Board of Health.

- (24) **"Rooming Unit"** means any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and sleeping, but not for cooking or eating of meals.
- (25) **"Administrator"** means a person, either the operator of a nursing home, or one assigned by the operator of the nursing home, who is directly responsible for the daily operation of, the supervision of employees in, and the care of patients in a nursing home.
- (26) **"Supplied"** means paid for, furnished, provided by, or under the control of the owner or operator.
- (27) **"Village Building Code"** shall mean Sec. 54.01, 54.02 and 54.04 of this Code.
- (28) **"Village Plumbing Code"** shall mean Sec. 54.01, 54.04 and 54.08 of this Code.
- (29) **"Village Electrical Code"** shall mean Sec. 54.01, 54.04 and 54.07 of this Code.
- (30) **"Village Fire Prevention Code"** shall mean Sec. 54.11 through 54.13 of this Code.
- (31) **"State Building Code"** shall mean Wisconsin Administrative Code, Chapters Ind. 20 through 25, Chapters Ind. 50 through 59, and Chapters Ind. 60 through 64.
- (32) **"State Heating, Ventilating and Air-Conditioning Code"** shall mean Wisconsin Administrative Code, Chapters Ind. 23 and Ind. 59.
- (33) **"State Plumbing Code"** shall mean Wisconsin Administrative Code, Chapters H. 61, H. 62, H. 64, H.65, and Ind. 25.
- (34) **"Meaning of Certain Words"**. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "nursing home," "nursing unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words, "or any part thereof."

55.03 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS, NURSING UNITS AND PREMISES

- (a) **INSPECTIONS.** The Health Officer shall make inspections to determine the conditions of dwelling units, rooming and nursing units, and premises located within the Village of Pulaski. He may enter any building during reasonable hours in the discharge of his duties, and any person who shall interfere with the Health Officer in the discharge of his duties shall be guilty of an offense against this Chapter. The Health Officer shall have proper identification and shall show same when making such inspections. The Health Officer may also seek the assistance of other Village officers or agents, including the Building Inspector and Village Attorney.
- (b) **ACCESS OF OWNER OR OPERATOR.** Every occupant of a dwelling,

dwelling unit, rooming unit or nursing unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, rooming, or nursing unit, or its premises, at all reasonable times for the purpose of effecting such maintenance, making such repairs, or making such alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful rule or regulation adopted, or any lawful notice or order issued pursuant to the provisions of this Chapter.

55.04 ENFORCEMENT; SERVICE OF NOTICE; HEARINGS

- (a) **SERVICE OF NOTICES AND HEARINGS.** Whenever the Health Officer or the Building Inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any of the provisions of this Chapter or of any rule or regulation adopted pursuant thereof, he shall give notice of such violation or alleged violation to the person or persons responsible therefore as provided in §66.435(4)(a), Wis. Stats. The provisions of §66.435(4)(a) and (b) pertaining to the service of notices, petition for hearing and review by Circuit Court are adopted by reference and hereby made a part of this Chapter as if set out in full. In carrying out the provisions of §66.435(4)(a), Wis. Stats., the Zoning and Planning Board of Appeals is hereby designated as the Board established to hear original appeals under this Section.
- (b) **EMERGENCY ORDERS.** Whenever the Health Officer or the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice of hearing, and in accordance with the provisions of §66.435(4)(a), Wis. Stats., issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Such order shall be effective immediately. Notwithstanding the other provisions of this Chapter, every notice served by the Health Officer in accordance with the provisions of Secs. 55.06(a)(7), 55.06(a)(11), 55.10(b) and (c), and 55.11(s) shall be regarded as an order.

55.05 ADOPTION OF RULES AND REGULATIONS BY THE BOARD OF HEALTH

The Board of Health may make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this Chapter in accordance with this Code of Ordinances. Such rules and regulations shall have the same force and effect as the provisions of this Chapter and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this Chapter.

55.06 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

- (a) **MINIMUM REQUIREMENTS.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling, or dwelling unit, for the purpose of living, sleeping, cooking or eating of meals therein, which does not comply with the following requirements:
- (1) Kitchen Sink and Lavatory. Every dwelling unit shall contain an approved kitchen sink. Every dwelling unit shall contain a lavatory or wash basin in or adjacent to the toilet room.
 - (2) Toilet. Every dwelling unit created after September 1, 1967, shall contain a toilet which shall be placed in a separate room enclosed with partitions which shall extend to the ceiling. Every dwelling unit created prior to September 1, 1967, shall:
 - a. Contain a toilet, or
 - b. Shall contain not more than three (3) habitable rooms and share a toilet with one other dwelling unit of not more than three (3) habitable rooms.
 - (3) Bath. Every dwelling unit created after September 1, 1967, shall contain a bath. Every dwelling unit created prior to September 1, 1967, shall:
 - a. Contain a bath, or
 - b. Shall have a bath which is shared by not more than eight (8) occupants of not more than two (2) dwelling units. Every bath shall be contained within a toilet room, or within a separate room which affords privacy to a person using this facility. Every bath required under Sec. 55.06(3)b, shall be located accessible to the occupants of each dwelling unit sharing such facilities without going through a dwelling unit of another occupant and without going outside of the dwelling, and said room shall be located on the same floor of the dwelling unit, or on the floor immediately above or immediately below.
 - (4) Hot and Cold Water Supply to Bath and Sinks. Every bath, kitchen sink and lavatory required under this chapter shall be properly connected with both hot and cold water lines.
 - (5) Water Heating Facilities. Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in reasonably good working condition, are properly connected with the hot water lines required under sub(6), and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every bath at a temperature of not less than 100 degrees F. Such supplied water heating facilities shall be

capable of meeting these requirements when the dwelling or dwelling unit heating facilities are not in operation.

- (6) Connection to Water and Sewer System. Every kitchen sink, toilet, lavatory basin, and bath shall be in good working condition and properly connected to an approved water and sewer system.
- (7) Plumbing. All plumbing, plumbing equipment, plumbing fixtures and the installation thereof shall comply with the Plumbing Codes of the Village of Pulaski and the State of Wisconsin.
- (8) Garbage and Rubbish. Every dwelling and every dwelling unit shall be provided with adequate facilities for the storing of rubbish and garbage. Every dwelling unit located on premises with two (2) or more additional dwelling units shall have such facilities supplied.
- (9) Exits. Every dwelling unit shall have exits which shall conform to the exit requirements of the Village Building Code or the State Building Code when applicable. Every exit and passageway shall also comply with the following requirements:
 - a. It shall be kept in good state of repair.
 - b. It shall be unobstructed at all times.

55.07 MINIMUM STANDARDS FOR LIGHT, HEATING AND VENTILATION

- (a) **WINDOW AREA**. Every habitable room, toilet room and bathroom shall have at least one window facing directly to the outdoors. The minimum total window area shall be at least ten (10%) percent of the floor area of the room, but not less than twelve (12) square feet. The top of at least one such window shall be not less than six and one-half (6-1/2) feet above the floor. At least one-half of the window in any sleeping room shall be made so as to open full width, unless other means of adequately ventilating such rooms are installed and operating. The outside window in every toilet or bathroom shall have a total area of at least ten (10%) percent of the floor area, but not less than four (4) square feet, except that no window or skylight is required in adequately ventilated bathrooms or toilet rooms equipped with a ventilation system which is kept in continuous operation.
- (b) **ELECTRIC OUTLETS**. Where there is suitable electric service available from supply lines which are not more than three hundred (300) feet away from a dwelling, every kitchen, living room, rooming unit, and nursing unit within such dwelling shall contain at least two (2) separate and remote floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling or wall-type electric light fixture; and every bedroom, dining room, toilet room, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling-type or wall-type electric light fixture; provided that in lieu of one supplied ceiling type or wall-type electric fixture a bedroom and dining room may each contain at least

two (2) separate and remote floor or wall-type electric convenience outlets. Every such outlet and fixture shall be properly installed, shall be maintained in good working condition, and shall be connected to the source of electric power in a proper manner, and in accordance with the Village Electrical Code.

- (c) **HEATING FACILITIES.** Whenever a dwelling unit has supplied heating facilities, said facilities shall be properly installed, be maintained in good working condition, and be capable of adequately heating all habitable rooms, bathrooms and toilet rooms contained therein, or intended for use by the occupants thereof, to a temperature of at least 70 degrees F., at a distance three (3) feet above floor level when the outside temperature is at or above 15 degrees below zero F. Whenever a dwelling unit does not have supplied heating facilities, it shall contain a sufficient number of chimney outlets to permit the occupant, through the use of space heaters furnished by said occupant or owner, to adequately heat all habitable rooms, bathrooms, and toilet rooms contained therein to a temperature of at least 70 degrees F. at a distance of three (3) feet above floor level, when the outdoor temperature is at or above 15 degrees below zero F. This provision shall not permit the use of space heaters where such use is prohibited by either the Village Building Code, or the State Building and Heating, Ventilating and Air-Conditioning Codes when applicable. Every supplied central heating system shall comply with the Village Building Code and with the State Building and Heating, Ventilation and Air-Conditioning Codes when applicable. It shall also comply with the following requirements:
- (1) The central heating unit shall be in good operating condition.
 - (2) Every heat duct, steam pipe, and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.
 - (3)
 - a. Every seal between the sections of a warm air furnace shall be tight so noxious gases will not escape into heat ducts.
 - b. Every space heater shall comply with the Village Building Code and the State Building and Heating, Ventilating and Air-Conditioning Codes when applicable, and all of the following requirements:
 - (4) No space heater burning solid, liquid, or gaseous fuels shall be a portable type.
 - (5) Every space heater burning solid, liquid, or gaseous fuels shall be properly vented.
 - (6) Every coal-burning or oil-burning space heater shall have a fire resistant panel beneath it.
 - (7) The location of space heaters, the insulation of walls and ceilings close to such heaters, the construction, installation and guarding of smoke pipes and walls or ceilings which they go through shall be in

accordance with the Heating Code of the State of Wisconsin.

- (d) **LIGHTING OF PUBLIC HALLS AND STAIRWAYS.** Every public hall and public stairway in every dwelling containing four (4) or more dwelling units, or accommodating more than twenty (20) persons, shall be adequately lighted at all times. This lighting shall include lights at all intersections of passageways, at all exits, and at the head and foot every stairway. Every public hall and public stairway in dwellings containing less than four (4) dwelling units or rooming house accommodating more than three (3) roomers but less than twenty (20) persons shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- (e) **SCREENS.** At least one window in each habitable room, toilet room and bathroom where windows are required, shall be supplied with a screen covering at least one-third of the window area, except where other means of adequately ventilating such rooms are available and operating. Screens shall have a wire mesh of not less than No. 16.

55.08 RESPONSIBILITY OF OWNERS RELATING TO THE MAINTENANCE OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND NURSING UNITS

- (a) **MINIMUM MAINTENANCE REQUIREMENTS.** No person shall occupy as owner-occupant, or let to another for occupancy any dwelling unit, rooming unit or nursing unit, for the purpose of living therein which does not comply with the following requirements:
 - (1) Maintenance of Foundations, Exterior Walls, Roofs. Every foundation, exterior wall, and roof shall be weathertight, watertight, and insect proof. They shall be rodent proof. They shall be kept in good state of maintenance and repair.
 - (2) Maintenance of Interior Walls, Floors, Ceilings. Every interior partition, wall, floor and ceiling shall be capable of affording privacy, kept in good state of repair and maintained so as to permit them to be kept in a clean and sanitary condition.
 - (3) Rain Water Drain. All rain water shall be so drained and conveyed from every roof so as not to cause dampness in walls, ceiling, or floors of any room.
 - (4) Windows, Doors, Hatchways. Every window, exterior door, and basement hatchway shall be weathertight and shall be kept in a good working condition and state of maintenance and repair.
 - (5) Protection of Exterior Wood Surfaces. All exterior wood surfaces shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike fashion.
 - (6) Stairways and Porches. Every inside and outside stairway, every

porch, and every appurtenance thereto shall be 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 sound condition and in a good state of maintenance and repair.

- (7) Supplied Plumbing Fixtures. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition and in accordance with the Plumbing Codes of the Village of Pulaski and State of Wisconsin.
- (8) Chimney and Supplied Smoke Pipes. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a good state of repair and in accordance with the Village Building Codes of the Village of Pulaski and the State Building and Heating, Ventilating and Air-Conditioning Codes when applicable.
- (9) Bathroom and Toilet Room Floors. Every bathroom and toilet room floor surface shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be kept in a clean and sanitary condition.
- (10) Supplied Facilities. Every supplied facility, piece of equipment, or utility which is required under this Chapter shall be so constructed or installed that it will function properly and shall be maintained in good working condition.
- (11) Discontinuance of Required Services, facilities, Equipment or Utilities. No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this Section to be removed from, or shut off from, or discontinued from any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs, replacement or alterations are in process of being made.
- (12) Pest Extermination. Whenever infestation exists in two (2) or more dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, or whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or insect-proof condition, extermination thereof shall be the responsibility of the owner.
- (13) Cleanliness of Public Areas of Dwellings. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition all communal, shared, or public areas of the dwelling and premises thereof which are used or shared by the occupants of two (2) or more dwelling units.
- (14) Vacant Dwelling Units to be Clean and Sanitary Before Being Let for Occupancy. No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant

dwelling unit unless it is clean, sanitary, free of infestation, and complies with all provisions of this Chapter and all rules and regulations adopted pursuant thereto.

55.09 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS

- (a) **MINIMUM REQUIREMENTS.** No person shall occupy 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) Dwelling Unit to be Occupied By One Family. No dwelling unit shall be occupied by more than one (1) family plus two (2) occupants who are not members of the family.
 - (2) Minimum Floor Area For Dwelling Unit. Every dwelling unit consisting of only one (1) habitable room shall contain at least one hundred (100) square feet of habitable room floor area. No dwelling unit containing less than one hundred seventy (170) square feet of habitable room floor area shall be occupied by more than one (1) occupant. No dwelling unit consisting of only one (1) habitable room shall be occupied by more than two (2) occupants.
 - (3) Minimum Floor Area For Sleeping Purposes. Every room occupied for sleeping purposes, by one person, shall contain at least seventy (70) square feet of floor space and four hundred ninety (490) cubic feet of air space, and every room occupied for sleeping purposes for more than one person shall contain at least sixty (60) square feet of floor space, and four hundred (400) cubic feet of air space for each occupant thereof, except that these requirements shall be reduced by one-half for children under twelve (12) years of age.
 - (4) Arrangement of Sleeping, Bath and Toilet Rooms. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room 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 or a bathroom or toilet room.
 - (5) Basement Space May Be Habitable. No basement space shall be used as a sleeping room, or dwelling unit unless such sleeping room or dwelling unit is in conformity with existing Village or State Building Codes and complies with the following requirements:
 - a. The total of window area in each room is equal to at least the minimum window area sizes as required in Sec. 55.07(a).
 - b. Such required minimum window area is located entirely above the grade of the adjoining ground.
 - c. The total of openable window area in each room is equal

to at least the minimum required under Sec. 55.07(a) unless there is supplied some other approved ventilating device.

- (6) Occupants to Have Access to Sanitary Facilities. Every occupant of every dwelling shall have unrestricted access to a toilet and bath and to a kitchen sink or lavatory located within that dwelling.

55.10 RESPONSIBILITY OF OCCUPANTS RELATING TO THE MAINTENANCE OF DWELLING AND DWELLING UNITS

- (a) **CLEANLINESS.** Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies or controls.
- (b) **DISPOSAL OF RUBBISH.** Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in rubbish containers required by this Code.
- (c) **DISPOSAL OF GARBAGE.** Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers as required by this Code.
- (d) **HANGING SCREENS.** Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this section or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service. Screens shall be hung at all times that flies or other insects are present.
- (e) **EXTERMINATION OF PESTS.** 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 dwelling containing more than one dwelling unit shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only one infested, except that whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or insect-proof condition, extermination shall be the responsibility of the owner.
- (f) **USE AND OPERATION OF SUPPLIED PLUMBING FIXTURES.** Every occupant of a dwelling unit shall keep all supplied 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.
- (g) **DESTRUCTION, MUTILATION AND DEFACING OF PROPERTY.** Every occupant of a dwelling unit, rooming unit or nursing unit shall be responsible for the repair or replacement of any part of required residential real estate, required supplied fixtures and equipment, required supplied furnishings, and any other required property of an owner, when such has been willfully or

wantonly damaged, mutilated or defaced by such occupant.

55.11 ROOMING HOUSE AND NURSING HOMES

- (a) **OPERATION.** No person shall operate a rooming house or nursing home or shall occupy or let to another for occupancy any rooming unit in any rooming house or nursing unit in any nursing home, except in compliance with the following requirements:
- (b) **PERMIT REQUIRED.** No person shall operate a rooming house or nursing home unless he holds a valid rooming house or nursing home permit issued by the Health Officer in the name of the operator and for the specific dwelling or dwelling unit within which the rooming house or nursing home is contained.
- (c) **APPLICATION FOR PERMIT.** The operator shall file an application for a rooming house or nursing home permit in the office of the Health Officer on forms prepared by the Health Officer. The operator shall file with the permit application, an occupancy permit issued by the Building Inspection Department for the operation of a rooming house or nursing home in the dwelling designated in the application. The occupancy permit issued by the Building Inspection Department shall state the number of rooming units or nursing units permitted in the dwelling designated in the application in conformity with the Zoning Code.
- (d) **ISSUANCE OF PERMIT AND FEES.** When all applicable provisions of this Section and of any rules and regulations adopted pursuant thereto, have been complied with by the operator, the Health Officer shall issue a rooming house or nursing home permit upon the payment of a fee of \$2.00. All rooming house and nursing home permits so issued shall expire on July 1 following the date of issuance, unless sooner suspended or revoked as hereinafter provided. The permit shall list the maximum number of persons that may reside in the total of all rooming units or nursing units located in the dwelling or portions thereof for which the rooming house or nursing home permit is issued.
- (e) **POSTING OF PERMIT.** Every rooming house permit or nursing home permit issued by the Health Officer shall be conspicuously posted by the operator at the main entrance to the rooming house or nursing home for which it is issued, and shall remain so posted at all times unless removed by order of the Health Officer.
- (f) **OPERATOR TO CONTROL OCCUPANCY.** No operator shall at any time allow a larger number of persons to occupy the total of all rooming units or nursing home units located within a rooming house or nursing home than the maximum number of persons listed on the rooming house permit. No operator shall at any time allow a larger number of persons to occupy any

- individual rooming or nursing unit than is permitted by this Section.
- (g) **NO TRANSFER ABILITY OF PERMIT.** No rooming house or nursing home permit issued under this Chapter shall be transferable, as to person or place, and every operator shall notify the Health Officer, in writing, within twenty-four (24) hours after having relinquished the operation of a rooming house or nursing home and shall file, in writing, with the Health Officer the name and address of the operator to whom the rooming house or nursing home was transferred.
- (h) **RELATIONSHIP OF PERMIT TO BUILDING CODE AND ENFORCEMENT OF BUILDING CODE.** The issuance of a rooming house or nursing home permit shall not relieve the owner or operator of the responsibility for compliance with Building or Zoning Codes and any other applicable ordinances of the Village of Pulaski and the applicable rules of the Wisconsin State Board of Health and the Department of Industry, Labor and Human Relations.
- (i) **APPLICABILITY OF OTHER PARTS OF THIS SECTION.** No person shall operate a rooming house or nursing home unless all of the requirements of Sec. 55.07 and all of the requirements of Sec. 55.08, except sub(12) and sub(13), and the requirements of Secs. 55.09(5) and (6) are complied with; provided for the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this subsection, the words "multiple dwelling" or "dwelling" shall be interpreted to mean rooming house or nursing home, and the words "dwelling unit" and "dwelling units" shall be interpreted to mean rooming unit or nursing unit, or rooming units or nursing units. Every dwelling unit located within a rooming house or nursing home shall comply with all of the requirements for dwelling units as established in accordance with this Chapter.
- (j) **TOILETS AND LAVATORY BASINS.** At least one toilet and one lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each ten (10) persons or fraction thereof, residing wherever they share the use of said facilities.
- (k) **BATHS.** At least one bath, properly connected to an approved water and sewer system and in good working condition shall be supplied for each eight (8) persons, or fraction thereof, residing within a rooming house or nursing home, including members of the operator's family wherever they share the use of said facilities.
- (l) **LOCATION OF SANITARY FACILITIES.** Every toilet, lavatory basin and bath shall be located within a room or rooms, which afford privacy to a person within such room or rooms. All such facilities shall be located within the rooming house or nursing home as to be accessible to the occupants of each rooming unit sharing such facilities, without going outside of the dwelling and without going through another dwelling unit, or through a rooming unit of another occupant.
- (m) **MINIMUM FLOOR AREA FOR SLEEPING PURPOSES.** Every room occupied

for sleeping purposes, by one person, shall contain at least seventy (70) square feet of floor space and four hundred ninety (490) cubic feet of air space, and every room occupied for sleeping purposes by more than one person shall contain at least sixty (60) square feet of floor space and four hundred (400) cubic feet of air space for each occupant thereof, except that these requirements shall be reduced by one-half for children under twelve (12) years of age.

- (n) **NUMBERING OF ROOMING UNITS.** Every rooming unit in every rooming house or nursing home shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such rooming unit. Number two doors shall bear the same number. No number on any door of any rooming unit shall be changed to any other number without first securing the written approval of the Health Officer.
- (o) **PREPARATION OR EATING OF MEALS IN ROOMING UNITS PROHIBITED.** No occupant of a rooming house or nursing home shall prepare or eat meals in a rooming house or nursing home unless such meals are prepared or eaten in a dwelling unit contained therein. The operator shall post in every rooming unit a sign on which shall be written or printed, in letters not less than 3/8 of one inch in height the following words, "No cooking permitted in this room," and such sign shall remain so posted at all times.
- (p) **BED LINENS AND TOWELS.** The operator of every rooming house or nursing home shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a reasonably clean and sanitary manner.
- (q) **SHADES AND DRAPES.** Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials, which when properly used will afford privacy to the occupant of the room.
- (r) **SANITARY MAINTENANCE.** The operator of every rooming house or nursing home shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of rooming house or nursing home, and he shall be further responsible for the sanitary maintenance of the entire premises, where the structure or building within which the rooming house or nursing home is contained, is leased or occupied by the operator.
- (s) **STORAGE AND DISPOSAL OF RUBBISH AND GARBAGE.** Adequate garbage and rubbish storage containers shall be supplied by the rooming house or nursing home operator. The operator shall be responsible for the disposal of all rubbish and garbage in a clean and sanitary manner, by placing it in the required containers.
- (t) **HANGING SCREENS, STORM DOORS AND STORM WINDOWS.** The operator of a rooming house or nursing home shall be responsible for hanging all screens and double storm doors and windows whenever the same are required under this Chapter, or of any rule or regulation adopted pursuant

thereto, except where the owner has agreed to supply such service. Screens shall be hung not later than June 1 in each year.

- (u) **EXTERMINATION OF PESTS.** The operator of a rooming house or nursing home shall be responsible for the extermination of any insects, rodents, or other pests therein, and he shall be further responsible for such extermination on the entire premises, where the entire structure or building within which the rooming house or nursing home is contained, is leased or occupied by the operator. Notwithstanding the foregoing provisions of this subsection, whenever infestation of a rooming house or nursing home is caused by a failure of the owner to maintain the dwelling, within which the rooming house or nursing home is contained, in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.
- (v) **EXITS.** Every rooming unit in every rooming house or nursing home shall have exits which conform to the exit requirements of the Village Building Code and the State Building Code when applicable. In addition, every exit and passageway shall comply with the following requirements:
 - (1) It shall be easily accessible from every rooming unit and dwelling unit by passageway, without passing through any part of any other rooming unit or dwelling unit.
 - (2) It shall be kept in a reasonably good state of repair.
 - (3) It shall be unobstructed at all times.
- (w) **REPORTING OF COMMUNICABLE DISEASE BY OPERATOR.** It shall be the duty of the operator of a rooming house and nursing home to report to the Health Officer within twenty-four (24) hours, the name of any person living in the rooming house, who is suffering from any communicable disease, and such report shall be made whenever there is reason to believe or suspect that any person, in such rooming house or nursing home, may be afflicted with any communicable disease.
- (x) **KEEPING OF REGISTER.** Every person to whom a rooming house or nursing home permit has been issued shall at all times keep a standard register, within the rooming house or nursing home, in which shall be inscribed the names of all occupants, renting or occupying rooming units in such rooming house or nursing home. The register shall be signed by the person renting a rooming unit. After the names or name of persons renting or occupying any rooming unit, the operator or his agent shall write the number of the room or rooms, which each person is to occupy, together with the date and hour when such room or rooms are rented. All of which shall be done before such person is permitted to occupy such room or rooms. The register shall be at all times open to inspection by the Health Officer and any peace officer or the Chief of the Fire Department or his authorized representative in the Village of Pulaski. No person shall write, or cause to be written in any rooming house or nursing home register, any other or different names than the true name of such person, or the name which such person is generally known.

55.12 HEARING WHEN ROOMING HOUSE OR NURSING HOME PERMIT IS DENIED

Any person, whose application for a permit to operate a rooming house or nursing home has been denied, may request and shall be granted a hearing on the matter before the Health Officer, under the procedure provided by Sec. 55.04.

55.13 SUSPENSION OF PERMIT

Whenever upon inspection of a rooming house or nursing home, the Health Officer finds that conditions or practices exist which are in violation of any provision of this Chapter, or of any rule and regulation adopted pursuant thereto, the Health Officer shall give notice, in writing, to the operator of such rooming house or nursing home that unless such conditions or practices are corrected within a reasonable period, to be determined by the Health Officer, the operator's rooming house or nursing home permit will be suspended. At the end of such period, the Health Officer shall reinspect such rooming house or nursing home and if he finds that such conditions or practices have not been corrected, he shall suspend the permit and give notice, in writing, to the operator that the latter's permit has been suspended.

55.14 HEARING WHEN ROOMING HOUSE OR NURSING HOME HAS BEEN SUSPENDED; REVOCATION OF PERMIT

Any person whose permit to operate a rooming house or nursing home has been suspended, or who has received notice from the Health Officer that his permit is to be suspended, unless the existing condition or practices are corrected, may request and shall be granted a hearing on the matter before the Health Officer under the procedure provided by Sec. 55.04. If no petition for such hearing is filed within twenty (20) days following the day on which such permit was suspended, the permit shall be automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such rooming house or nursing home, and after the lapse of a reasonable period of time to be determined by the Health Officer, no person shall occupy for sleeping or living purposes any dwelling unit or rooming unit therein.

55.15 ADDITIONAL REQUIREMENTS FOR NURSING HOMES

(a) **FITNESS OF OPERATOR AND ADMINISTRATOR.** The operator and the

administrator shall furnish to the Health Officer such information relating to education, experience, qualifications, character, financial status and any other information he may require to determine the fitness of the operator and the supervisor to properly operate and supervise a nursing home. The Health Officer may deny a permit to operate a nursing home, if he believes the operator or the administrator is unfit to properly operate and supervise such a home.

- (b) **NURSING UNIT IN CELLAR OR BASEMENT PROHIBITED.** No nursing unit shall be located in any cellar or basement space.
- (c) **COMPLIANCE WITH STATE AND VILLAGE STANDARDS.** Every nursing home shall comply with Wisconsin Administrative Code H32, "Rules for the Construction, Maintenance and Operation of Nursing Homes and Homes for the Aged" and these regulations are adopted by reference and are hereby incorporated and made a part of this Section as though set out in full.

55.16 RESPONSIBILITIES OF OWNERS RELATING TO THE MAINTENANCE OF NON-DWELLING STRUCTURES, FENCES AND PREMISES

- (a) **MAINTENANCE OF NON-DWELLING STRUCTURES.** Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance way of every non-dwelling structure shall be so maintained as to prevent the structure from becoming a harborage for rats and shall be kept in a reasonably good state of maintenance and repair.
- (b) **PROTECTION OF EXTERIOR WOOD SURFACES.** All exterior wood surfaces of all non-dwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.
- (c) **MAINTENANCE OF FENCES.** Every fence shall be kept in a reasonably good state of maintenance and repair, or shall be removed.
- (d) **GRADING AND DRAINAGE OF PREMISES.** Every premises shall be graded and maintained so that no stagnant water will accumulate or stand on the premises or within any building or structure, located on the premises.

55.17 CONDEMNATION OF DWELLINGS AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION

- (a) **CONDEMNATION.** Any dwelling or dwelling unit which the Health Officer shall find to have any of the following defects, shall be condemned as unfit for human habitation, occupancy or use:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin infested, that it creates a hazard to the health or welfare of the occupants or of the occupants or of the

- public; or
- (2) One which lacks illumination, ventilation, or sanitary facilities, adequate to protect the health or welfare of the occupants, or of the general public; or
 - (3) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or welfare of the occupants or of the general public. Any dwelling or dwelling unit may be condemned as unfit for human habitation by the Health Officer if the owner or occupant failed to comply with any order based on the provisions of this Section, or any rule or regulations adopted pursuant thereto, provided that such dwelling or dwelling unit is, in the opinion of the Health Officer, unfit for human habitation by reason of such failure to comply.
- (b) **PROCEDURE FOR CONDEMNATION.** The condemnation of dwellings and dwelling units as unfit for human habitation, occupancy or use shall be carried out in accordance with §66.05, Wis. Stats., and the Health Officer shall be, and is hereby, designated as an "other designated officer" under the provisions of §66.05, Wis. Stats.

55.18 ENFORCEMENTS

The Health Officer is charged with the responsibility for the enforcement of this Chapter. However, it is hereby declared that the intent of this Chapter can be most effectively carried out by the cooperation of all Village departments concerned, and all such departments shall cooperate with Health Officer in the enforcement of this Chapter.

55.19 COMPLIANCE WITH OTHER CODES

The provisions of this Chapter shall not abrogate the responsibility of any person to comply with any of the provisions of the Wisconsin State Building Code, and the Building and Zoning, Plumbing and Electrical Codes of the Village of Pulaski.

55.20 PENALTY

Any person who shall violate any provision of this Chapter shall, upon conviction, be subject to the general penalty provisions of Sec. 1.06, with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this

Chapter.