

CHAPTER 5

Housing Code

Purpose and Scope

SEC. 15-5-1 TITLE.

This chapter shall be known as the "Housing Code of the City of Menasha."

SEC. 15-5-2 SCOPE.

This chapter shall apply to all buildings or portions thereof used, designed or intended to be used for human habitation. No person shall occupy or let to another for occupancy any dwelling for the purpose of living, sleeping, cooking or eating therein which does not comply with this chapter.

SEC. 15-5-3 INTERPRETATION.

The provisions of the chapter shall be held to be minimum requirements to protect the health, safety, morals and welfare of the people of the City. Where this chapter imposes stricter requirements than those imposed by other provisions of the law or ordinance, the provisions of this chapter shall control.

SEC. 15-5-4 DEFINITIONS.

For the interpretation and enforcement of this chapter, certain words or terms are defined as follows:

- (1) Accessory Building means a detached building, not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot.
- (2) Approved means approval by the Building Inspector.
- (3) Basement. A portion of a building located partly underground, but having half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (4) Basement, Half or Lower Level. A portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (5) Boarder. A person who regularly receives lodging with or without meals at another's home for pay or services.
- (6) Boarding House. A building or boarding unit other than motel, hotel or tourist home, where for compensation sleeping accommodations are provided with or without meals for non-transients.
- (7) Boarding Unit. Any room or group of rooms forming a habitable unit used or intended to be used for living and/or sleeping but not for cooking or eating purposes.
- (8) Building Inspector. The Building Inspector of the City.
- (9) Dwelling. Any building or structure or part thereof which is used or intended to be used for living or sleeping.

- (10) Dwelling Unit. A residential building, or portion thereof, intended for occupancy by a single family, but not including hotels, motels and boarding houses.
- (11) Extermination. The control or elimination of insects, rodents or other pests either by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping, by blocking their access to a dwelling or by any other recognized and legal pest elimination method approved by the Health Officer.
- (12) Family. Any number of persons each related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit, or a group of not more than four (4) persons not so related, maintaining a common household, and using common cooking and kitchen facilities.
- (13) Fire Inspector. The Fire Inspector of the City.
- (14) First Story. The story of a dwelling at or next above the average grade of the adjoining ground.
- (15) Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.
- (16) Health Officer. The Health Officer of the City.
- (17) Hotel. A place where sleeping accommodations are offered for pay to transients, in a five or more rooms, and all related rooms, buildings and areas.
- (18) Infestation. The presence within or around a dwelling, or in or near waste disposal containers, of any insects, rodents or other pests.
- (19) Motel. A hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.
- (20) Multiple Residence. Three (3) or more dwelling units in one structure.
- (21) Occupant. Any person living, sleeping, cooking or eating in one structure.
- (22) Operator. Any responsible person who has charge, care or control of a building, or part thereof, in which dwelling units are leased or let.
- (23) Owner. Any person having a legal or equitable interest in the dwelling.
- (24) Person. An individual, firm, partnership, association, corporation or organization of any kind.
- (25) Plumbing. Any water pipes, mechanical garbage disposal units, waste pipes, water closets, sinks, installed dishwashers and clothes washing machines, lavatories, bathtubs, shower baths, catch basins, drains, vents and other similar supplied fixtures, including all connections to water or sewer lines.
- (26) Premises. A platted or unplatted lot or parcel of land, either occupied or unoccupied by any dwelling, and including any such accessory structure, or other structure thereon.
- (27) Room. A space within a building completely enclosed, except for openings for light, ventilation, ingress or egress.
- (28) Room, Habitable. Any room used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.
- (29) Rubbish. Any combustible or non-combustible waste material, except garbage. Rubbish includes the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metal, mineral matter, glass, crockery, and dust.
- (30) Supplied. Paid for, arranged, furnished or provided by or under control of the owner

or operator.

- (31) Tourist or Transient. A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, business or employment.
- (32) Tourist Home. A building or dwelling unit other than hotels and motels where for compensation sleeping accommodations are provided with or without meals for tourists or transients.

SECTION 15-5-5 THROUGH SECTION 15-5-9 RESERVED FOR FUTURE USE.

ADMINISTRATION AND ENFORCEMENT

SEC. 15-5-10 INSPECTION OF DWELLINGS.

- (a) **WHEN REQUIRED.** Upon written complaint, if it is believed inspection is warranted to safeguard the health and safety of the occupants of any dwelling and of the general public, the Building Inspector shall have free access to dwelling for such inspections. Alternatively, the Building Inspector may initiate an inspection if, in his judgement, the dwelling appears to be in a condition that threatens the health and safety of its occupants or the general public,
- (b) **OWNER'S ACCESS FOR REPAIRS.** Every occupant of a dwelling shall give the owner thereof or his agent or employee access to any part of such dwelling or its premises at any reasonable hour to make repairs or alterations necessary to effect compliance with this chapter or any lawful order issued pursuant thereto.
- (c) **CITY PERSONNEL NOT TO BE LIABLE.** No officer, agent or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City as a result of the proper discharge of his duties under this chapter shall be defended by the City Attorney until final determination of the proceedings therein.

SEC. 15-5-11 NOTICE OF VIOLATION.

- (a) **FOR NON-COMPLIANCE, GENERALLY.** Whenever the Building Inspector determines there has been any violation of this chapter, he shall give notice of such violation to the person responsible therefor and order compliance with this chapter as herein provided. Such notice and order shall be in writing on an appropriate form and shall include:
 - (1) A list of the violations, with reference to the Section of this Chapter violated, and an order as to the remedial action required to effect compliance with this Chapter.
 - (2) Specification of a reasonable time for compliance.
- (b) **FOR "DANGEROUS DWELLINGS."** The Building Inspector may determine that a dwelling is a dangerous dwelling if any of the following defects are present:
 - (1) Those whose interior and exterior bearing walls or other vertical structural members list, lean or buckle to such an extent as to weaken the structural support they provide.
 - (2) Those which, excluding the foundation, show thirty-three percent (33%) or more damage or deterioration of the members or fifty percent (50%) or more damage or deterioration of the non-supporting enclosing or outside walls or coverings.
 - (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
 - (4) Those which have been so damaged by fire, wind or other causes as to no longer provide shelter from the elements and which have become dangerous to the life, safety, morals or general health and welfare of the occupants or the people of the City.
 - (5) Those which have become so dilapidated, decayed, unsafe, unsanitary, vermin-infested or obsolete that they are likely to cause sickness or disease or injury to the health, morals, safety or general welfare of those living therein or of the people of the City.
 - (6) Those which lack light, air and sanitation facilities required by this Chapter to protect

- the health, morals, safety or general welfare of those living therein.
- (7) Those which lack the facilities required by this Chapter for egress in case of fire or panic or those which have insufficient stairways, elevators, fire escapes or other means of ingress and egress.
 - (8) Those whose parts are so attached that they may fall and injure occupants or the public or other property.
- (c) **DECLARATION OF NUISANCE; ORDERS.** All "dangerous dwellings," within the terms of this nuisance, unfit for habitation, and shall be ordered vacated and repaired or demolished in accordance with the provisions of 15-5-13.
- (1) Where a "dangerous dwelling" is fifty percent (50%) or more damaged, decayed, or deteriorated from its original structure, or where it cannot be repaired so as to comply with the terms of this Chapter, it shall be ordered vacated and demolished in accordance with the provisions of 15-5-1.
 - (2) For other provisions relating to dangerous buildings, see 15-1-4 of this Municipal Code.
 - (3) Upon making such determination, the Building Inspector shall:
 - a. Affix upon the door or entrance to such dwelling a printed placard declaring that such dwelling is unfit for human habitation and is ordered vacated. No person shall deface or remove such placard from any dwelling which has been condemned as unfit for human habitation and placarded as such. The Building Inspector shall remove the placard whenever the defect upon which the condemnation and placarding was based has been eliminated.
 - b. Serve notice as provided herein to the owner and occupant or lessee of any building found by him to be a "dangerous dwelling" within the standards set forth in Section 15-5-18 that:
 - 1. The owner shall vacate and repair or demolish such building in accordance with the terms of the notice and this Chapter; and
 - 2. The occupant or lessee shall vacate such building; or, with the consent of the owner, may have it repaired in accordance with the notice and order, and continue occupancy.

SEC. 15-5-12 ORDERS TO VACATE.

- (a) **ISSUANCE.** Where a notice of violation and order to comply have been served pursuant to this Chapter and, upon reinspection at the end of the time specified for compliance the violation has not been remedied and no petition for a hearing has been filed, the Building Inspector may order the dwelling, or parts thereof affected by the continued violation, vacated according to the following procedure:
 - (1) Dwellings shall be vacated within a reasonable time, not to exceed sixty (60) days.
 - (2) Vacated dwellings shall have outer doors firmly locked, and basement, cellar and first and second story windows barred or boarded to prevent entry.
 - (3) Vacated dwellings shall not again be used for human habitation until written approval is secured from the Building Inspector.
- (b) **NONCOMPLIANCE WITH ORDERS TO VACATE.** If a dwelling, or part thereof, is not vacated within the time specified in the order to vacate, the Building Inspector shall seek a court order in a court of competent jurisdiction or issue a citation under 0-19-90 for the vacation of such dwelling or part thereof.

SEC. 15-5-13 VACATION AND REPAIR OR DEMOLITION.

- (a) If the owner, occupant or lessee fails to comply with the order of the Building Inspector or the action of the Housing Appeals Board after hearing, the Building Inspector shall, after consulting with the City Attorney, cause the costs of such repair or demolition to be charged against the land on which the building existed as a municipal lien or to be recovered in a lawsuit against the owner.
- (b) Where it reasonably appears there is immediate danger to any person, if a "dangerous dwelling" as defined herein is not immediately vacated and repaired or demolished, the Building Inspector shall, after consulting with the City Attorney, cause its immediate vacation and repair or demolition. The costs of such emergency repair or demolition shall be collected in the same manner as provided in Subsection (a) of this Section.
- (c) The initial determination shall be made by the Department of Community Development. They shall then issue a raze or repair order to be sent certified mail to all owners of the property involved and any lien holders, and certify to the City Attorney same has been done.
- (d) After the time period has expired and nothing has been done, or substantial compliance has not come into effect, the Department of Community Development shall take such matter to the Administration Committee who shall make a determination as to whether or not the building should be razed and forward its recommendation to the Common Council.
- (e) Should condemnation be ordered by the Common Council and the City Attorney has concluded that all of the legal requirements have been met, he shall then sign the condemnation order, which should read as follows:

"By order of the Common Council ..., _____, City Attorney."

All procedures after that shall be handled by the City Attorney, who shall have sole responsibility for the enforcement of this ordinance.
- (f) Restoration of Site. All debris, rubbish and other materials not used for fill shall be removed from the premises upon completion of the demolition work and the site graded to conform with the grade of adjoining premises.
- (g) All work done by or on behalf of the City shall become a lien against the property and be placed on the tax rolls.

SEC. 15-5-14 EMERGENCY ORDERS.

Whenever the Building Inspector finds an emergency exists which requires immediate action to protect the health and safety of the residents or the public, he may issue an order so stating; and notwithstanding any other provision of this chapter, such order shall take effect and be complied with immediately.

Upon petition to the Housing Appeals Board, petitioner shall be afforded a hearing pursuant to Chapter 15-5-18 and 15-5-19.

SEC. 15-5-15 EMERGENCY DISCONTINUANCE OF SERVICES OR UTILITIES.

No owner, operator or occupant shall cause any service, facility, equipment or utility to be removed from or shut off from or discontinued in any occupied 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 Building Inspector. Upon the discontinuance of gas or electric service for cause by a public utility company or upon discontinuance of any City or other service cause, the Building Inspector shall be notified and shall take immediate steps to have the responsible person correct conditions leading to such discontinuance of services. This Section shall not be construed to prevent the cessation or discontinuance of any such service upon order of the Building Inspector or any other authorized official.

SEC. 15-5-16 NOTICE, CONTENT, SERVICE, TIME FOR REMEDIAL ACTION BY OWNER.

Whenever the Director of Community Development or his designee determines that there has been a violation of the Minimum Housing Code, Plumbing Code, Electrical Code, or Fire Code, or that there is reasonable grounds to believe that there has been a violation of any provision, he shall give written notice of such violation or alleged violation to the party responsible for maintaining the premises in compliance with this title or agent as designated in writing.

- (a) Include a description of real estate sufficient for identification;
- (b) Include a statement of the alleged violation or violations;
- (c) Include an order for remedial action;
- (d) Allow reasonable time, of up to four months, for performance of any action required;
- (e) Be served upon the responsible party or agent as designated in writing; provided, however, that such notice shall be deemed to be properly served upon such party, if a copy thereof is delivered to him personally or if not found, by leaving a copy thereof at his usual place of abode, in the presence of someone of the family of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by registered mail, with return receipt required, to his last known address, or if the registered letter with the copy is returned with a receipt showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

SEC. 15-5-17 HOUSING APPEALS BOARD CREATED.

- (a) When the Board of Zoning Appeals hears appeals from any inspector under this ordinance, it is deemed to be and sits as the Housing Appeals Board. The Board, in order to provide for reasonable interpretation of the provisions of this Ordinance, is empowered to pass upon matters pertaining to this ordinance.
- (b) The Board shall adopt reasonable rules and regulations for conducting investigations and shall render all decisions and findings in writing to the housing inspector with a duplicate copy to the appellant and may recommend to the Common Council such new legislation as is consistent with this Ordinance.

SEC. 15-5-18 HOUSING APPEALS BOARD--HEARINGS, PETITIONS, CONTENTS, DIRECTOR OF COMMUNITY DEVELOPMENT, RECORDS, OATHS AND AFFIRMATIONS.

- (a) Any person affected by any notice which has been issued in connection with the

enforcement of any provision of this Ordinance, may request and shall be granted a hearing on the matter before the Housing Appeals Board; provided, that the person requesting the hearing shall file a written petition with the Board and/or the Director of Community Development requesting such hearing, specifying the grounds thereof. Such petition shall be filed prior to expiration of the time stated on the order. The petition for hearing shall be filed with the Board in duplicate, and shall set forth name, address and brief statement of grounds for such hearing.

- (b) The Director of Community Development and/or the City Clerk shall forthwith, upon the filing of such petitions, transmit to the Board all of the papers constituting the record upon which the petition for the hearing was taken.
- (c) The Board shall have the power to administer oaths and affirmations in connection with the conduct of said hearing held in accordance with the provisions of this Ordinance.

SEC. 15-5-19 HOUSING APPEALS BOARD--HEARINGS, TIMES, POSTPONEMENTS, NOTICE OF HEARING, PETITION TO SHOW CAUSE, EFFECTIVE DEFAULT, DISMISSAL.

- (a) The Board shall fix a reasonable time for hearing of the petition, which shall be not less than ten (10) days or more than thirty (30) days after the date on which the petition was filed; provided also, that upon written application of the petitioner to the Board, it may postpone the date of the hearing for a reasonable time beyond such thirty-day (30) period, if in its judgment, the petitioner has set forth a good and sufficient reason for such postponement.
- (b) The Board shall give ten (10) days written notice of the time and place of the hearing to the petitioner and to the Director of Community Development.
- (c) At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn.
- (d) The failure of the petitioner or his representative to appear at his hearing shall be grounds for dismissal of the petition and shall terminate the right of further appeal.

SEC. 15-5-20 HOUSING APPEALS BOARD--NOTICE AND ORDER IF PETITION FOR HEARING NOT FILED.

Any notice served pursuant to Section 1 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the board prior to expiration of the time stated on the notice. Any occupancy permit which has been suspended by a notice shall be deemed automatically revoked if a petition for hearing is not filed in the office of the board prior to the expiration of the time stated on the notice.

SEC. 15-5-21 DECISIONS OF THE BOARD--COMPLIANCE--TIME LIMITS, PERMITS, REVOCATIONS.

- (a) After such hearing the Board shall sustain, modify or withdraw the order depending upon its findings as to whether the provisions of this Ordinance have been complied with. The Board may also modify any order so as to authorized a variance from the provisions of this Ordinance when because of special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance is observed, public health and welfare secured, and substantial justice done.
- (b) If the Board sustains or modifies such order, the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time as determined by the Board.
- (c) After a hearing in the case of any notice or order suspending any permit required by this Ordinance, when such order has been sustained by the Board, the Board shall order the permit revoked.

SEC. 15-5-22 DECISIONS OF THE BOARD, RECORD, SERVICE ON PETITIONER, COURT REVIEW, STANDING, TIME LIMIT -- NOTIFICATION OF BOARD, TIME LIMIT, CONTENTS.

- (a) The proceedings at such hearing, including the findings and decisions of the Board, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Board. Such record shall also include a copy of every notice or order issued in connection with the matter.
- (b) A copy of the written decision of the Board shall be then served in the manner prescribed under Section 1(e), of this Ordinance on the person who filed the petition for hearing.
- (c) Any person or persons jointly or severely aggrieved by the decision of the Board, or any taxpayer, may seek relief therefrom by having the decision reviewed by a court of competent jurisdiction by certiorari, if the petition for the writ is presented to the court within fifteen (15) days after the date of which the Board's decision was served on the person who filed the petition for hearing and if the person aggrieved notifies the Board within seven (7) days after the Board's decision was served on him of his intention to present such petition to the court. Such petition duly verified, shall set forth that such decision is illegal in whole or in part, specifying the grounds thereof.

SEC. 15-5-23 EMERGENCY ORDERS, HOUSING INSPECTOR, NOTICE.

If the Housing Inspector shall determine that a building is in such condition that it constitutes a public nuisance and that there is great and immediate danger to the public health, safety and welfare and if the owner, or occupant if appropriate, refuses to comply with orders within the time prescribed, the Housing Inspector, or other designated officer, shall cause such building or part thereof to be closed if unfit for human habitation, occupancy or use. The inspector shall post a placard on the premises containing the following words:

**THIS BUILDING CANNOT BE USED FOR HUMAN
HABITATION, OCCUPANCY OR USE.**

It is the duty of the housing inspector, or other designated officer, to prohibit the use of the building or part thereof for human habitation, occupancy or use until the necessary repairs have been made. The procedure followed shall be pursuant to Section 1.

SEC. 15-5-24 UNAUTHORIZED REMOVAL OF NOTICE.

No person shall interfere with, obstruct, mutilate, deface or remove the official notice or placard from any dwelling or from dwelling unit.

HOUSING STANDARDS

SEC. 15-5-25 SANITATION.

(a) **FIXTURES.**

(1) Required Fixtures. Every dwelling unit shall contain:

- a. A kitchen sink in good working condition, properly connected to an approved water and sewer system.
- b. A room or rooms affording privacy and equipped with a flush water closet, lavatory basin and bathtub and bathtub or shower in good working condition, properly connected to an approved water and sewer system.

(2) Water Closets. No water closet shall be of the flush hopper, frost-proof hopper, privy or similar type.

(b) **ACCESS TO BATHROOMS AND WATER CLOSETS.** Access to each bathroom or water closet compartment and bathroom shall be reasonably impervious to water and easily kept in a clean and sanitary condition.

(c) **VENTILATION.** Every bathroom and water closet compartment shall be provided with windows meeting the requirements for light and ventilation of habitable rooms prescribed in Section 15-5-26 or with an approved mechanical or gravity ventilation system affording adequate ventilation and maintained in good working condition at all times.

(d) **RUNNING WATER.**

(1) Running Water Required. Every kitchen sink, lavatory basin and bathtub or shower required under this Chapter shall be connected and supplied with hot and cold running water.

(2) Water Heating Facilities. Every dwelling shall have supplied water heating facilities, properly installed and connected to water lines maintained in safe and good working condition and of a sufficient capacity to supply an adequate amount of water at every required kitchen sink, lavatory basin, bathtub or shower at not less than one hundred twenty (120) degrees Fahrenheit.

SEC. 15-5-26 LIGHT, VENTILATION AND HEATING.

(a) **WINDOWS AND VENTILATION.**

(1) Minimum Window Area. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area in every sleeping room shall be eight percent (8%) of the net floor area of such room. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal to at least ten percent (10%) of the total floor area. Habitable rooms, other than bedrooms, located in basements need not be provided with natural light.

(2) Ventilation. Every habitable room shall have at least one window which can be opened or such other device as will adequately ventilate the room. The total operable window area in every habitable room shall equal at least three and five tenths percent (3.5%) of the net floor area, except where there is supplied some other device affording adequate ventilation which is approved by the Building Inspector.

(b) **SCREENS AND STORMS.**

(1) All operable windows required by Subs. (a)(1) and (a)(2) shall be provided with screens and storms; double and triple glazed windows do not require storm windows.

Screens and storms and storm doors shall be maintained in good condition.

- (2) Every basement window used for ventilation, and every other opening to a building which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.
- (c) **ELECTRICAL OUTLETS.**
Every habitable room shall contain at least one floor or wall type electric convenience outlet and one ceiling electric lighting fixture or two electric convenience outlets, and, every water closet compartment, bathroom or hall, furnace room or laundry room shall contain at least one wall or ceiling type electric light fixture. Every electrical outlet and fixture shall be properly installed and maintained in good and safe working condition and connected to an approved source of electric power in a safe, approved manner.
- (d) **PUBLIC HALL LIGHTING.**
Every public hall and stairway in every multiple dwelling shall be lighted to at least five footcandles on the floor and stair at all times.
- (e) **HEATING FACILITIES.**
Every dwelling shall have heating facilities which are properly installed and vented, maintained in safe operating condition and capable of heating all habitable rooms, bathrooms and water compartments in each dwelling unit therein to at least sixty-seven (67) degrees Fahrenheit measured three (3) feet above the floor level when the outside temperature is negative-twenty (-20) degrees Fahrenheit.
- (f) **UNVENTED FURNACES AND SPACE HEATER.** The use of unvented furnaces and space heaters fueled by natural gas, kerosene, alcohol or other fuel shall be prohibited due to concerns about oxygen depletion, contamination from carbon monoxide, carbon dioxide, nitrogen dioxide, formaldehyde and other combustion related contaminants, and water vapor buildups.

SEC. 15-5-27 DIMENSIONS AND GENERAL OCCUPANCY REQUIREMENTS.

- (a) **FLOOR SPACE.**
 - (1) Minimum Total Floor Space. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant, in addition to the floor area included in water closet compartments, bathrooms and halls or passageways.
 - (2) Sleeping Rooms. Every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for one occupant, or fifty (50) square feet of floor space for each occupant if more than one.

- (b) **CEILING HEIGHT OF HABITABLE ROOMS.**
At least half (1/2) the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet of unfinished ceiling height. The floor area of any part of a room where the ceiling height is less than five (5) feet shall not be considered part of the required floor area.
- (c) **BASEMENT.** Except as herein provided, no basement space may be used as a habitable or dwelling unit.
- (1) Where the entire floor of the basement is below grade and the basement is utilized for sleeping, at least two exits shall be provided. The two exits shall not be accessed by the same stairway and shall be in accordance with the following:
- a. One of the exits shall be a stairway which leads to the first floor.
 - b. The second exit maybe a stairway which leads to grade, or a door located at the basement level which leads to grade via an exterior stairs or an outside window which can be opened from the inside without the use of tools. The window shall not be less than twenty (20) inches in width, twenty-four (24) inches in height and five and four tenths (5.4) square feet in area, with the bottom of the sill located not more than forty-four (44) inches above the floor. If a window is provided as the second exit, a window shall be located in each bedroom. If the window is located below grade, an areaway shall be provided. The width of the areaway shall be one and one-half (1-1/2) times the depth of the areaway. The areaway shall be a minimum of three (3) feet measured perpendicular from the wall. The areaway shall be constructed to prevent rainfall flowing into the areaway from entering the bedroom.

SEC. 15-5-28 MAINTENANCE OF DWELLINGS.

- (a) **STRUCTURAL SOUNDNESS.**
- (1) Members. Every foundation, door, outer wall, ceiling and roof shall be weathertight, watertight and rodent proof, shall be capable of affording privacy and shall be kept in good repair.
 - (2) Openings. Every window, exterior door and basement hatchway or stairway shall be weathertight, watertight and rodent proof and shall be kept in good working condition and repair.
 - (3) Stairs and Porches. Every inside and outside stair and handrail, porch and porch rail shall be constructed to safely support the maximum load that normal use may require and shall be kept in safe condition and good repair at all times. The Building Inspector may require a handrail for each stair if deemed necessary.
 - (4) Every stairway of more than three (3) risers shall have a handrail of a height corresponding to requirements of State Law.
- (b) **PLUMBING.** All plumbing shall be properly installed and maintained in a sanitary condition free from defects, leaks and obstructions.
- (c) **NUMBER OF EXITS.** Except as provided in Subsections (1) or (2) there shall be at least two (2) directions of travel from each dwelling unit door by means of exits to grade, stairways, interior enclosed stairways, ramps, fire escapes or horizontal exits.
- (1) Dwelling units may have two (2) exits or exit access doors having only one direction of travel provided the exit access doors lead to separate exits. In duplexes, the second exit may be a window or door leading to a roof or rescue platform. The window shall comply with the requirements of 15-5-27(c).

- (2) A rescue platform (exterior balcony) of combustible construction may be used as a required second exit, provided the following conditions are satisfied:
 - a. The exit serves a single dwelling unit;
 - b. The exit platform is located not more than ten (10) feet above the adjacent exit discharge grade;
 - c. The platform area is at least fourteen (14) square feet, with a minimum dimension of three (3) feet;
 - d. The platform is designed for eighty (80) pounds per square foot live load plus dead load and railing are provided.
 - e. All wood used in the construction of the rescue platform shall be pressure treated wood unless the wood is inherently resistant to decay.
- (d) **SUPPLIED EQUIPMENT TO BE EFFECTIVE.** Every supplied facility, piece of equipment and utility required under this chapter shall be so constructed and installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- (e) **SMOKE DETECTORS.** All dwelling units subject to the provisions of this code shall be provided with working, approved, and installed smoke detectors on each inhabited floor. The owner shall be responsible for installing and maintaining the smoke detectors in good working order. Tenants shall be responsible for informing the owner of any smoke detector malfunction, including the need for a new battery. The owner shall check batteries at the beginning of a new lease and shall replace the battery at least annually.

SEC. 15-5-29 GARBAGE AND TRASH DISPOSAL.

- (a) **RESPONSIBILITY OF OWNER OR OWNER-OCCUPANT.** Every owner or owner-occupant shall be responsible for the cleanliness of all parts of a dwelling and premises shared in common by more than one family, and for the provision of the following utilities and services, except where such responsibility is assumed, by agreement, by an operator or an occupant:
 - (1) Garbage and rubbish disposal facilities in every multiple residence.
 - (2) Extermination of insects, rodents or other pests; provided where only one dwelling unit is infested, the occupant of such infested unit shall be responsible for such extermination unless the dwelling is not maintained in a reasonably rat-proof or insect-proof condition.
 - (3) All other facilities, utilities, services or conditions required by this chapter.
- (b) **RESPONSIBILITY OF OCCUPANT.** Every occupant of a dwelling unit shall be responsible for keeping the occupied area and premises and all plumbing equipment and facilities in a clean, safe and sanitary condition. Garbage and rubbish shall be disposed of or stored in proper containers in a neat and sanitary manner, unless disposed of or stored by the owner or owner-occupant as provided in Sub. (a)(1).

SECTION 15-5-30 THROUGH SECTION 15-5-34 RESERVED FOR FUTURE USE.

BOARDING HOUSE REGULATIONS

SEC. 15-5-35 BOARDING HOUSE LICENSES.

- (a) **REQUIRED.** No person shall operate a boarding house, unless he has first obtained a boarding house license from the City Clerk. The license shall be issued in the name of the operator and for a specific dwelling.
- (b) **APPLICATION.** Application for a boarding house license shall be made to the Building Inspector. No license shall be issued until the operator, to the satisfaction of the Building Inspector, has complied with this chapter.
- (c) **POSTING OF LICENSE.** Every license issued hereunder shall be posted in a conspicuous place in the boarding house at all times.
- (d) **TRANSFER PROHIBITED.** No such license shall be transferable.
- (e) **EXPIRATION DATE.** Every boarding house license shall expire at the end of one year following its date of issuance unless suspended or revoked sooner as herein provided.
- (f) **DENIAL OF LICENSE.** Any person whose application for a boarding house license has been denied may request, and shall be granted, a hearing on the matter under the procedure provided herein.
- (g) **SUSPENSION OF LICENSE.** Any person whose license to operate a boarding house has been suspended, or who has received notice from the Health Officer or Building Inspector that his license is to be suspended unless existing conditions or practices at his boarding house are corrected, may request and shall be granted a hearing on the matter before the Board of Public Works or other designated body under the procedure provided herein; provided if no petition for such hearing is filed within ten (10) days following the day on which such license was suspended, such license shall be deemed to have been automatically revoked.
- (h) **SPECIAL USE PERMIT.** Any boarding house created after June 1, 1989, requires a Special Use Permit from the Menasha Common Council before a license may be issued.

SEC. 15-5-36 NOTICE OF VIOLATION.

Whenever the Health Officer or Building Inspector, upon inspection of any boarding house finds conditions or practices exist in violation of this chapter, written notice shall be given to the operator of such boarding house stating that unless such conditions or practices are corrected within a reasonable period as determined by the Health Officer or Building Inspector, the operator's boarding house license shall be suspended. At the end of such period, the Health Officer or Building Inspector shall reinspect such boarding house, and if he finds such conditions or practices have not been corrected, he shall give notice in writing to the operator that the license has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such boarding house, and no person shall occupy for sleeping or living purposes any room therein.

SEC. 15-5-37 NOTICE OF SALE.

Whenever any person holding a license issued hereunder sells, transfers, gives away or otherwise disposes of ownership of, interest in or control of any boarding house, he shall give notice in writing to the office of the City Clerk and the Building Inspector within twenty-four (24) hours thereafter. Such notice shall include the name and address of the person succeeding to the ownership or control

of such boarding house.

SEC. 15-5-38 MINIMUM HOUSING REGULATIONS FOR BOARDING HOUSES.

All boarding houses shall meet the minimum housing standards as set forth in 15-5-25, 15-5-29, and in addition shall meet the following:

- (a) **SANITARY FACILITIES.** At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system, approved by the Plumbing Inspector, and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing in a boarding house, including members of the operator's family wherever they share the use of such facilities; provided, in a boarding house where rooms are let only to males, flush urinals may be substituted for not more than half (1/2) the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Building Inspector.
- (b) **LINEN AND TOWELS.** The operator of every boarding house 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 maintaining all supplied bedding in a clean and sanitary manner.
- (c) **EXITS.** At least two exits shall be provided for each occupied floor level. Every room shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by State Laws and City Ordinances.
- (d) **MAINTENANCE.** The operator of every boarding house shall be responsible for the safe and sanitary maintenance of all walls, floors, and ceilings and for maintenance in a safe and sanitary condition of every other part of the boarding house and shall be responsible for the safe and sanitary maintenance of the entire premises where the entire building is leased or occupied by the operator.
- (e) **ON-SITE OPERATOR REQUIRED.** If a boarding house has more than six available rental rooms, an on-site operator or manager is required. The on-site manager may be a tenant living on the premises. If a boarding house has less than six (6) rental units, no on-site operator is required. In the case where no on-site operator is required, the owner or operator of said rooming facility shall provide to the tenants the owner or operator's telephone number, and shall also post in a place accessible to all tenants a listing of telephone numbers for all emergency and maintenance service needs.
- (f) **SMOKE DETECTORS.** Every floor level including the basement, and every boarding unit shall be protected with an approved smoke detector.
- (g) **FIRE EXTINGUISHERS.** An approved fire extinguisher shall be provided on each floor level including the basement.

SEC. 15-5-39 APPLICABILITY TO HOTELS AND MOTELS.

Every provisions of this subchapter shall also apply to hotels and motels, except to the extent that any such provision may conflict with the State Statutes or with the lawful regulations of any State Board or agency.

SEC. 15-5-40 PRINCIPLES OF CONSTRUCTION.

Principles of Construction, Conflict of Provisions, Severability of Provisions, Effective Date of Ordinance, and General Penalty Provisions found in Title 1, Chapter 1, Sections 2, 3, 4, 5 and 7 of the Menasha Code are hereby adopted and incorporated by reference.